

WHAT IS OBSCENE^{3/4} THE LANGUAGE OR THE ARREST THAT FOLLOWS?

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"You can all go and get fucked"
"Fuck off"
"Fuck you cunt"
"And fuck you cunts too"
"Why don't you fucking leave me alone?"
"You get fucked you bastard"

A PAUSE MAY BE NECESSARY AFTER SUCH AN INTRODUCTION TO CHECK FOR the sound of handcuff ratchets on my wrists as the strong arm of the law descends to protect you from "public obscenities". If adolescents are caught swearing at school they may have to write lines as punishment, or at home they may be threatened with having their mouths washed out with soap, if their parents are sensitive to indelicate language. It is disturbing that the use of these words in North Queensland in the 1990s may lead to a person being arrested, and kept in custody overnight to face a criminal prosecution. It is most disturbing that this is more likely to occur if the words are used by an Aboriginal person to a white male police officer. Yet on any day in any place in Australia, people are likely to hear words like these used freely in everyday conversation in many different contexts and circumstances. These words may once have caused affront and alarm, but the limits of what words may be used in conversation without social stigma or disgrace have now greatly expanded. The use of obscenities may still cause discomfort, mild distress, or upset to some people, and may lead to a rebuke or criticism of the speaker.

There have been a number of recent appeal matters before the District Court in Townsville which have highlighted the appalling use of the power of arrest in these cases. These appeals have assisted the Townsville Aboriginal and Torres Strait Islander Legal Service to spotlight the abuse of

the obscene language charge in policing members of the Aboriginal community. Each case concerns a charge under Section 7 of the *Vagrants Gaming and Other Offences Act 1931* which prohibits the use of obscene or insulting language and disorderly conduct in a public place. The cases concern language used by Aboriginal people in exchanges with police after the police have issued a warning which has not been heeded. The annoyed police officer then arrests the Aboriginal person for obscene language. The Aboriginal person may struggle against the arrest so that what follows sets in motion what is often termed the trifecta of offences—that is, charges of resisting arrest, hindering police, and assaulting police.

Usually the offence occurs in a public place where any other members of the public present do not appear interested in or offended by the language. In most instances the user of the words has been affected by alcohol, has not been suspected of any real criminal conduct, and has been unable to articulate a studied or eloquent response to police intervention in other meaningful language. The use of the words has been little more than the exasperated and frustrated cries of people powerless in the criminal justice system. The first of these cases involved an Aboriginal woman who was arrested at 4.00 am one Thursday morning after she had screamed "You can all go and get fucked!" to a police officer. He had told her to move off the Flinders Street roadway where she had been standing waiting for a taxi with other people who had earlier left a local nightclub with her. He had already warned her about her language.

The second case concerned an eighteen-year-old Aboriginal woman who told a police officer to "fuck off" at 2.00 am on a suburban street on Palm Island. The officer had earlier warned a large group of people using the same sort of language to stop. They had moved off and the woman had continued to shout abuse at the rest of the group. The officer had warned her again and she had turned and used those words to him before attempting to move off herself. She was arrested before she could do so.

The third involved an Aboriginal youth who was hitchhiking in a remote part of Townsville where public transport is not readily available. A police officer issued him with a traffic offence notice for hitchhiking. The police looked in the rear view mirror as they drove away and saw the youth raise his arm and index finger. The police stopped the vehicle and returned to him. He said, "You pigs are all the same". He was warned about his language and was arrested when he replied, "Thanks pigs". In the fourth, an Aboriginal man was lying on the ground in Anzac Park in Townsville on a Saturday afternoon. Two police officers approached him and said "Giddyay, how are you going?".

He stood up and said, "Why don't you fucking leave me alone?" The officers warned him about using that sort of language.

He then said, "You get fucked you bastard!" which immediately prompted his arrest.

In the fifth case, police were patrolling Hanran Park in Townsville when an exchange took place between an Aboriginal woman and a police officer about a charge outstanding against her. She became agitated as she believed police were telling lies to support their case. She said to the police officer, "Your wife is at home in bed with another man". She was arrested.

A later case involved two Aboriginal youths at Mount Isa. In the very early hours of a Friday morning police officers received a complaint about an assault and went to investigate. They did not find any evidence of any assault but found a group of Aboriginal youths all affected by liquor playing around and joking with each other at

the roadside in the business district of the city. The police decided to herd the group to the taxi rank. One of the youths wanted to shake hands with the police and was warned he would be arrested for hindering police. The group protested that they had not done anything wrong and objected to the way the police were treating them. Their protests included a fair amount of robust language. They were warned about swearing and the group became aggressive and complained that the police were only interfering with them because they were black. One youth yelled out, "Fuck you cunt" and raised his middle finger.

The police called for assistance and the youth was arrested. Two others were charged with hindering police when they tried to intervene as their friend was being bundled into the paddy wagon. A fourth member of the group was arrested outside a nightclub a short time later when he told police who were watching him from a police car either "and fuck you cunts too" or "get fucked". The evidence on his exact words was not clear. Furthermore, it is not only the use of this sort of language that can lead to arrest and charge.

In another case an Aboriginal woman became upset when her defacto husband suffered chest pains and needed medical attention from ambulance attendants in the Flinders Street Mall. She yelled, threw her arms around and swore when she was told that she could not go in the ambulance with him to hospital. She was arrested and charged with behaving in a disorderly manner in a public place.

All of these people were arrested, taken into custody, and then before a Magistrate's Court to face criminal charges. In each case they were convicted of the offence and fined. Appeals were taken to the District Court against both conviction and sentence. The appeals were successful, the convictions and sentences were set aside, and each of the defendants were awarded costs against the prosecution. Charges of obscene language are usually preferred ostensibly because members of the community are sensitive to the language and offended by it.

Offensive Language and Community Standards

Some members of the Australian community are undoubtedly offended by the use of language such as this. As Judge Wylie, sitting as an appeal court in the Townsville District Court, has pointed out the proper test is whether the current standards of the community as a whole would be offended. On a criminal charge the community standards of the majority must be proved to have been offended beyond reasonable doubt. The test for obscene language is whether the language so offends the current community standards of decency that the conscience of the community as a whole is offended by its indecent, repulsive, lewd, depraved, abominable, immodest, or disgusting nature. There is no definitive list or category of words proscribed by parliament as obscene or indecent and those terms are not statutorily defined. It is important to look at the community as a whole and not just a portion of it. That community includes members of the Aboriginal community and many people who regularly use similar words.

Judge Wylie has commented that the Australian community is a robust one even in its reaction to four-letter words. There is a broad range of community reaction to the words "fuck" and "cunt". They appear in poetry, drama, and literature, and may be used as terms of abuse, or terms of endearment. They are used in oral and written communication by ordinary people in the street and by those in the corridors of power. Indeed the same sort of language is regularly used by the police towards members of

the community both Aboriginal and non-Aboriginal. This was portrayed graphically in the arrest of the person charged with obscene language on the recent ABC television documentary *Cop It Sweet*.

The Townsville community is not so very different from the rest of the Australian community. Four-letter words are frequently used in communication in public places. It is not unusual to hear the words "fuck" and "cunt" used at football games at the local sports reserve, or aboard the public bus flooded with high school students, in lounge bars in the city, in suburban hotels, on inner-city taxi ranks, and on the streets when motorists protest at each other about their driving skills. It is even common experience to hear these words used by police in the watch-house and by members of the local legal fraternity in the precincts of the local courts. This list is seemingly endless.

In all these cases, the words were spoken to a police officer, and the arrest followed disobedience to a police direction, irrespective of whether that direction was legally based. Judge Wylie forms the view that in most of these cases the direction was unlawful and legally unjustifiable. It is the disobedience that leads to the arrest, not the language or the behaviour itself. In most of the cases there were no other members of the public in the near vicinity, or those that were, appeared unconcerned at the language. In none of the cases have members of the public been called to give evidence either at the original hearing or on the appeal.

Judge Wylie points out that courts should look with great care at the precise words and actions which are said to found the charge, and not at the totality of the conduct and situation. The courts must determine as a question of fact whether the language is obscene, indecent, or insulting, or whether the behaviour is disorderly according to the context and circumstances. He indicates that these offences may amount to a punishment for illiteracy or deficient vocabulary. These cases concern words which have been used as a protest by people who believed they were being poorly treated by the police. In most cases there was a good reason for the person to become agitated by the treatment afforded to them. Their hostility is understandable, as is the fact that their response is forthright, firm, and even rambunctious. The words are used to tell the police to go away, or to leave them alone.

In most cases they are spoken in the heat of an angry moment to express exasperation, frustration, despair, or protest. These people had a right to express dissent, to ask the police to go away and leave them alone, and to protest about police interference. Had this communication occurred in sophisticated language which was more subtle and veiled, the arrest may not have occurred.

Judge Wylie comments that parliament seems concerned that there should be purity of language and dignity of conversation in public places. An examination of Hansard's record of the debate prior to the law being passed in 1931 is revealing. Parliament seemed concerned with sexual perversion and ensuring that the police had adequate power to deal with matters offending public morals without being subject to unnecessary abuse and attack. The debate recognises that it is difficult to gauge community standards of decency as public perceptions are so diverse and often influenced by prejudice. It was argued that offences prompted by sexual perversion were in a different category to those prompted simply by bad temper or exuberance of spirit. There was some concern that the power of arrest would be abused so that innocent people would suffer from harassment, but the debate indicated a faith in police that they would not abuse the wide powers given to them as it was seen that it was only a minority of police who were as much concerned with harassing people as

with preserving law and order. The Home Secretary assured the house that the Bill did not vitiate the power and authority to proceed by way of complaint and summons rather than by arrest. Doctor Noble protested about the high penalties which included imprisonment. He said, "Let us go the whole hog and pour molten lead down the mouths of those who utter indecent language, and let us pour molten lead into the ears of those who listen to it. Let us tear their toenails off. That is what Hitler did" (Hansard 1931).

Parts of the debate also reveal the racism of the time. Parliament was considering a section which provided that any person not an Aboriginal native or child of an Aboriginal native who wandered in the company of an Aboriginal native and did not give satisfaction that he had a lawful fixed place of residence was deemed to be a vagrant. This provision was intended to outlaw comboism, the "carnal knowledge of a gin by a white man". Parliament considered it was necessary to specify the sex of an Aboriginal native to avoid prospectors who had male Aboriginal offshoots being dragged out of the bush to the nearest court and charged with vagrancy. The Home Secretary declared "It has been found in the past that, unfortunately, there is a class of white men who are prepared to live in Aboriginal style with black gins. I do not care whether a man be a prospector or whatever one may call him, he has not lived up to the principles of white manhood" (Hansard 1931).

In Judge Wylie's view, exchanges between members of the Aboriginal community and police officers should be shrugged off as far as possible and not made the subject of criminal charges. He has indicated that the charges should be brought by complaint and summons and not by arrest. These are sentiments which should be shared by all reasonable people. As he points out, proceeding by Complaint and Summons not only avoids the brutality of arrest, but it allows an opportunity for tempers to cool, feelings of outrage, surprise and annoyance to abate, and for the police to discuss the incident

with senior officers. There are stronger reasons for insisting on such a course. It is the experience of most Aboriginal Legal Services that the power of arrest is used arbitrarily, and with violence toward Aboriginal people. In addition, ancillary charges usually arise out of the process of arrest of the person or others. The power of arrest for swearing cannot continue to be abused as it has in the past.

Public Disorder Offences

Recommendation 60 of the Royal Commission into Aboriginal Deaths in Custody (1991a) is that police services take all possible steps to eliminate violent or rough treatment or verbal abuse of Aboriginal people by police officers and to eliminate the use of racist or offensive language by police officers. The Commission recommends that where such conduct is found to have occurred, it should be treated as a serious breach of discipline. It is time for the government to seriously examine the use of the police power of arrest for offences involving language.

It was the experience of the Royal Commission into Aboriginal Deaths in Custody that the recorded criminal history of many Aboriginal offenders included repetitive public disorder offences including obscene or offensive language convictions. Often the conviction resulted in a period of imprisonment for default in the payment of fines. The ultimate penalty for use of bad language usually directed at police is repetitive imprisonment. This abuse of the obscene language charge has had little effect other than to oppress members of the Aboriginal community. The comment by Commissioner Wootten in the inquiry into the death of David Gundy is apt:

It is surely time that police learnt to ignore mere abuse, let alone simple "bad language". In this day and age many words that were once considered bad language have become commonplace and are in general use amongst police no less than amongst other people. Maintaining the pretence that they are sensitive persons offended by such language . . . does nothing for respect for the police. It is particularly ridiculous when offence is taken at the ranting of drunks, as is so often the case. Charges about language just become part of an oppressive mechanism of control of Aboriginals. Too often the attempt to arrest or charge an Aboriginal for offensive language sets in train a sequence of offences by that person and others—resisting arrest, assaulting police, hindering police and so on, none of which would have occurred if police were not so easily "offended"(Royal Commission into Aboriginal Deaths in Custody 1991b).

Recommendation 86 of the Royal Commission is that:

The use of offensive language in circumstances of interventions initiated by police should not normally be occasion for arrest or charge; and police services should examine and monitor the use of offensive language charges.

The Queensland Government's response is support for this recommendation subject to community expectations. This is the very issue considered and determined by the Townsville District Court in all of the cases outlined.

In 1992 the community expectation is that the majority of members of the community will use four-letter words to express themselves in certain contexts and circumstances, even at times in public places. The response of the Queensland

Government is that Recommendation 86 will be dealt with through the review of police powers and the *Vagrants Gaming and Other Offences Act*.

Whilst Townsville has been at the State's forefront with this issue, the Government has not yet sought any input nor invited comment from the Townsville Aboriginal Legal Service. The reaction from the local courts, police and community to the District Court appeal decisions has been mixed. The Townsville Aboriginal Legal Service has not been in a position to thoroughly test the response from the local magistracy to these decisions of the District Court. In most matters which have come before the courts since these decisions the police have not proceeded with the prosecution or some other element of the charge has not been proved beyond reasonable doubt. Occasionally there have been remarks from local Magistrates that the law is "unsettled".

All the appeals referred to in this paper have been heard before the one District Court Judge, who no longer resides or sits in Townsville. The waters are yet to be tested before his brother judges. There has been some reaction by the police to the appeals.

There has been a reduction in the number of obscene language charges brought against Aboriginal people. This does not appear to be a response to the philosophy of the decisions, or the legal principles set out in them, nor is it a positive reaction to the Commission's Recommendations. Often in cross-examining police witnesses as to their knowledge of the appeals and recommendations, the police officers concede they know very little, if anything, about either. One police officer who volunteered in cross-examination that he had been briefed on the appeal decisions, suggested that the effect of the decisions was that offenders now had to be charged with "insulting language" rather than "obscene language". Indeed, the number of insulting language charges has increased in the Townsville District since these appeals. This effectively allows a detour to be taken around the central principles expressed in the decisions of Judge Wylie. The penalty upon conviction is the same for both offences but the test is different. The insulting language offence is more personal in nature and the test is whether the language is insulting and capable of provoking personal indignity or affront. It is absurd that police allege they experience insult at being called "queenie" or "pig". It is even surprising that they experience insult at being called "copper cunt" in view of the extent of the use of similar language in the police force itself.

The practice of proceeding with this alternative charge allows the hypocritical policing practices criticised in the appeals to continue. It allows the train of offences which generally follow an arrest for obscene language of resisting arrest, hindering police and assaulting police to continue. This is a mockery of justice. The Queensland Police Union reacted to the decisions of the District Court by publicly urging the community to lobby politicians. On the front page of the local newspaper in October 1991, a police union spokesman was quoted as saying that "police hands were tied by the decisions and people power was necessary to reverse the situation".

An irate member for Townsville, Ken Davies MLA, publicly accused the local judiciary of being "too soft on drunks and the obscene language offenders". He recommended that the judiciary "hand down maximum sentences to deter offenders or to keep them out of circulation for as long as possible". Responding to the involvement of the local Aboriginal Legal Service, Mr Davies suggested that "police should not be reluctant to act because of the backlash from the so-called do-gooders with seemingly endless funds of available legal aid". Whilst policing practice may be in response to local political calls to "crack down on the drunks and bad language",

the reality is that police remain the primary agent to react to this conflict. Police hold wide powers which they use to deal with these situations in the exercise of their discretion. Commonsense is required to deal with the conflict involved in these situations. The motives for using the power of arrest in these situations may include the wish to quickly remove Aboriginal people from public view to resolve a disturbance. It is also likely, however, that the motive includes an element of instant punishment for what the police perceive as disrespect. The Townsville Superintendent of Police responded to this interchange in the media between Ken Davies and the Police Union with common sense. He indicated that police did not have the power to remove any person from the mall whether they be Aboriginal or not. He indicated that a complaint had to be substantiated at law and that the conflict was being exaggerated. He added that the mall was a relatively quiet and nice place to be. Accordingly, the Aboriginal community and the legal service that represents them did not experience a fresh attack of obscene language and drunkenness arrests. The only identifiable community reaction to the appeals in Townsville emanated from the Townsville mall traders. The City Heart Business Associations Chairman stated in the local press that "traders were absolutely disgusted with the way drunks and indigenous people carry on in the mall". Of course, this reaction comes from those with vested commercial interests in a declining city mall trade. In order to gauge community reaction to the current situation and to the appeals it may be necessary to arrange a phone-in which raises the question "Should the use of obscene language or insulting language directed toward police during police intervention be penalised by the courts as a criminal offence?"

Cross-Cultural Communication

In seeking solutions to the present unsatisfactory situation, the cross-cultural aspects of communication must be recognised. Communication between people is often difficult, imprecise and uncomfortable and is influenced by cultural factors, including any shared past. When members of diverse cultures communicate the process is complicated by the cultural background of each. Words and phrases have a cultural context, and messages may be confused as reactions to words differ because of the disparate cultural landscapes of the people concerned. Communication reflects diverse cultural values and attitudes about people's personal rights. Even where an

Aboriginal identified person speaks English as their first language and lives in urban society, Aboriginal values and behaviours influence their lives and communication. The content of conversation has significant Aboriginal cultural and social aspects which lead to distinctively Aboriginal interpretations and meanings and the English spoken is not standard English but is a distinctly Aboriginal dialect called Aboriginal English.

It is not easy to develop effective cross-cultural communication skills as language reflects and expresses social and cultural realities and is a dynamic and creative instrument of social action. It is impossible to separate language from its context and the total interaction. In communication, a sense of Aboriginal identity remains strong as does the effect of ethnic consciousness, history, culture and the lived experience of racism and oppression. When these obstacles to communication are confused and complicated by the antagonism and real polarity of power involved in communication between Aboriginal people and white police, it is not surprising that difficulty and conflict occur. In traditional Aboriginal society, communication avoids direct verbal confrontation. Much depends on the relationship between speakers. In communication between white police and Aboriginal people, the Aboriginal people may see the police as powerful, prejudiced, rude, nosy, impatient, and inquisitorial. The police may see the Aboriginal person as slow, stupid, disrespectful, and uncooperative because they do not appreciate Aboriginal culture and communication. Better understanding of some of the principles of Aboriginal interpersonal communication and the differences of Aboriginal English might enable more tolerance, acceptance, and respect to improve communication between Aboriginal people and police. Police should be trained about these cultural differences and encouraged to use caution, circumspection and commonsense in their dealings with Aboriginal people.

Strategies

In order to develop strategies to overcome the problems highlighted in this paper, it is also necessary to recognise the purpose of the arrest and the unstated aims of it. It is necessary to devise fresh solutions which reflect the very human problems at the core of the situation. Appropriate action is needed. Arrest and incarceration is no solution. Aboriginal people will continue to get drunk and make a mild nuisance of themselves but there are social, cultural and historical reasons for this. Special attention may need to be paid to disturbances involving noise and alcohol in the mall and in the suburbs in domestic situations. To recognise the changed social perceptions to public swearing, the offences of obscene and indecent language in a public place should be abolished. As most of the charges against this law involve intoxicated persons, the abolition of the offence of public drunkenness is an additional necessary corollary. The abolition of these offences would be of no practical benefit or effect without the establishment of a network of diversionary shelters which are properly resourced. The practical implementation of a diversionary program would depend upon political commitment, guaranteed funding, and cooperation by the police and the community. Solutions need to be found to such basic and practical obstacles as who will transport people who are intoxicated and swearing to Diversionary Centres.

Diversion

A pilot Diversionary Centre is to be established in Mount Isa but is not expected to be operational until September 1992. In Brisbane an organisation known as "Murri Watch" has been incorporated to facilitate the implementation of the Commission's Recommendations. One of the objects of this organisation is "the decriminalisation of public drunkenness and offensive language". The Townsville representatives of the Watch-house Cell Visitors' Scheme are working to establish a Diversionary Centre for Townsville which they hope will be operational in about December 1992. In Townsville, the establishment of the Aboriginal and Torres Strait Islanders Police Liaison Unit may prove invaluable to the practical implementation of a Diversionary Centre and the policing of Aboriginal persons who are intoxicated and swearing.

In the majority of cases, the conflict, if any, can be readily resolved without arrest. The Aboriginal and Torres Strait Islander Police Liaison Unit was established in Townsville in May 1992 after dialogue between Winston Pryor of the Aboriginal community and police representatives. The unit features Aboriginal and Islander Liaison officers who assist in patrolling the city regions trouble spots. Mr Prior advises that in the four-week period in which the unit has operated, the rate of alcohol and drug-related offences for which Aboriginal people are charged in the city region has been reduced by 25 per cent in comparison with police statistics for the 1991 period.

Legislation

If the abolition of the offences of obscene and insulting language is not acceptable to the community as a whole, then the legislation should at the very least, be amended to provide that a necessary element of the offence is that the language used in its context and circumstance actually intrudes upon other individual's rights as users of the public place. This is in accordance with the New Zealand position where the courts have indicated that the offence is not simply swearing in public. The gravamen of the offence there is seen as the interference with the public rights of others.

Legislation is needed to enshrine the principle that police should only use the power of arrest as a sanction of last resort. Alternatively, the power of arrest should be removed entirely for public disorder offences. If this sort of behaviour remains the subject of criminal sanctions, then on-the-spot tickets could be issued or the offence could remain but become non-punishable like riding a bicycle without a helmet in Queensland. Difficulties would arise if imprisonment, rather than levy by distress, was the default sanction for non-payment of the penalty imposed in on-the-spot tickets. Alternatively, the penalty imposed by the on-the-spot tickets may not be monetary, but may be a direction that the person "move on", be taken to a diversionary centre, or perform community service.

If these matters are to remain the subject of criminal sanctions and prosecutions pursued, they should be commenced by complaint and summons. If other matters are taken on appeal, it may be appropriate to consideration taking civil action as well for false imprisonment if it can be proved that the arrest was unlawful as the language was not obscene. This may prompt a positive change in police practices at the risk of police harassment if the action were not successful. Even if these matters remain the subject of criminal sanctions, prosecutions should not be commenced for every breach of the legislation. Queensland may need to adopt a prosecution policy similar to that

in force for the Commonwealth. The prosecution policy of the Commonwealth provides that the decision as to whether a prosecution should be commenced must take into account whether the public interest requires a prosecution to be pursued. Factors to be taken into account in making that decision include whether the offence is trivial or technical, any mitigating circumstances, the alleged offenders antecedents and background, the effect on public order and morale, whether the offence is of considerable public concern, whether there is a need for deterrence, and whether the prosecution would be counter-productive by bringing the law into disrepute.

Police Training

There is an urgent need for ongoing police training. Police officers remain the primary agent in reacting to these conflicts. In the heat of the moment officers need to rely upon clear informed guidelines instructions and directions to properly exercise discretion and restraint. Any alternative practice for dealing with these situations will only succeed with the commitment of the police. It is necessary to gain the support of the police to alternative solutions. The comments of the Report of the Royal Commission on Police Powers and Procedure of 16 March 1929 are apposite. It reported that "unless relations (between the police and the general public) are marked by mutual confidence and cooperation, no laws, no matter how well conceived, no regulations however well drafted, will ensure the maintenance of law and order, and the very basis of our social fabric will be exposed to disintegration".

Literacy

Action is also needed to improve literacy amongst Aboriginal people. In many ways it is not surprising that these cases have occurred in Townsville which has a reputation for being the centre of the parochial north, where racism and sexism thrive. The action taken to address the concerns raised in this paper must include long-term action designed to remove the structural oppression currently experienced by Aboriginal people. A fair proportion of powerful positions in the criminal justice system should be held by Aboriginal people. Action is needed to provide Aboriginal people with the training and skills required for positions within the police force, the legal profession, the magistracy and the judiciary. It will only be from a position of true equality that true justice can be experienced.

Conclusion

In 1992 it is time to demand from the police that they exercise their powers and discharge their obligations in a fair, reasoned and just way with cognisance of the unequal position of Aboriginal people in this society resulting from two centuries of oppression and prejudice. Surely it is time to demand of police that they act, at all times, in a way which does not fuel and fan the fires of inter-racial conflict and Aboriginal discontent, but in a manner which is based on commonsense and sensitivity.

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