PROCEEDINGS - Training Project No. 27

Aborigines and the Law

AUSTRALIAN INSTITUTE OF CRIMINOLOGY

PROCEEDINGS - Training Project No. 27

Aborigines and the Law

Canberra 7 - 11 June 1976

AUSTRALIAN INSTITUTE OF CRIMINOLOGY
Canberra 1977

The J.V. Barry Memorial Library has catalogued this work as follows:

AUSTRALIAN INSTITUTE OF CRIMINOLOGY 342.0850994

Aborigines and the law. Proceedings, Training Project no. 27, 7 - 11 June 1976. Canberra, Australian Institute of Criminology, 1977.

48p. 30cm.

Appendices (p. 31 - 48): - 1. List of participants. - 2. Bibliography.

1. Aborigines, Australian - Legal status, laws, etc. - Congresses 2. Aborigines, Australian - Crime - Congresses I. Title.

ISBN 0 642 92215 2

This report is published by the Australian Institute of Criminology as an account of the proceedings of the seminar. However the views expressed in this publication are not necessarily endorsed by the Institute.

Further information may be obtained from:

Training Division,
Australian Institute of Criminology,
P.O. Box 28, Woden, A.C.T. Australia. 2606

NOTES ON AUTHORS

William Clifford
Director
Australian Institute of Criminology

D.T. Gunter
Legal Affairs Officer
Department of Aboriginal Affairs

H. Wallwork
Solicitor
Perth, Western Australia

Superintendent A.R. Calvesbert
Community Affairs and Information Service
Police Headquarters
South Australia

CONTENTS

INTRODUCTION

During 1976 the Australian Institute of Criminology held two programmes which were designed to investigate the position of Aborigines within the Australian criminal justice system.

The first was an experts' group meeting on 'The Use of Customary Law in the Criminal Justice System' held in March 1976. The full proceedings of this meeting have been published by the Institute.

The second was a seminar on 'Aborigines and the Law' held at the Institute from 7 to 11 June 1976. This seminar aimed at discussing the problems encountered by Aboriginals when they come into contact with the largely British - based Australian legal system. It was hoped that some solutions to these problems would be found during the seminar.

The Institute tried to ensure a large representation of Aboriginals at the seminar. Participants included representatives of police, legal services, Aboriginal communities, community welfare services and the Department of Aboriginal Affairs.

The participants examined the relationship of Aboriginals to the criminal justice system, including legal services, law enforcement, court procedures, corrective institutions, probation and parole and community welfare.

After listening to lectures and reports and taking part in discussions on the relationship between Aborigines and the criminal justice system the seminar formed several resolutions urging the Australian Government not to withdraw support to Aboriginal aid programmes.

These resolutions are included in full in these proceedings, along with the papers delivered at the seminar, reports on discussion sessions, a bibliography and a complete list of participants.

The assistance provided by Mr D.Gunter and Mr J. Moriarty of the Department of Aboriginal Affairs towards the compilation of the programme and the list of participants is gratefully acknowledged by the members of the Institute's Training Division who organised the seminar.

ABORIGINES AND THE LAW

WILLIAM CLIFFORD

This is the second time that the Australian Institute of Criminology has ventured into the complicated and delicate area of Aboriginal affairs. I say delicate area because it has become a highly controversial area. Just a few weeks ago, a South Australian judge attracted a flood of comment when he bound a person over on his agreement to return to his own people and their authority after having committed a murder. It was assumed that he would be speared. I do not know if this happened but the decision alone was widely challenged, although I believe it is a procedure widely applied by magistrates trying to avoid the disproportionate imprisonment of people from areas governed by customary law. We cannot even open this kind of seminar or discussion without hurtling headlong into profound questions of right and fairness in the interpretation and application of the law, whether it be statute or customary.

Politics also intervene when we try to find practical solutions to the daily problems of ensuring justice for everyone, especially for those who are likely to find themselves in trouble with the law. We cannot exclude political considerations any more than we can exclude economic and social considerations. Justice is one and indivisible. It is the structure on which our society has to be based; but for that very reason it cannot be encompassed by any one group of specialists or professional people.

This Institute has a very strong sense of its own limitations and we are always hesitant to move into any disputed area of this kind without first having all the facts on which to base an opinion or a judgement. We are not a university institute or department committed to the purely academic pursuit of our theme. We are not only concerned with applied sciences. Nor do we operate within a government department to prepare the data for policy making. Rather we exist to discover whatever can be known about a subject internationally and nationally, to do such research and training as will make it more meaningful and useful to Australia, and to help the criminal justice systems of the States and the Commonwealth to improve the work they are doing. That is both a scientific and a diplomatic task and it imposes upon us very serious responsibilities. We are therefore careful about the statements we make and the conclusions we reach. We have an obligation to provide guidance of practical value and to draw attention to some of the difficulties and pitfalls ahead. We have an obligation to dispel a great deal of the mythology which surrounds the subject of crime and crime prevention and to disseminate widely the knowledge which flows not only from the criminal sciences but from the daily practice of the law in a variety of different settings in this country.

In March therefore we made our first tentative excursion into this difficult field with a highly selective group of people able to guide us. We tried to get a cross section of opinion and to develop a position. That was a highly instructive exercise - as the report will show - although it had limitations which have already been taken up with me.

Now we are trying again to expand our knowledge and experience with your help. You represent many areas of experience and expertise. Many of you are personally involved and many of you have decided opinions on the best way to go. It may be that we need to separate the strands of the different kinds of Aboriginal affairs in relation to law and its enforcement and to distinguish the shorter term solutions during a period of transition from the longer term solutions of a more integrated society. We hope you will gain something too from this Seminar and the opportunity which it provides for the exchange of views. I do not think anyone here regards himself as an expert on all kinds of Aboriginal law and custom. I certainly do not; but the Aboriginal customary law is part of the genus 'customary law' and in this sense is related to what is happening or has happened in other parts of the world. I came to Australia after a number of years working with customary courts in places like Africa and Asia. I have recorded urban customary courts in session in Central Africa and have had the temerity to suggest how customary law could be better applied in Papua New Guinea. Some of our research staff here have written for publication an analysis of the exact legal positionon the recognition - or the lack of it - of customary law in Australia. Yet we here feel that we are only beginning to appreciate the wealth of experience which we believe is gathered here at this seminar. None of us then will be trying to teach the others - we will all be learning. It is in that context that I would like to explain the situation as I see it from a crime prevention point of view.

For me, customary and modern statute or common law complement each other in a very special way. On the one hand customary law has the disadvantages that it is not written, that it is changing and that it might sometimes sacrifice the individual to the interests of the group because it is prone to emphasise obligations to the group rather than personal rights for consideration. This is because customary law everywhere has generally developed to preserve the interests of small tribal organisations struggling for survival on the edge of subsistence; and, as a rule, no individual interests can be allowed to supersede the essential group needs for survival. On the other hand, customary law and informal conventions within the small group are actually far more powerful in controlling behaviour than any kind of written law. There is a form of close and intimate restraint, guidance and supervision in customary law which no police force could ever exercise; and there is firm control consisting sometimes of no more than a meaningful silence, a frown or a form of ridicule; but these mean far more for the individual who is part of a group than do all the majesty of formal law and the tomes of learned distinctions and technicalities and a great deal of incarceration or corporal punishment.

As against this ill-defined but deeply understood customary law serving the group, the statute law is clear, precise, individually oriented and deliberately impersonal. The Western Goddess of Justice is blindfolded; the established law has to avoid distinctions; it defines the rights and it stresses the impartiality of the system. It evolves procedures, technicalities and formalities; and it promotes at every level a fairness which can be developed to promote the best interests of individuals in all circumstances. Whether such ideals are always translated into law enforcement practice is another matter; but, if not, the practices become challengeable. What we should observe however is that modern statute or common law is not group oriented and it is therefore deficient in group control of behaviour. It is highly individualistic and in practice therefore is much less effective in preventing deviation or misbehaviour. One system operates immediately and directly upon the person and family of the offender - or potential offender; the other is distant, removed and its necessary dispassion can easily be mistaken for disinterest.

It is for this reason that in our towns we are always complaining about the lack of community or public participation in the prevention of crime. It has become specialised and professionalised and for that reason less generalised in its public effect. It is for this reason that the police or the courts or the correctional services have a need for public relations departments and are always searching for community support and understanding. Because written, enacted and specifically applied to defined circumstances, the law can be a vindication of individual rights; but it cannot always ensure group sympathy and understanding. Customary law is on the other hand group oriented, it has less individuality and perhaps the difference between the two is a different concept as to how a person fulfils himself. We have always assumed that in protecting human rights we were ensuring the fulfilment of the human personality; but if this stress on the separate legal personality is accompanied by alienation in the cities; if it is associated with the anonymity and impersonality of urban life; if it segregates so that we have rights but nothing to relate them to - then we do not have the promotion of the kind of behaviour which will exclude crime as a tempting short-cut or an efficient if legally forbidden problem-solver. Rather have we promoted all the complications of loneliness in the crowd, of not belonging and of lacking social satisfaction. We could have acquired over time an atomised, isolated, type of existence firmly bolstered with the legal machinery to ensure our rights but actually starving for the want of meaningful social and human relationships. We may have sacrificed social controls for legal dispassion, public participation for technical justification, community concern for individual vindication. And so, maybe we are getting more law and also more crime at the same time. As people think apart from their groups they are likely to think less of other members when they really want something. People living according to customary rules never have this problem but they may well have a problem if they attempt to assert individual rights over group obligations.

There is also another difference of conceptualisation between the two. Our common law is characterised by the blind lady holding the scales;

it is impersonal, impartial, even abstract justice which she serves. This may have little meaning in a customary setting where the objective is to restore peace and good relations - sometimes regardless of who is right and wrong - and sometimes even regardless of fairness in the Western sense.

It is such considerations which lead us to understand the complementary nature of the two systems we may have to be considering in this seminar. We are not considering a superior system being applied to an inferior system, nor are we pretending that we can readily marry the two systems without complications. Wherever there have been recognitions of customary law there has always been a reservation that in operating customary controls there should be no breach of statute or action contrary to natural justice and humanity. These are noble terms but they are also nebulous terms; and in actual practice judges, magistrates, police officers and many others are faced with the exercise of a local discretion which can always be challenged and which might be sometimes difficult to defend without a full knowledge of all the circumstances and of all the conditions obtaining.

It is all too easy to ignore these deeper issues and complications which, as you all know well, are greatly aggravated by the numbers of people living astride the different legal, social and customary systems of this country. It is simple to translate the inevitable frustrations into slogans and examples which highlight one side of the problem to the exclusion of the other. It is easier to rationalise our emotions than it is to balance them against the emotions of others in a striving for a deeper understanding.

Our task this week is to identify the issues which divide us - to set them down for discussion and to try to achieve an understanding which can be of value to all of us who have to deal with special issues or with the formulation of broader policies.

ABORIGINES AND THE LAW

D.T. GUNTER

I regard this seminar as an important step towards the solution of the problem we all face when examining the needs of our Aboriginal citizens within the Australian legal system. Some aspects of this problem have impressed me from my position in the Department of Aboriginal Affairs, while examining the Aboriginal legal services and more lately the legal system itself. The dimension of the problem is surprising, both as one to be met by the Aboriginal people themselves, and by Australia. The need for a solution is urgent.

The subject of customary law is a moot one for this conference; the relationship between customary rights and laws and the broader Australian legal system is critical. It raises questions of police power, powers of magistrates and judges, and the whole relationship, expressed through the legal system, between the Aboriginal and non-Aboriginal communities in Australia.

Another aspect of the legal problem for Aborigines is the lack of research material; the size of the problem is not known because separate statistics are not published on the numbers of Aboriginal people involved in the legal system: in some States statistics are not even kept, following the view that it is improper to distinguish Aboriginals from the general community.

The Mitchell Committee has commented that it is difficult to assist a group within the community without some knowledge of that group. This is certainly true of the Aboriginal people, on whom so few statistics are produced to quantify their relationship with the law.

I regard this conference as unusual in the wide range of experience represented, including experience of daily interactions between the Aboriginal citizen and the law. Also represented are lawyers from the Aboriginal legal services, judges, magistrates, probation and parole officers, police and other officials, as well as a number of Aboriginal people to express the views of their people. The knowledge and experience of these people is not shared at higher levels of government and in the cities, and so the true proportions of the problems faced are not known.

Aside from the relationship of customary law with the legal system, I wish to suggest some other areas for discussion. Firstly, relationships between police and Aboriginals should be examined, from the right of the police to prosecute (which sometimes infringes customary law) through to allegations of police mishandling. We should also examine the real problems experienced by the Aboriginal legal services in defending

Aboriginals before the courts.

Whilst the Australian Institute of Criminology has held sentencing seminars and magistrates also hold them, we should consider the problems of the Aboriginal defendant as a special area. Probation and parole services and other sentencing alternatives are not available for the Aboriginal. Aftercare and prisoners' aid should be considered. While my Department funds prisoners' aid groups, can we be sure they are aware enough to do what is required? Are governments aware of possibilities in aftercare?

In the civil area there are functional disabilities experienced by Aboriginal people through illiteracy alone. An example is the difficulty merely of obtaining driver's licences, the lack of which has involved many Aboriginal people in the criminal justice system.

The late Dr Elizabeth Eggleston in her book *Fear, Favour or Affection*[1] sketches the dimension of the Aboriginal criminal problem, which I stress is only one area of problems in the law. Her figures derive basically from the mid-1960s, and indicate that, of imprisoned offenders in Western Australia, South Australia and Victoria, one third are Aboriginal; of female prisoners 64 per cent are Aboriginal. My impression is that this situation has not improved and some areas may now be worse.

While Australia spends something like six hundred million dollars per year on the legal system, it would be wrong to infer that a third of that amount is spent on dealing with Aboriginals. Only 3.5 million dollars is spent on defending Aboriginals - a disproportionately small amount. One wonders what proportions of our assets are really being allocated to solving the problems. With less than two per cent of the population Aboriginal, for that group to comprise over thirty per cent of prisoners is an appalling situation.

When considering the juvenile situation the figures are even worse; in some States more than 50 per cent of State wards are Aboriginals. Western Australia, for example, where good statistics are available, has 70 per cent Aboriginal children in institutions; in the children's courts, 26 per cent of those appearing are Aboriginal, but 52 per cent of those committed are Aboriginal. This not only indicates an increase since Dr Eggleston's research, but also a consistent trend across the criminal justice system that Aborigines are more often convicted, more often receive heavier sentences and more often are imprisoned than non-Aboriginal citizens. Statistics similar to those in Western Australia apply in most other States and Territories.

---

1. E.Eggleston, *Fear, Favour or Affection - Aborigines and The Criminal Law in Victoria, South Australia and Western Australia* (Aborigines in Australian Society, Vol.13, ANU Press, Canberra, 1976).

Dr Eggleston's figures, indicating the plight of the Aboriginal offender, are confirmed by findings of the New South Wales Bureau of Crime Statistics and Research, which has done some special surveys of Aboriginal problems. The Bureau found that rural Aboriginal offenders in New South Wales courts today are likely if unrepresented to receive penalties for drunkenness 34 times as great as those handed down to their city white equivalents, and nine times as heavy for disorderly conduct and other public order offences.

What progress is being made to meet the problem facing the Aboriginal in his relationship with the law? Some quite exciting developments are taking place in departments of community welfare, corrections and police; however they are not fast enough or forceful enough, and they do not recognise that it is not a problem for any one State, but for Australia as a whole. The problem exists in each State, and information needs to be shared between States and the Commonwealth. The Aboriginal people through their representatives must be introduced to the structure of our legal system, and encouraged to confer with the administrators to help solve some of the problems.

Aboriginal legal services, with the aid of Commonwealth funding, have been established in each State as Aboriginal organisations, employing mainly Aboriginal staff and retaining lawyers. Their mission is to provide legal representation for Aboriginals across the Commonwealth. However there are some more isolated areas where the services cannot yet operate. Particularly in these areas, the legal services rely on advice that an Aboriginal is to appear before a court. There is an urgent need for police authorities to provide speedy notification (this is being done by the Australia Police and Northern Territory Police; South Australia has agreed to do so and Victoria is considering it). Such a development will vastly increase the efficiency of the legal services.

A further problem facing the legal services is the present need to use untrained field officers. Because of the critical importance in most complex social areas in Australia, working as front-line troops for the legal services, training is necessary, even though the efficiency and success-rate of untrained officers is already high. As field officers are the second most important aspect of legal services and the first contact with clients, there is a need for specialist training in communication, analysis and recording. The difficulties of the field officer's task should not be underestimated.

The South Australian Standing Conference of Police and Aboriginals, which has been established for some time, has provided a medium for bringing problems to the surface; I believe it should be extended to all States, and that similar communication links should be established between Aboriginals and other departments such as corrections and community welfare. These would help administrators understand Aboriginal community problems.

A significant recent event was the Laverton Royal Commission, which examined a series of incidents and problems which occurred at Laverton in Western Australia, involving about 30 Aboriginal people and about 30 police - yet similar events occur daily. The Commission made many findings and recommendations, yet could not overcome the gap between Aboriginal people and law enforcement agencies.

I would recommend that this conference examine, as well as customary law, the problems of civil disabilities; police training; the court system and sentencing rules; probation, parole and aftercare services; the situation of juveniles; and women.

SOME COMMENTS ON THE NEEDS OF ABORIGINAL LEGAL REPRESENTATION AND ITS FUTURE DEVELOPMENT

H. WALLWORK

I would like to speak to you about the need for improving the level of legal respresentation for people of Aboriginal descent in Courts of Petty Sessions.

In the northern half of Western Australia, for example, there are many towns which hold courts of petty sessions on at least Saturday and Monday mornings and usually on some other days in the week. In these courts people of Aboriginal descent appear charged with what are regarded as minor offences. There are usually only two lawyers in the area, which is very great. These persons cannot appear in more than one or two courts on any one day and the position is that people come before the courts and plead guilty, without legal advice, to what they think are minor charges.

Often the person is charged with three or four charges arising out of the same incident. Perhaps it started as a brawl in a hotel and was broken up by the police. The offender is charged first with disorderly conduct. If he resists arrest, he is charged with resisting arrest. If he escapes from the police after arrest he is charged with escaping from legal custody. Then if he perhaps takes somebody else's car to get away and crashes it, he is charged with unlawfully assuming control of a motor vehicle and perhaps dangerous driving.

It has happened that on a plea of guilty to charges such as these, the offender has received prison sentences of say three months on each count; adding up to a total of 15 months. If this occurs to the offender on only one occasion it may not be all that bad, but many juvenile offenders repeat again and again, with the result that by the time they are 24 or 25 years old they have very bad records of convictions and have spent a large part of their adult lives in gaols. The result is that they have no stable marriage or family relationship and are likely to offend again and go back to prison.

One of the reasons the offender on the minor charges does not seek legal advice is that usually there is no one about whom he can ask. Also, he does not think that the charges are all that serious and is not aware that he will very likely receive heavy punishment. He may also be too shy to ask for a chance to see a lawyer.

The only way to combat this situation is for the legal aid system to be much more comprehensive. In my opinion, this can easily be done in a number of ways, at least in Western Australia. On many occasions in that State when a lawyer from the Aboriginal legal service is appearing in court there are also in court one or two other lawyers, whether they

be representing the other legal aid schemes or private clients. If the system is rationalised so that any lawyer appearing in any court in the State can appear for any person of Aboriginal descent in that court and later submit a report and a note of his fees to the Aboriginal legal service office, many more Aboriginal defendants would be properly represented. In turn, it would be necessary for Aboriginal legal service lawyers to represent non-Aboriginal defendants in similar situations.

It is often the case, particularly in the north of Western Australia, that there will be, say, 15 Aboriginal offenders and two non-Aboriginal offenders. It is wrong for a number of reasons that the 15 Aboriginal offenders are legally represented and the other two not represented. It provokes unnecessary hostility in the minds of the non-Aboriginal population, and may have some effect on the Justices of the Peace who, at the same time, are sentencing the non-Aboriginal offenders. However if it is known that any lawyer anywhere appears for all the defendants before the court on minor charges which may involve gaol sentences, the cover for the Aboriginal offenders must be substantially increased.

If such a system were introduced, it would be desirable to establish a central office where lawyers could telephone in and advise which courts they are to be in in the following week. If there is any duplication, arrangements could be made for the one lawyer to represent all the defendants in the particular court rather than have two lawyers turn up at that court and one sit around while the other represents his clients. After some months of such a system operating, it should be possible to work out which courts were not being adequately covered, and steps could then be taken by the Aboriginal legal service to assign lawyers to those courts.

Another method of improving the situation could be by appointing in every town where a court is held, a part-time officer of the Aboriginal legal service - perhaps honorary and perhaps a married woman. They could attend the court in that town every time it was held and could make sure before the court started that the defendants knew what was going on and, most importantly, that they knew how to obtain legal advice before they pleaded guilty.

The part-time officer could also ensure that the Aboriginal legal service representative in the area was contacted by telephone whenever a problem arose. At present, the service is largely dependent on the local Community Welfare officers to do this. A telephone would be necessary for each part-time officer.

The presence in every town of part-time officers would gradually lead to the Aboriginal people learning more about their legal rights.

Another problem is that due to distances, the Aboriginal legal service lawyer very often travels with the magistrate in his chartered plane. This means that both the magistrate and the lawyer arrive together. The magistrate then has to wait while the lawyer sees the clients - sometimes say 16 of them - and obtains instructions. The lawyer in

this situation is, in my opinion, rushed and unable to represent the clients as well as he should.

The appointment of part-time officers would help in this situation because the officers could obtain statements from the defendants and their witnesses before the lawyer arrived with the magistrate.

The final matter in this area which is a problem is that even if the lawyer arrives at the court some hours or even a day early, very often the defendants do not arrive at court until it is just about to start. It is often then too late to properly interview the clients and to obtain witnesses if they are required. The part-time officers could assist in this regard by interviewing the clients and any necessary witnesses and having them at the court when the legal service lawyer gets there.

I would now like to pass on to another matter and that is the question of the understanding by persons before the court of what is going on within that court. In the reported case of *The King* v. *Dashwood* (1943) 1 K.B. 1, it was stated that it is a cardinal principle of our law that no man can be tried for a crime unless he is in a position to defend himself. It was also stated that the court acts in such a matter upon any information conveyed to it from any quarter.

On 13 May 1976, Ted Grant was called up on a count of murder at the Supreme Court in Western Australia at Kalgoorlie. When the court was told that he could not understand English and that he was a person of Aboriginal descent, his counsel, at the court's request, qualified an interpreter and Grant was then arraigned as provided by s.612 of the Western Australia Criminal Code. That section reads:

> At the time appointed for the trial of an accused person he is to be informed in open court of the offence with which he is charged, as set forth in the indictment, and is to be called upon to plead to the indictment, and to say whether he is guilty or not guilty to the charge. The trial is deemed to begin when he is so called upon.

After the charge had been read, Grant's counsel indicated that his client would plead guilty to a charge of manslaughter and the Crown counsel indicated that the Crown would accept that plea. Grant was examined before the court pursuant to the provisions of s.49 of the Western Australia Aboriginal Affairs Planning Authority Act, which the trial judge remarked was a doubtful procedure. However, it appeared from the examination:

1. That the interpreter had difficulty himself in communicating with Grant, and Grant with the interpreter.

2. That few of the questions and fewer of the answers were direct interpretations of the words used, either by counsel as to his questions or by the interpreter, or the accused as to questions and answers between them.

3. That some of the interpretation was mere paraphrase of the accused by the interpreter, and some of it was only the interpreter's own opinion of the meaning of what the accused was saying.

4. That it was impossible to convey to the accused an adequate synonym in his dialect of the terms 'unlawful', 'guilty', and 'not guilty' or to explain their meanings to him.

Grant said sufficient to show, however, that he had a general idea of where he was; that it was wrong both in his law and ours to kill, and that he could go to prison. The trial judge concluded that the deceased man struck Grant first with a wine flagon; according to Grant the deceased then invited Grant to strike him back in accordance with the tribal law relating to pay-offs. This Grant did with a length of wood, the deceased having invited the blow and submitted to it.

Unfortunately it seems, although it was not proved, that the blow delivered by Grant to the deceased caused his death. Grant also said that he had been punished for the offence by his tribe. The punishment consisting of being speared five times in the leg and being beaten across the back. He also conveyed to the court, if the interpretation was correct, that he feared further punishment by the tribe.

The trial judge concluded that in the circumstances the proper proceedings were dictated by s.631 of the Western Australian Criminal Code which said:

> If, when the accused person is called upon to plead to the indictment, it appears to be uncertain, for any reason, whether he is capable of understanding the proceedings at the trial, so as to be able to make a proper defence, a jury of 12 men, to be chosen from the panel of jurors,are to be empanelled forthwith, who are to be sworn to find whether he is capable or not. If the jury finds that he is capable of understanding the proceedings, the trial is to proceed as in other cases. If the jury finds that he is not so capable, the finding is to be recorded, and the court may order the accused person to be discharged, or may order him to be kept in custody in such place and in such manner as the court thinks fit, until he can be dealt with according to law. A person so found to be incapable of understanding the proceedings at the trial may be again indicted and tried for the offence.

His Honour held that the issue of the capacity of Grant to plead and to be tried must first itself be tried as a separate issue by a jury empanelled for that purpose. If the answer was in the affirmative, then if nothing more appeared, a plea of not guilty could then be entered under s.619. It would only be then upon the accused's trial that other questions would arise in relation to s.49 of the Aboriginal Affairs Planning Authority Act and the questions of whether any admissions or confessions said to have been made by the accused person would be admissible in evidence.

Subsequently Mr Grant came before the jury on Tuesday, 12 August 1975, and the jury found that he was fit to plead. His counsel then entered a plea of guilty to manslaughter.

In an earlier case in Victoria, *R.* v. *Presser* (1958) V.R.45, which did not involve a person of Aboriginal descent, the trial judge had dealt with the question of fitness to plead.

In that case two reports had been obtained by the Crown from medical men and those reports had been shown to the judge. They had indicated the presence of serious mental defects in the accused youth. His Honour had concluded that there was a real and substantial question to be considered in relation to the accused's fitness to be tried. Although the judge was not bound by a specific statutory provision he decided that he was under a duty to have the matter determined by a jury before he allowed the trial to proceed. He relied to a degree on an earlier decision in England which is referred to above, *King* v. *Dashwood*.

In Presser's case, the judge stated that an accused person needs to be able to understand what it is that he is charged with. He needs to be able to plead to the charge and to exercise his right of challenge of the jury. He needs to understand generally the nature of the proceeding, namely, that it is an inquiry as to whether he did what he is charged with. He needs to be able to follow the course of the proceedings so as to understand what is going on in court in a general sense, though he need not understand the purpose of all the various court formalities. He needs to be able to understand the substantial effect of any evidence that may be given against him; and he needs to be able to make his defence or answer to the charge. Where he has counsel, he needs to be able to do this through his counsel by giving any necessary instructions and by letting his counsel know what his version of the facts is and, if necessary, telling the court what it is. He need not be conversant with court procedure and he need not have the mental capacity to make an able defence. However he must have sufficient capacity to be able to decide what defence he will rely upon and to make his defence, and his version of the facts, known to the court and to his counsel, if any.

The same matter, of the accused person understanding what is happening in the court, arose recently in Western Australia on 17 May 1976. Mr Jambijumba Yupupu was a tribal Aborigine speaking the Pintupi language. He had only a very small understanding of the English language, having lived for most of his life in the centre of Australia and having had contact with white people only on settlements. It was

charged that on 6 January 1976 at Billiluna Station, via Hall's Creek, he,with intent to alarm one Leslie Ashley Verden, then being in his dwelling house, committed a breach of the peace by behaving in a threatening manner and uttering threatening words.

Upon the charge being read, Mr Yupupu, through the interpreter, interrupted and said he was not intending to alarm - to frighten - the person at that stage. After the interpreter had explained the full charge to him, the interpreter advised the court that he had conveyed the substance of the charge to Mr Yupupu and had asked him if it was true or if there was part of it that he did not feel was true. Yupupu had thought about if for a while and had said that concerning the part about the intention of frightening the person - he was not intending to do that when he went to the house.

The trial judge expressed the view that he was bound under s.631 of the Code, where there was doubt in his mind or at least where it was uncertain that Yupupu was capable of understanding the proceedings of his trial so as to be able to make a proper defence, to empanel a jury to be sworn to find out whether Yupupu was capable of understanding the proceedings. He proceeded on that basis and empanelled a jury of 12 people.

Two detectives who had interviewed Yupupu were called and the defence called the interpreter. The judge then directed the jury that the question really was: could Yupupu understand what was going on in the court room? He asked the jury to consider whether the people in the court were able to communicate with Yupupu sufficiently to let him know what the elements of the charge were and whether he could communicate with the court sufficiently to let the court know what his real defence was. He pointed out it was simply a problem of communication, not only in different languages but from different cultures - where one culture might have a concept that the other did not have, and vice versa. His Honour told the jury that the onus lay on the Crown to prove beyond a reasonable doubt that Yupupu did understand enough to know what was going on. He said that if the jury was left in reasonable doubt about it, the answer should be given in the negative.

The jury returned a unanimous verdict that Yupupu was incapable of understanding the proceedings at the trial so as to be able to make a proper defence and the judge discharged the jury. He then noted that he had only two alternatives - to discharge Yupupu from custody, or to retain him in custody until he could be dealt with.

On 21 May, before Mr Yupupu had been discharged from custody, the Crown asked the trial judge to refer to the full court the question of whether the facts and circumstances of the case, as a matter of law, raised a question of Yupupu's capacity to understand the proceedings at the trial so as to be able to make a proper defence to the charge, and whether the trial judge had directed the jury correctly as to the meaning of a capacity to understand the proceedings at the trial so as to be able to make a proper defence. The third matter which the Crown requested the judge to refer to the full court was whether he

had correctly directed the jury that the onus of proving the capacity of the accused rested on the prosecution and that the burden of discharging that onus was proof beyond a reasonable doubt.

The Crown indicated to the trial judge that it wished to test the correctness of the decision reached by Wickham J. in *R.* v. *Grant* (1975) W.A.R. 163 already referred to above. His Honour the trial judge ruled that once the requirements of s.631 (which is set out above) had been complied with, as they had been in Yupupu's case, then there was no longer any room for an application to the full court. He dismissed the application by the Crown and discharged Yupupu from custody.

According to the *Daily News* (a Western Australia newspaper) dated Friday, 28 May 1976, the Crown claimed that if the law had been correctly applied by the trial judge, the prosecution of tribal Aborigines who break the law would be almost impossible. The newspaper said that the Crown had claimed that Yupupu's basic understanding of the charge without understanding the precise legal terms was enough.

Following the decision of the trial judge that he could not refer the matter to the full court, the Crown Prosecutor was reported to have said that the Crown would still try to prosecute tribal Aborigines and would examine ways of having the matter referred to the full court for a ruling. The only alternative would be a change in the legislation.

The next morning it was reported in the *West Australian* newspaper that the Western Australian Attorney-General had said that the decision did not mean that the Crown would not be able to prosecute other tribal Aborigines on further charges in the future. The Attorney-General was reported to have said that the case did not call for any amendment of the law at present and that each case rested on its own facts. That because a decision was made that one particular person - in this case Mr Yupupu - was unable to understand the nature of the charge, this did not mean that such a decision applies to every or indeed many, prosecutions which involve Aboriginal people. He is reported to have said that in this case the judge had found that by reason of the difficulty in adequately translating certain concepts such as 'breach of the peace' from English into the Pintupi tongue, Yupupu did not fully comprehend the nature of the charge against him -

> Because the judge has found as he did, this does not preclude others who may happen to speak similar dialects from being charged with other offences. If there is a prima facie case of a breach of the law, it is the Crown's obligation to bring a charge ... On present advice and bearing in mind that the facts differ in nearly every case, I am not satisfied that any amendment of the law is necessary simply as the result of this case. However, if there are further developments which indicate that there is a weakness in the law, an appropriate amendment will be proposed.

The above cases illustrate the difficulties encountered in the application of a system of law to all persons in the community. They also should alert people to the danger of ever allowing a statement allegedly made by an Aboriginal defendant to be put in evidence against him, without the most rigorous testing to determine whether he really understood the meaning of the statement he is supposed to have made.

There is an informative article on the question of the admission into evidence of such statements in 'Australian Current Law' (August 1975). The article is written by Mr Lloyd Davies, a Perth Barrister who was last year retained by the Aboriginal legal service and who was counsel for both Mr Grant and Mr Yupupu.

SOUTH AUSTRALIAN POLICE/ABORIGINAL LIAISON

A.R. CALVESBERT

Summary of Inception

The first formal lines of communication between police and organisations concerned with the interests of Aboriginal people were opened at a conference held at police headquarters in August 1972. Representatives from three organisations - the Civil Liberties Council, the Aboriginal Legal Rights Movement, and the Australian Union of Students (Aboriginal Scholarship Scheme) - met with the Commissioner and Deputy Commissioner. Discussion ranged from general complaints from Aboriginal people, the need for education of police in regard to problems faced by Aborigines, and the need for Aborigines and their supporters to appreciate the problems encountered by police.

Parties attending the initial conference agreed there would be mutual benefit in continued dialogue and a further meeting was arranged for October 1972. Its purpose was to discuss specific problems and areas where Aborigines in breach of the law were handicapped by comparison with other members of the community because they were not familiar with the English language and consequently with legal procedures.

It was as the result of these meetings that the Aboriginal/Police Steering Committee was formed with the intention to firmly establish and maintain communication between the two groups.

The Officer-in-Charge, Community Affairs and Information Service, and the senior member of that section were the Departmental representatives on the Steering Committee. In addition to attending the Committee meetings, they visited various establishments, talked to Aborigines and discussed problems affecting police/Aboriginal relations. The visits included attendance at the Adelaide Gaol with the Aboriginal representative of the Prisoners' Aid Association, the Torrens College School of Aboriginal Education and the Adelaide University Law School. Both police members of the Committee contributed to a course on 'The Urban Aborigine' which was produced in 1973 and broadcast on Radio University VL5UV. In this course the members were interviewed in a segment entitled 'Aborigines Against the Law'.

By invitation, the Commissioner and the Officer-in-Charge, Community Affairs and Information Service, attended a research seminar held at Monash University, Melbourne in July 1974. The subject of the seminar was 'Aborigines and the Law' and it attracted nationwide representation from Aboriginal groups, police, the legal profession and other academics. It was also supported by representatives from Papua New Guinea, New Zealand, and native American and Canadian organisations. A paper was presented by the South Australia Police Force.

Several Aboriginal people prominent in Aboriginal affairs organisations were invited to address the Annual Commissioned Officers' Conference and other police groups.

During 1974 the meetings of the Steering Committee became spasmodic. Representatives of the Aboriginal Legal Rights Movement indicated dissatisfaction with progress towards better relations and suggested the police were indulging in a 'window dressing' operation.

The Commissioner and Deputy Commissioner attended a special meeting of the Steering Committee in August 1974. The meeting was prolonged and discussion very forthright. It cleared the air somewhat and both sides accepted some responsibility for the lack of progress made. The Department made a firm commitment to scheduled monthly meetings of the Committee and provision of organised liaison channels between police and Aborigines throughout the State. Positive results flowed from these decisions and after meaningful discussion by the Committee the current situation was brought about.

Aboriginal Police/Steering Committee

Since the August 1974 meeting, the Aboriginal/Police Steering Committee has been convened monthly. Its venue alternates between Police Headquarters and the Aboriginal Community Centre. The Committee's function is liaison at administrative level between police and the Aboriginal community, particularly in the sphere of law and legal procedure. Its aim is to maintain satisfactory lines of communication to improve understanding with benefit to all parties.

Organisations now represented on the Steering Committee are:

The Department of Aboriginal Affairs
The Prisoners' Aid Association
The Aboriginal Community Centre
The Port Adelaide Coordinating Committee
The National Aborigines Congress
The Aboriginal Community College
The Aboriginal Task Force Course
The Aboriginal Legal Rights Movement
The South Australian Police Department

General Liaison

As is the case with the general community, the improvement of relations and liaison with Aboriginal people relies heavily on the attitudes and actions of all members of the police force. Additionally, a more specific responsibility has been placed on designated persons.

Police/Aboriginal Liaison Officer

The Officer-in-Charge, Community Affairs and Information Service, holds this position. He represents the Commissioner of Police in police/ Aboriginal affairs throught the State.

Police/Aboriginal Field Liaison Officer

A Sergeant of the Community Affairs and Information Service occupies this position. He is responsible for research and field work concerning police/Aboriginal relations throughout the State, and is available to assist, advise and liaise on these matters in all areas of the State. He is assisted by a constable of the section.

Police District Liaison Officers

Thirteen members of the force have been designated as Police District Liaison Officers. They are responsible for maintaining communication between the Department and the Aboriginal community within their particular district. They are the nominated contacts for local police officers and Aboriginal Legal Rights Movement field officers when problems affecting police/Aboriginal relations arise. Each liaison officer is also responsible for keeping himself informed on activities in his district involving Aborigines, and is expected, whenever invited, to attend meetings or discussions as a representative of the Department. The liaison officers are mainly divisional commanders, with some officers-in-charge of police stations added to the group to cater for areas remote from divisional headquarters. The district and identity of members designated liaison officers were published in Police Commissioner's Office Circular No.354.

Police Department Policy and Instructions

To ensure that Aborigines are not at a disadvantage because of a possible lack of knowledge of the law or the English language, the Department's defined policy and procedural instructions relating to Aboriginal suspects/ offenders were published in Police Commissioner's Office Circular No.354 on 24 March 1975. Supplementary advice and instructions were issued to members designated police district liaison officers.

Department policy

As an aid to interpreting instructions, Departmental policy relating to Aboriginal people was expressed in the following terms: 'It is the function of the police, within the confines of the law, to *deal equitably with all suspected offenders, regardless of race, colour or creed.* This maxim is not abrogated by any special instructions given in respect to Aborigines; rather, such instructions have been devised to ensure equality of treatment.'

Aboriginal prisoners

The police department has agreed to the Aboriginal Legal Rights Movement supplying certain police stations with printed sheets explaining the availability of the services of their field officers. These information sheets are handed to Aborigines who have been arrested and charged with an offence. The arrested person is asked if he has any objection to his name and the nature of the charge being supplied to the Aboriginal Legal Rights Movement. If he has no objection, particulars of the charge and details as to time and place the prisoner will appear in court are given to the field officer requesting this information.

Aboriginal Legal Rights Movement

Committee members and personnel of the Aboriginal Legal Rights Movement form the strongest Aboriginal representation on the Steering Committee.

Aboriginal field officers

The Aboriginal field officers appointed by the movement are issued with identification cards bearing the name, photograph and signature of the person to whom the card was issued. These field officers have been accorded recognition by the Police Department. Their function is to assist Aborigines who are in police custody and who desire their help in such matters as notifying relatives or friends, arranging bail or legal advice. When an Aboriginal person who is in custody has requested assistance from the Legal Rights Movement, the field officer attending the police station is given the same facilities as are customary for solicitors and prioners' relatives. Where language difficulties are encountered either during police interrogation or in court proceedings, the field officer will endeavour to arrange for an interpreter to attend.

Liaison Organisation Seminar

A one-day seminar was held at Police Headquarters, Adelaide in August 1975, bringing together police district liaison officers and Legal Rights Movement field officers from all areas of the State. The seminar succeeded in creating a better understanding among the participants through open discussion on general and local problems concerning police and Aborigines. Personnel attending the seminar became better acquainted with each other, allowing a more personal contact through liaison channels.

Police Training in Aboriginal Affairs

New ground has been broken in the area of police training specifically relating to Aboriginal affairs.

Pitjantjatjara Language Studies

Pitjantjatjara is the main Aboriginal language used in the North and far West areas of South Australia, and an increasing number of semi-tribal people from these places are visiting the more settled areas. We now have 14 members of the force who have undertaken a three-week course in the Pitjantjatjara language. The course was designed by the Adult Education Department of the University of Adelaide and provides intensive elementary level study of Pitjantjatjara language, grammar, phonetics and vocabulary. Further study and practice with Aboriginal people using the language is needed to gain proficiency. The studies are an aid to understanding Aboriginal culture, and Aboriginal people are appreciative of the Police Department's interest in providing this opportunity to selected members.

General training

Members of the Community Affairs and Information Service lecture various police training groups to outline Departmental policy on police involvement with Aborigines. To further police understanding of Aborigines and their points of view, a new training program which occupies two hours and forty minutes over four sessions has been prepared for introduction as phase five level of cadet training in February 1976. The program is a coordinated project of the Legal Rights Movement and police members of the Aboriginal/Police Steering Committee. After assessment, this program may be used for training sessions with other police groups.

June 1976 - Latest Developments

Police services to remote Aboriginal settlements

Our police services to the remote Aboriginal settlements in the north-west of the State have traditionally been provided by patrol from the police station nearest to the settlements.

A consensus of opinion from the Aboriginal people living in the north-west area has shown a marked preference for visiting police as against fully resident police establishments within the settlements, although for several years they have requested a more regular scheduled police presence and a closer emergency availability.

A recent Commonwealth Government decision to assist with capital cost funding will allow our proposals for providing the additional services to be put into operation in the near future.

The additional service plans involve the use of an aircraft to transport personnel throughout the area for three main purposes:

1. The regular scheduled opening of a 'police station office' for normal community enquiries, licence issue, driving permit/testing, etc.

2. Everyday police/community interaction other than special working visits for investigating offences resulting in reporting/arresting and court procedures.

3. Provision of a speedier attendance time response for urgent/emergency matters.

WORKSHOP REPORTS

At various times during the seminar, the participants formed into small workshop groups to discuss in detail topics raised during lectures and open forum sessions. The following is a summary of the reports received from the workshop groups.

Social factors

Workshop participants felt that lack of employment opportunities and inadequate housing are the causes of many so-called 'Aboriginal problems'. They also pointed out that the majority of offences committed by Aborigines are minor and are often associated with alcohol.

They said that community authority in an integrated and identifiable group can be an effective crime prevention measure, accordingly some power should be given to Aboriginal communities.

Communication with authority groups outside the Aboriginal community could be worthwhile, the participants said. However there must be opportunities for Aboriginal influence on national politics.

The importance of retaining Aboriginal identity and independence was stressed throughout the workshop reports.

Education

The workshops felt that white Australians should be educated in Aboriginal culture and values. Aboriginals themselves require education about life - management and legal rights.

Political factors

Workshop participants felt that there should be high level meetings between Aboriginal representatives and political authorities.

Customary law

Workshop participants felt that customary law should be recognised. In particular they said:

- That the Yirrkala proposal for recognition of customary participation in the law enforcement and the administration of justice at community level should be seriously considered.

- That the House of Representatives Standing Committee on Aboriginal Affairs should be advised of the seminar's support for official recognition of customary authorities.

- That the Australian Law Reform Cimmission should be advised of the seminar's support for official recognition of customary authorities.

- That because of legislative proposals for Aboriginal land rights and growing support for recognition of customary law,governments should be advised to encourage service departments to collaborate with Aboriginal communities in forward planning to meet changing circumstances.

Child welfare

Participants said they were concerned about the removal of Aboriginal children from their families and community groups in the name of 'welfare'. They said that Aboriginal and Torres Strait Islanders fostering agencies should be set up. All welfare placements of children should be made through these agencies and the courts should make Aboriginal children wards of these agencies rather than of the State.

Participants also said that tribal marriages should be recognised by governments.

Corrections

Workshop participants criticised the high number of juvenile and adult Aborigines being held in institutions in Australia, and also the low number sentenced to probation. They said that Aboriginal offenders should be supervised within Aboriginal communities.

Police

Participants said that some of the police constables working with Aboriginals were young and inexperienced and lacked special training. They suggested that police officers posted to Aboriginal communities should be taught about local Aboriginal customs, values and social organisations.

The participants said that they fully supported moves towards increasing communication between police and Aboriginal communities.

SUMMARY OF SEMINAR RESOLUTIONS

1. Aborigines and Islanders are the most incarcerated people in the world.

   Grossly disproportionate numbers of Aborigines and Islanders are processed through the Australian legal system. That this is so is a crime against humanity.

   The overwhelming problems of the lack of Aboriginal housing, employment, education opportunities, and medical services mean that in effect it is a crime to be an Aboriginal or an Islander.

   The massive cut (nearly 50 per cent) in allocation of funds for Aboriginal affairs means that this will become worse.

   This seminar on 'Aborigines and the Law' conducted by the Australian Institute of Criminology, supports the demands of Aboriginal legal services throughout Australia that, in view of this drastic situation, the Federal Government and all State Governments give urgent priority to the following:

   That the Federal Government guarantee the permanent existence of Aboriginal legal services. That funding of Aboriginal legal services be at a level to maintain and expand these services. That such funding be done on the basis of direct consultation with the Aboriginal people involved. That there be thorough and far-reaching reforms in areas of substantive law, in court procedures, police powers of interrogation and police powers generally in relation to Aboriginal communities.

2. That this seminar strongly recommends that all State and Territory police departments examine the South Australian Police Department's attempt to improve police/Aboriginal relations. This seminar regards the South Australian experiment as the most progressive attempt to date to come to terms with this serious problem. We would further urge that police departments consider this recommendation as a matter of extreme urgency because of the apparent serious deterioration in police/Aboriginal relations Australia wide in the past five to ten years.

3. That this seminar commends the initiative displayed by Commonwealth Police Commissioner Davis in convening a national seminar for senior police officers so that they may better appreciate the problems of Aboriginal people.

4. That the seminar support the Yirrkala people's proposals for recognition of customary authorities including Aboriginal participation in law enforcement and the administration of justice at the community level as expressed in their letter to the Council for Aboriginal Affairs and the Department of Aboriginal Affairs submission prepared with their approval.

   That the seminar convey to the House of Representatives Standing Committee on Aboriginal Affairs inquiry into alcohol and Aborigines its full support for official recognition of customary authorities including Aboriginal participation in law enforcement and the administration of justice at the community level, towards overcoming the inadequacies presently being experienced with law and order and abuse of alcohol.

   That the seminar convey to Mr Justice Kirby and the Law Reform Commission its support for official recognition of customary authorities including participation in law enforcement and administration of justice at the community level.

   In the light of proposed legislation in the Northern Territory and in the light of development of the land rights movement and the growing support for recognition of customary law and authorities, this seminar recommends to governments that their service departments should have their attention drawn to the new developments, so that forward planning in conjunction with Aboriginal communities may be given to the questions of provision of services to Aboriginal communities in these changing circumstances.

APPENDIX 1

LIST OF PARTICIPANTS

PROJECT DIRECTOR

C. R. Bevan	Assistant Director (Training) Australian Institute of Criminology Canberra

VISITING SCHOLAR

G. Foley	Nominated through the Department of Aboriginal Affairs Canberra

PARTICIPANTS

V.G. Abraham	Solicitor New South Wales
A. Barunga	Mowanjum Community Inc. Via Derby Western Australia
M. Berg	Field Officer Victoria Aboriginal Legal Service
G. Brennan	Department of Aboriginal Affairs Western Australia
R. Briscoe	Department of Health Canberra
R. Brown SM	Jervis Bay Australian Capital Territory
V.D. Bunda	Booval Queensland
B. Butler	Port Augusta South Australia

Superintendent A.R.Calvesbert	Community Affairs and Information Service Police Headquarters South Australia
P. Coe	President New South Wales Aboriginal Legal Service
Inspector E.J. Culley	New South Wales Police Department
S. Enalanga	Aboriginal Legal Service Northern Territory
J. Evans	Aboriginal Legal Service Queensland
W. Fejo	National Aboriginal Consultative Council Northern Territory
C.A. Giles	Acting Principal Legal Officer Criminal Law Branch Attorney-General's Department Canberra
D. Gunter	Legal Affairs Officer Department of Aboriginal Affairs Canberra
R. Hammond	Aboriginal Legal Service South Australia
N. Hayes	Aboriginal Legal Services Northern Territory
Dr N. Hills	Acting Assistant Director Department of Corrections Western Australia
J. Hogg	Research Assistant to Senator Bonner, Queensland
K. Jimmy	Chairman Community Council Kowanyama Queensland
B. Johnson	Solicitor Queensland
E. Johnston, QC	South Australia
Senator J.B. Keeffe	The Senate Parliament House Canberra

The Honourable Mr Justice M.D. Kirby	Chairman Law Reform Commission Sydney
G. Kwanga	Deputy Chairman Aurukun Community Via Weipa Cape York Queensland
L. Lippmann	Office of the Commissioner for Community Relations Melbourne
D.R. Lockyer	Aboriginal Legal Services Western Australia
H. D. Logue	Principal Legal Officer Human Rights Branch Attorney-General's Department Canberra
G. Lyons	Solicitor Victorian Aboriginal Legal Service Co-operative Ltd
M. Martin	Research Psychologist Department of Corrections Western Australia
J. Moriarty	Department of Aboriginal Affairs Canberra
D. Mowaljarli	Department of Aboriginal Affairs Western Australia
Sergeant Second Class V.J. Murphy	Queensland Police Department Brisbane
J. B. Noble	Regional Director (Southern Country) Department of Community Welfare Murray Bridge South Australia
G. Nicholls	Victorian Aboriginal Legal Service Co-operative Ltd.
D. J. O'Rourke	Program Branch Department of Aboriginal Affairs Canberra
P. O'Shane	Solicitor New South Wales

H. Pape	Australian Legal Office Canberra
Inspector R. Parsons	Commonwealth Police Canberra
Dr N. Peterson	Department of Prehistory and Anthropology School of General Studies Australian National University Canberra
P. Ross	Aboriginal Legal Service Northern Territory
Emeritus Professor W.E.H. Stanner	Institute of Aboriginal Studies Canberra
P. Tobin	Aboriginal Legal Service New South Wales
P. Toyne	Aboriginal Legal Service Northern Territory
A. Verran	Legal Officer Department of Justice Queensland
H. Wallwork	Solicitor Western Australia
S. Watson	Queensland
Inspector K.E. Weaver	Western Australian Police Headquarters Western Australia
B. Welsh	Department of Aboriginal Affairs Northern Territory
K. Wisdom	Program Branch Department of Aboriginal Affairs Canberra
J. Wolomby	Aurukun Community Via Weipa, Cape York Queensland
Dr N. Williams	Institute of Aboriginal Affairs Yirrkala via Darwin

APPENDIX 2

BIBLIOGRAPHY

Prepared by the J.V.Barry Memorial Library in cooperation with the Central Office Library of the Department of Aboriginal Affairs.

Titles marked with an asterisk* are held by the library of the Department of Aboriginal Affairs.

Journals

BILES, David — 'Aborigines and Prisons: a South Australian Study'. *Australian and New Zealand Journal of Criminology*, vol.6, Dec. 1973, pp.246-250.

BRAMELL, Elsie — 'Law and Order Among the Australian Aborigines'. *Australian Museum Magazine*, vol.5, no.12, Oct. 16, 1935, pp.425-430.

*BRIDGES, Barry — 'The Extension of English Law to the Aborigines for Offences committed inter se, 1829-1842'. *Journal of the Royal Australian Historical Society*, December 1973, pp.264-269.

*CRANSTON, Ross — 'The Aborigines and the Law'. *University of Queensland Law Journal*, vol.8, no.1, 1973, pp.60-78.

ELKIN, A.P. — 'Aboriginal Evidence and Justice in North Australia'. *Oceania*, vol.17, no.3, March 1947, pp.173-210.

*GARRICK, John — 'Aborigines and the Law'. *Nation*, June 14, 1969, pp.13-14.

GOLDRING, John — 'Just Law for Primitive Society'. (letter).

Sydney Law Review, vol. 7, no.1, Jan. 1976, pp.154-155.

GOLDRING, John — 'White Laws, Black People'.

Australian Quarterly, vol.45, no.3, Sept. 1973, pp.5-18.

HOOKEY, John — 'The Gove Land Rights Case: a Judicial Dispensation for the Taking of Aboriginal Lands in Australia?'.

Federal Law Review,vol.5, no.1, 1972, pp.85-114.

KRIEWALDT, Martin C. — 'The Application of the Criminal Law to the Aborigines of the Northern Territory of Australia'.

Western Australian Law Review, vol.5, no.1, 1960, pp.1-50.

LESTER, Jim — 'Aborigines and the Courts'. *Identity*, vol.1, Aug.1973, pp.15-16.

McILWRAITH, John — 'In W.A. There is Black and White Justice and a World Between'.

National Times, 6-11 Aug.1973, pp.8-9

MISNER, R.L. — 'Aboriginals and Criminal Justice in the Northern Territory'.

Aboriginal News, vol.1, Oct.1973, pp.4-6.

MISNER, R.L. — 'Administration of Criminal Justice on Aboriginal Settlements'.

Sydney Law Review, vol.7, no.2, Sept. 1974, pp.257-283.

NICHOLS, P.W. — 'Aboriginal Defendants Again'. *JP (W.A.)*,vol.17, 1974, pp.195-196.

NICHOLS, P.W. — 'Aboriginals' Pleas of Guilty'. *JP (WA)*, vol.17, June 1974, pp.186-188.

*OLGUIN, Francisco L. & UTTON, A.E. 'The Indian Rural Poor: Providing Legal Services in a Cross-Cultural Setting'. *Kansas Law Review*, 1967. (Reprint)

*POTTER, Charles E. 'Poverty Law Practice: the Aboriginal Legal Service in New South Wales'. *Sydney Law Review*, vol.7, no.2, Sept. 1974, pp.238-256.

*PRICE, Monroe E. 'Lawyers on the Reservation: Some Implications for the Legal Profession'. *Arizona State Law Journal*, 1969, no.2, pp.162-205.

*RICHARDS, Jerrold R. 'Providing Legal Services to Montana Indians'. *Legal Aid Briefcase*, 1968, pp.62-74.

*SMITH, Audrey D. 'The Social Worker in the Legal Aid Setting; a Study of Interprofessional Relationships'. *Social Service Review*, vol.44, no.2, 1970, pp.155-168.

*STATSKY, William P. 'The Education of Legal Paraprofessionals: Myths, Realities and Opportunities'. *Vanderbilt Law Review*, vol.24, no.6, 1971, pp.1083-1131.

*STATSKY, William P. 'Paraprofessionals: Expanding the Legal Service Delivery Team'. *Journal of Legal Education*, vol.24, no.4, 1972, pp.397-428.

*SWAN, Robert C. 'Indian Legal Service Programs: the Key to Red Power?'. *Arizona Law Review*, 1970, pp.594-626.

Monographs

*ABEL-SMITH, Brian, ZANDER, M. & BROOKE, R. *Legal Problems and the Citizen; a Study in Three London Boroughs*. Lond., Heinemann, 1973.

*	*ABORIGINAL and Islander Housing in Brisbane*; a statistical analysis of housing cases handled by Black Community Centre, Aborigines and Torres Strait Islanders' Legal Service, Black Community Housing Service. Bris?, 1973.
*	*Aboriginal Legal Service;* conference of members and delegates held at Lakeside International Hotel, Canberra on 3 and 4 December 1973. (Chairman: C.Perkins) Canb., D.A.A., 1973.
*	*Aborigines and the Law* (proceedings of a research seminar conducted by the Centre for Research into Aboriginal Affairs, Monash University, July 1974).
*ADELAIDE JUVENILE COURT	*Re: Warren Tunkin,* Judge Marshall - 27 August, 1973, Adel., 1973.
*AUSTRALIA. COMMISSION OF INQUIRY INTO POVERTY	*Community Services: Four Studies. (Its* Research Report), Canb., A.G.P.S., 1976.
*AUSTRALIAN. COMMISSION OF INQUIRY INTO POVERTY	*Law and Poverty in Australia;* second main report October 1975. Canb., A.G.P.S., 1975.
*AUSTRALIA. LAW REFORM COMMISSION	*Complaints Against Police. (Its* Report No. 1) Canb., A.G.P.S., 1975.
*AUSTRALIAN INSTITUTE OF CRIMINOLOGY	*The Volunteer in the Criminal Justice System, Canberra 3-7 October, 1975.* Report by C.R.Bevan. *(Its* Report on training project no.16) Canb., A.I.C., 1975.
*AUSTRALIAN INSTITUTE OF CRIMINOLOGY	*The Use of Customary Law in the Criminal Justice System:* a Bibliography. Canb., A.I.C., 1976.
*AUSTRALIAN SCHOOL OF PACIFIC ADMINISTRATION	*Certificate Course for Aboriginal Welfare Officers.* Syd., Aust. School of Pacific Admin., 1973.
*AUSTRALIAN SCHOOL OF PACIFIC ADMINISTRATION	*Certificate Course for Field Officers of the Department of Aboriginal Affairs.* Syd., Aust. School of Pacific Admin., 1973.

*BERNDT, Ronald M. and Catherine H. — *Law and Order in Aboriginal Australia.* In *Aboriginal Man in Australia: Essays in Honour of Emeritus Professor A.P.Elkin.* Sydney, Angus and Robertson, 1965, pp.167-200.

*BROWN, Jill W., HIRSCHFELD, R. & SMITH D. — *A Study of the Social and Economic Conditions of Aborigines and Islanders in Brisbane.* Bris., U. of Qld., 1974.

*CALVESBERT,A.R. — *Aboriginal/Police Relations in South Australia.* Melb., Monash Univ. Centre for Research into Aboriginal Affairs, 1974.

*CAMDEN COMMUNITY LAW CENTRE — *Report;* 7th December 1973 Camden, 1973.

*CANADIAN ADVISORY COUNCIL ON NATIVE PEOPLES AND THE CRIMINAL JUSTICE SYSTEM — *Peacemakers' Courts Information Package.* n.p., 1976.

*CASS, Michael & SACKVILLE, R. — *Legal Needs of the Poor.* (Law and Poverty Series) Canb., A.G.P.S., 1975.

*COHEN, Fay G., CHAPPELL,D. & WILSON,P.R. — *Aboriginal and American Indian Relations with Police;* a study of the Australian and North American experiences. Seattle, Batelle, 1975.

*COLLINS, Wanda R. & DONNELLY, T.M. — *Paralegal Interviewing: Fact-gathering & the Human Perspective:* Trainee's Handbook. San Francisco, California Rural Legal Office, 1973.

*COLLINS, Wanda R. & DONNELLY, T.M. — *Paralegal Training: Focus on Interviewing:* Trainer's Handbook. San Francisco, California Rural Legal Assistance Office, 1974.

*COMMITTEE FOR ORIGINAL PEOPLES' ENTITLEMENT — *Proposal for Native Legal Worker Program and Community Legal Centre in the Western Arctic.* Inuvik, N.W.T., 1975.

* — *COMMUNITY Law Centres, Towards Equal Justice.* Memorandum of Evidence by the Law Centres' Working Group to the Lord Chancellor and his Advisory Committee. n.p., n.d. .

*CONFERENCE ON ABORIGINAL LEGAL AFFAIRS. *Canberra 1973.*

Proceedings of the Conference ... held at Canberra on 9 April 1973. (Chairman: Prof. W.E.H.Stanner) Canb., D.A.A., 1973.

*CUNNINGHAM, Chester

Northwest Territories Courtworker Program. Edmonton? n.d.

*DERHAM, David P.

Report on the System for the Administration of Justice in the Territory of Papua and New Guinea. Melb., 1960.

*EGGLESTON, Elizabeth Moulton

Aboriginal Legal Services. Canb., 1974.

*EGGLESTON, Elizabeth Moulton

Aborigines and the Administration of Criminal Law.

In STEVENS,F.S. (ed.) *Racism: the Australian Experience* v.2. Sydney, ANZ Book, 1972, pp.88-94.

*EGGLESTON, Elizabeth Moulton

Aborigines and the Administration of Justice: a Critical Analysis of the Application of the Criminal Law to Aborigines. Clayton, 1970. Thesis (Ph.D.) - Monash University.

*EGGLESTON, Elizabeth Moulton

Australian Aborigines. (Bibliographical Introduction to Legal History and Ethnology F/23) Bruxelles, Universite Libre, Institut de Sociologie, 1971.

*EGGLESTON, Elizabeth Moulton

Fear, Favour or Affection; Aborigines and the Criminal Law in Victoria, South Australia and Western Australia. (Aborigines in Australian Society 13) Canberra, ANUP, 1976.

*EGGLESTON, Elizabeth Moulton

Urban Indians and the Administration of Criminal Justice. n.p., 1973.

*FEDERAL-PROVINCIAL MINISTERIAL CONFERENCE ON NATIVE PEOPLES AND THE CRIMINAL JUSTICE SYSTEM, *Edmonton, 1975*

*Verbatim Report (Unrevised Text) February 5, 1975.*Edmonton, Canadian Intergovernmental Conference Secretariat, 1975.

*FORBES, Kerri — *Homeless People and the Law*. (Law and poverty series) Canb., A.G.P.S., 1976.

*FOREMAN, Lynne — *Children or Families? An Evaluation of the Legislative Basis for Child-protective Statutory Welfare Services in the Australian States and Territories*. Queanbeyan, Social Welfare Commission, 1975.

*FORSTER, William Edward — *Reasons for Judgement (on Angus Anunga, Sandy Ajax, Clancy Ajax, Tjingunya, Nari Wheeler and Frankie Miller Jagamala re the Murder of Paula Sweet)*. Alice Springs, 1976.

*FRY, William R. — *A Short Review of the Paralegal Movement*. Washington, National Paralegal Institute, 1973.

*GALE,G.F. & BROOKMAN, A. — *Race Relations in Australia - the Aborigines*. Sydney, McGraw-Hill, 1975.

*GALE, G.F. — *Urban Aborigines*. (Aborigines in Australian Society 8) Canberra, A.N.U.P., 1972.

*GETCHES, David H. — *Lawyers and Indians*. Denver, Col., Colorado Bar Assoc., 1972.

*GLUCKMAN, Max — *African Traditional Law in Historical Perspective*. (Radcliffe-Brown lecture in social anthropology; 1974). Lond., O.U.P. for the British Academy, 1974.

*HANDLER, Joel F., HOLLINGSWORTH,E.G. & GINSBERG, B. — *Organizations and Legal Rights Activities*. (Institute for Research on Poverty. Discussion papers). Madison, U. of Wisconsin, 1974?

*HAWKINS, Gordon & MISNER, R.L. — *Restructuring the Criminal Justice System in the Northern Territory:* Submission to the Minister for the Northern Territory. 3v. Canberra, Govt. Pr., 1973-74.

*HECKBERT, Doug — *A Description of the Native Court-workers of Alberta*. Edmonton? Native Counselling Services of Alberta, 1972.

*HIATT, L.R. — *Kinship and Conflict: a Study of an Aboriginal Community in Northern Arnhem Land.* Canberra, A.N.U.P., 1965.

*HOROWITZ, Lisa — *A Study of Community Aid in Centres in New South Wales.* (Chairman: R.F. Henderson) Canb., A.G.P.S., 1975.

*IMRIE, J.H. — *Juvenile Delinquency - Whose Problem?* n.p., n.d.

INDIANS and the Law Workshops. n.p., n.d.

*INGLIS, Kenneth S. — *The Stuart Case.* Melbourne, M.U.P., 1961.

*JAKUBOWICZ, Andrew & BUCKLEY, B. — *Migrants and the Legal System.* (Law and poverty series) Canb., A.G.P.S., 1975.

JAMES, Margaret R. — *The Australian Aborigine* - the *Application of the Law:* a Bibliography. n.p., 1972.

*JONES, David & MAYO, M. (eds.) — *Community Work One.* London., Routledge & Kegan Paul, 1974.

*JONES, David & MAYO, M. (eds.) — *Community Work Two.* London., Routledge & Kegan Paul, 1975.

*KYLE, Eric D. — *The Role of the Aboriginal Field Officer.* Melb., Monash Univ., Centre for Research into Aboriginal Affairs, 1974.

*LAMBERT, John R. — *Crime, Police and Race Relations; a Study in Birmingham.* Lond., O.U.P., for the Institute of Race Relations, 1970.

*LEAPER, Patricia M. — *Children in Need of Care and Protection: a Study of Children Brought before Victorian Children's Courts.* Melb., Melb. Univ. Criminology Dept., 1974.

*LEMAIRE, J.E. — *The Application of Some Aspects of European Law to Aboriginal Natives of Central Australia.* Sydney, 1971 (Thesis - University of Sydney).

*LEMAIRE,J.E. — *Legal Education, Legal Aid and Confessional Evidence in Respect of the Aborigines of the Northern Territory:* A Special Report made to the Council for the Office of Aboriginal Affairs. n.p. 1972.

*LIPPMANN, Lorna — *Words or Blows; Racial Attitudes in Australia.* Ringwood, Vic., Penguin Books, 1973.

*McCLEAN, J.D. — *The Legal Context of Social Work.* Lond., Butterworths, 1975.

*MACKERASS, Neil — *Some Problems of the Aboriginal Legal Service.* Melb., Monash Univ., Centre for Research into Aboriginal Affairs, 1974.

*MANDEL LEGAL AID CLINIC — *Manual.* Chicago, 1974.

*MARTIN, Margaret — *Aboriginal Statistics.* Perth, Dept. of Corrections, 1971.

*MARTIN, Margaret — *Aborigines and the Criminal Justice System: a Review of the Literature.* (Departmental Report July 1973). Perth, Dept. of Corrections, Psychology and Research Branch, 1973.

*MEGGITT,M.J. — *Government and Law. In his Desert People.* Sydney, Angus and Robertson, 1974 (c.1962), pp.242-263.

*METZNER, Eric L. — *Too Many Clients, Too Little Time; a Guide to Planning and Managing a Legal Service Programed,* by Margaret Wagner. Washington, National Legal Aid and Defender Assoc., 1974.

*MILLAR,C.J. — *The Legal Status of Indian Tribes.* Adel.? 1965.

*NATIONAL AMERICAN INDIAN COURT JUDGES ASSOCIATION — *Justice and the American Indian.* Washington, 1974.

*NATIONAL CONFERENCE ON NATIVE PEOPLES AND THE CRIMINAL JUSTICE SYSTEM, *Edmonton, 1975* — *Verbatim Report* (unrevised text) February 3-4, 1975. Edmonton, Canadian Intergovernmental Conference Secretariat, 1975.

*NATIONAL INDIAN BROTHERHOOD — *Indians and the Criminal Justice System;* a brief presented by the National Indian Brotherhood to the National Conference on Native Peoples and the Criminal Justice System, February 3-5, 1975, Edmonton, Alberta. Ottawa, 1975.

*NATIONAL LEGAL AID CONFERENCE *Victoria, B.C.,1975*

Presentation to the Workshop 'Delivery of Legal Services to Native People,' by Connie Hunt. Victoria, B.C., 1975.

*NATIONAL PARALEGAL INSTITUTE, INC.

The Goals and Functions of the National Paralegal Institute. Washington,197-?

*THE NATIVE COUNSELLING SERVICES OF ALBERTA

A Position Paper. Presented to the Canadian Congress of Criminology and Corrections June 1973, Regina, Saskatchewan. Edmonton?, 1973.

*NATIVE COUNSELLING SERVICES OF ALBERTA

Submission to the National Conference on Native People and the Criminal Justice System, Edmonton, Alberta, February 3,4,5, 1975. Edmonton 1975.

*

NATIVE *Outreach;* (a Collection of Papers on Legal Aid and Criminal Justice in Canada.) n.p., n.d.

*

NATIVE Peoples and Justice; reports on the National Conference and the Federal-Provincial Conference on Native Peoples and the Criminal Justice System, both held in Edmonton, Feb. 3-5, 1975. Ottawa, Solicitor General, 1975.

*NETTHEIM, Garth (ed.)

Aborigines, Human Rights and the Law. Sydney, ANZ Book, 1974.

*NETTHEIM, Garth

Discrimination and the Law. Syd., 1973.

*NETTHEIM, Garth

Outlawed; Queensland's Aborigines and Islanders and the Rule of Law. Sydney, ANZ BOOK Co., 1973.

*NEW SOUTH WALES. BUREAU OF CRIME STATISTICS AND RESEARCH

Aborigines in the Prison Census 1971. (Its Statistical Report 2). Sydney, 1972.

*PARKER, Dorothy

The Criminality of Aborigines in Western Australia; report of a two years research project conducted by D.Parker for the Dept. of Native Welfare in Western Australia (1970-1972). Perth, 1972?

*PARKER, Dorothy

The Pattern of Aboriginal Offences. Ms.

*PARKER, Dorothy — *Social Agents as Generators of Crime: Case Study, Aborigines in Western Australia.* *In* Australian Institute of Aboriginal Studies General Meeting, Canberra, May, 1971. Papers and Proceedings. 1974. Processed.

* — *Parole System in Canada;* an Official Statement of Policy of the Canadian Criminology and Corrections Association. Ottawa, 1973.

*POWLES, Guy — *Polynesians and the Law;* Address to the Annual General Meeting of the Maori Women's Welfare League, Dominion Council, 18 July, 1972. n.p., 1972.

*RINALDI, Fiori — *Imprisonment for Non-payment of Fines.* (Penology paper no.2) Canb., A.N.U., Faculty of Law, 1973.

*RINALDI, Fiori — *Parole in Australia.* (Penology monographs no.5) Canb., Law School, A.N.U., 1974.

*RINALDI, Fiori — *Suspended Sentences in Australia.* (Penology paper no.3) Canb., A.N.U., Faculty of Law, 1973.

*ROBINSON, Michael V. — *Imprisonment of Aborigines & Part-Aborigines in Western Australia.* *In Thinking About Australian Aboriginal Welfare with Particular Reference To Western Australia,* ed. by R.M. Berndt. Perth, Department of Anthropology, University of Western Australia, 1969, pp.14-19.

*ROWLEY, C.D. — *The Destruction of Aboriginal Society: Aboriginal Policy and Practice, v.1.* (Aborigines in Australian Society 4) Canberra, ANUP, 1970.

*ROWLEY, C.D. — *Outcasts in White Australia: Aboriginal Policy and Practice, v.2.* (Aborigines in Australian Society 6) Canberra, ANUP, 1971.

*ROWLEY,C.D.	*The Remote Aborigines: Aboriginal Policy and Practice, v.3.* (Aborigines in Australian Society 7) Canberra, ANUP, 1971.
*	*RURAL California: Hope amidst Poverty.* San Francisco, California Rural Legal Assistance, n.d.
*SACKVILLE, Ronald	*Legal Aid in Australia.* (Discussion paper - November 1974). Canb. 1974.
*SACKVILLE, Ronald & ARMSTONG, S.	*Legal Aid in Australia,* (Law and Poverty Series) Canb., A.G.P.S. 1975.
*SOUTH AUSTRALIA. CRIMINAL LAW AND PENAL METHODS REFORM COMMITTEE	*Criminal Investigations:* Second Report. Adel., Govt., Pr., 1974. (Chairman: Hon. Justice Mitchell)
*SOUTH AUSTRALIA. CRIMINAL LAW AND PENAL METHODS REFORM COMMITTEE	*Sentencing and Corrections: First Report.* Adelaide, Govt. Pr., 1973, pp.202-208.
*SOUTH AUSTRALIA. DEPARTMENT FOR COMMUNITY WELFARE	*Juvenile Aid Panels in South Australia;* a report on progress and development. Adel., Dept. for Community Welfare, 1975.
*SUTHERLAND, O.R.W. & others	*Justice and Race : a Monocultural System in a Multicultural Society.* A report on the first year of a comprehensive legal aid scheme for Maori Offenders appearing before the Nelson magistrate's court. n.p., New Zealand Race Relations Council, 1973.
*SUTHERLAND,O.R.W. & GALBREATH,R.A.	*Maori Participation in Pakeha Justice.* n.p., New Zealand Race Relations Council, n.d.
*TATZ, Colin Martin	*Aboriginal Administration in the Northern Territory of Australia.* Canberra, 1964. (Thesis (Ph.D.) - A.N.U.).
*TATZ, Colin Martin	*Aborigines: Law and Political Development.* n.p., n.d.
*TATZ, Colin Martin (ed.)	*Black Viewpoints: the Aboriginal Experience.* (Race & Aboriginal Studies) Sydney, ANZ Book Co., 1975

*TOBIN, Peter — *Aboriginal Land Rights in N.S.W.; Demands, Law and Policy.* Nth. Melbourne Vic., Abschol, 1972.

*TOBIN, Peter — *Fringe Dwelling Rural Aborigines and the Law in N.S.W.* n.p., 1970

*UNITED STATES. COMMISSION OF CIVIL RIGHTS — *American Indian Civil Rights Handbook; a Guide to Rights and Liberties, under Federal Law, of Native Americans Living on and off Reservations.* (Clearinghouse publications no.33). Washington, 1972.

*WELLS, William Andrew Noye — *R.V. Sydney Williams.* Adel., Supreme Court, 1976.

*WESTERN AUSTRALIA. DEPARTMENT FOR COMMUNITY WELFARE — *A Community-based Correctional Programme for Country Towns.* Perth, 1975.

*WESTERN AUSTRALIA. DEPARTMENT FOR COMMUNITY WELFARE — *A Survey of Juvenile Offenders in the North of Western Australia.* Perth, 1975.

*WESTERN AUSTRALIA. DEPARTMENT OF NATIVE WELFARE — *Legal Representation for Aborigines;* notes for the guidance of field officers. Perth, 1969.

*WESTERN AUSTRALIA. ROYAL COMMISSIONS. ABORIGINAL AFFAIRS — *Report ... upon all Matters Affecting the Well Being of Persons of Aboriginal Descent in Western Australia ...* Perth, W.A., Govt. Print., 1974.

*WESTERN AUSTRALIA. ROYAL COMMISSIONS. FREMANTLE PRISON. — *Report..upon Various Allegations of Assaults...on Prisoners...and of discrimination against Aboriginal or Part-Aboriginal Prisoners ...* Perth, Govt. Print., 1973.

*WESTERN AUSTRALIA. ROYAL COMMISSIONS. LAVERTON,1975-76 — *Report.* Perth, Govt. Print.,1976.

*WESTERN AUSTRALIA. SUPREME COURT — *(Judgement of Judges) Jackson, Burt and Wickham on the appeals of Elsie Murphy, Evelyn Davidson and Mandy Ward.* Perth? 1974.

*WHITESIDE, Don — *Aboriginal People; a Selected Bibliography concerning Canada's First People.* Ottawa, National Indian Brotherhood, 1973.

*WILSON, Paul Richard & BROWN, J.W. *Crime and the Community*. Bris., U. of Q'ld. Pr., 1973.