

WHERE THE WATERS MEET

By Chris Howse, Aboriginal Justice Advocacy Centre

Subtitles can be so elusive, can't they. Especially in the heat of the moment. Someone might say something wise and we might blink and miss it if we aren't paying attention. Then again there is the other problem that our minds may be deluged with so much of one view that we can get a bit stuck in that view and can't recognise another complementary one, even if it goes within two feet of us on a silver platter with watercress around it. You know what I mean. The *NT News* 'fear-and-loathing-in-the-NT' phenomenon.

Anyway, from 1—3 June a conference was held at Mandorah about Aboriginal kids and communities in the bush and in the town. It was held on the theme: "How can we keep them away from the policemen, the magistrate and the jail, and closer to the guitar, the class room, the footie ground and the Aboriginal way?"

Water fills up all the empty places on the earth and clings fast to it. The better social organisation of the Northern Territory for Aboriginal kids can gain a lot from this idea... which is common knowledge to any plumber by the by. Here it is: Water flows to unite with water because all parts of it are subject to the same laws. And so a society can hold together through a community of interests that allows each individual to feel himself a member of a whole. The central power of a social organisation must see to it that every member finds that his true interest lies in holding together with it, as ought to be the relationship between the Government and the people here. Well Aboriginal people are a minority here. The view expressed over those few days is that they don't stand in that place 'where the waters meet'. The place where their law can work with yours and their kids are on the same footing as yours.

A bush man asked a group at one stage on Friday...

What is reconciliation to us? Nothing much has changed in Gove where I live. Reconciliation is a big whitefella

word. What does it mean? People ask me that and I don't know what to say. I was on Sydney Harbour Bridge when everybody walk across and they did that for 'reconciliation'. I been grow up in the bush and I know our law. Our law never changes. It's in the back of my brain for ever. It always stays the same. I don't understand your law. It always changes. The only thing that stays the same for the white man is that he never listens to our law, and our kids keep getting locked up with that mandatory sentencing. I don't understand your reconciliation.

Maybe what that man said isn't really subtle at all. In fact, even on paper here, it looks pretty clear. Maybe it needs to be said again. Aboriginal children are involved in the criminal justice system in the Northern Territory in overwhelmingly larger numbers than people of European extraction. This hasn't changed. Unless this is to change, the concept of reconciliation is an empty one and the English word used to describe it is without meaning.

The format of this conference was different enough from the norm to be unique. Sessions were often open ended. Thus, they ended only when people attending them finished what they were saying. On one day, there was a big session where only the men were allowed. Another happened at the same time where only the women were allowed. These too were open ended. They started at 3:00pm but went to whenever. Speaking only about the men's session I can say that it was a treasure. We were speaking about a gravely important matter. Nothing less than the future of Aboriginal kids throughout the Territory. We would not go so far as to say that when men speak about grave things amongst themselves, discussion is done better. Let us say that it is done differently. The privilege of being in that gathering is one we won't forget and the things that came out of it will stick. The warmth expressed in the women's session was testified to by every woman who spoke of that session.

The three days of discussion participated in by delegates from all

over Australia, including from Government departments in New South Wales, Victoria, Queensland and Western Australia, brought to light some particular things:

- Aboriginal people are speaking of the problem of their youth in trouble with the law as their own problem and in the end, theirs to fix;
- A way of allowing the separate but complementary laws of European and Aboriginal origin to function side by side must be found with all deliberate speed (meaning like pretty much now);
- There are in the Territory places and people who have got the skill and the tools to lend a hand;
- Good will by the Territory Government can best be shown not by spending a cent more of this budget to Aboriginal affairs, but with the immediate repeal of the mandatory sentencing laws, S.60 of the Justices Act, and the bail provisions which fail to allow Aboriginal people to cut out unpaid bail money by community based order. These kinds of public disgraces have got to end. Punishment for the sake of punishment is unknown to the stockmen of the Katherine region. They just give a breakaway beast a cut across the back with the stock whip to get him back in line. They don't drive him into a gully and belt the hell out of him. They reckon they treat their animals to improve them and reclaim them, not to corrupt them. In so doing, they reckon they treat animals better than the government treats their kids in punishing the latter "for the sake of punishment";
- Northern Territory Police responsibility for the diversionary program presently operating under Commonwealth funds ought to cease forthwith and a model found to allow Aboriginal ownership as has been done in every other jurisdiction where such programs run;

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- There is no clear rally point amongst Aboriginal people in the Northern Territory and delegates would like to see one but are resolved to wait to see if one emerges. Rather more regular meetings of this kind are envisaged.

Some things were said quietly and briefly at this conference. Some things were said to people who were very used to hearing youth described in language of this ilk... of "grubs", "scum" and "low life". Maybe the suggestions made by the speaker to the listeners were subtle. But their meaning has not been entirely missed.

The time for change brought by Aboriginal people, for Aboriginal youth is approaching. It is approaching very quickly indeed.

A Cocktail Odyssey

Remember to keep the evening of 21 July 2001 free to join your friends at NTYL on: 2001:

A Cocktail Odyssey
(aka The NTYL Cocktail Party / The Booze Cruise).



This event will take place on the ever so comfortable Sea Cat Ferry 2 as it tours Darwin Harbour at sunset. Upon return the journey will continue via bus to a groovy cocktail bar in Darwin. More details of the night soon! To avoid confusion created by the naming of last years events please note that the NTYL Law Ball, which will be a formal sit down affair, will be held later in the year.

APLA: TERRITORY BRANCH

The Northern Territory branch of the Australian Plaintiff Lawyers Association (APLA) recently elected Ward Keller partner Michael Grove as President and is encouraging Territory lawyers to join.

In the Territory the APLA is represented by President Michael Grove, Treasurer Merridy Gordon, Secretary Markus Spazzapan, and members John Neill, Catherine Spurr and Suzi Kapetas.

The APLA is a national association offering a range of benefits to lawyers who act for plaintiffs in personal injury and public interest litigation. It is the only association in Australia which represents the special interests of lawyers who act predominantly for individuals rather than for corporations, institutions or governments. APLA's aim is to protect and enhance the rights of the injured. Its mission is to redress the imbalance between the ample resources available to wrong doers and their insurers on the one hand and those available to the public on the other.

APLA is associated with the Association of Personal Injury Lawyers in the UK, the Canadian Trial Lawyers Association, and the Association of Trial Lawyers of America.

Why belong to APLA?

APLA members benefit from a range of services, including:

- **Expert Data Base**
- **The Journal, *Plaintiff***
APLA publishes a bimonthly national journal, *Plaintiff*. *Plaintiff* contains material to those who act for the victims of negligence, and recent case notes dealing with substantive law and procedure.
- **APLA National Conference and Papers Special Interest Groups**
Interest groups established to date include: medical negligence, workers compensation, motor vehicle accidents, representative actions, premises liability, tobacco litigation, breast implant litigation, chemical injuries litigation, commercial litigation, employment law and discrimination.

- **Membership Directory**
A national directory of APLA members is regularly published and is provided free to all APLA members. The directory is a good source of referrals for members and a reference for those seeking assistance from or wishing to refer to a practitioner interstate.
- **Professional Development Forums and Sessions**
- **APLA web site**

Who is eligible to join APLA?

Lawyers who act predominantly for the injured and barristers who are subject to the operation of the "cab rank" rule (even if they do not act predominantly in that way) comprise the bulk of APLA membership. Special membership fees apply to practitioners who have been admitted less than two years. Associated professionals in the fields of health, science, engineering or occupational/public safety are also entitled to join as associate professional members. Others welcome as associate members are:

- Persons who are engaged in the teaching of courses of study relevant to the aims and objectives of the association or elected representatives of an Australian state or Federal Parliament or persons directly employed by such people or employees of government departments or state or community legal aid organisations.
- Persons undertaking a full-time course of study relevant to the aims and objectives of the association.
- Persons employed as law clerks, articulated clerks or paralegals may also join associates.
- Lawyers admitted to practice in jurisdictions outside of Australia who predominantly practice for the injured are entitled to join as international members of APLA.

For further information about the NT branch of the APLA contact President Michael Grove. Michael Grove can be contacted at Ward Keller in Darwin on telephone: 8981 2971 or fax: 8981 1253.