

# LINES IN THE SAND

In the last edition of *Balance*, we wrote that the strong message to emerge from the ATSI conference on customary law was that Aboriginal people wanted to speak with judges, magistrates and lawmakers in an attempt to increase understanding about their own law. By a happy coincidence, the Judicial Conference of Australia, which held its 2001 Colloquium at Ayers Rock Resort in April, requested to visit the Mutitjulu Community, situated on the eastern base of Uluru. The purpose of the visit was 'to discuss issues such as crime and sentencing, indigenous expectations of White law, crime related social problems such as grog and petrol sniffing and fairness in the operation of White law in its application to indigenous people.'

The Federal Attorney General, the Chief Justice of the High Court and about 60 judicial officers from across Australia gathered in front of the Adult Education Centre that doubles up as the Courthouse. The turn out amongst community members exceeded expectations considering that Mutitjulu was playing Imanpa, at Imanpa in the local football competition. Nellie Patterson, a senior Pitjantjatjara woman called upon those who had assembled at a safe distance from the gathering to come closer and have their say. It was an important occasion for both parties.

Some questions asked of the judges highlighted the gulf that still exists between the white legal system and Aboriginal people's understanding of it. For example, the absence of a community based disposition for murder was queried. The basis of this question may well have been that offenders are subjected to traditional punishment, the extent of which is not fully recognised by white law. One of the visitors picked up on this point, asking how much Aboriginal people were willing to tell the court about customary law matters.

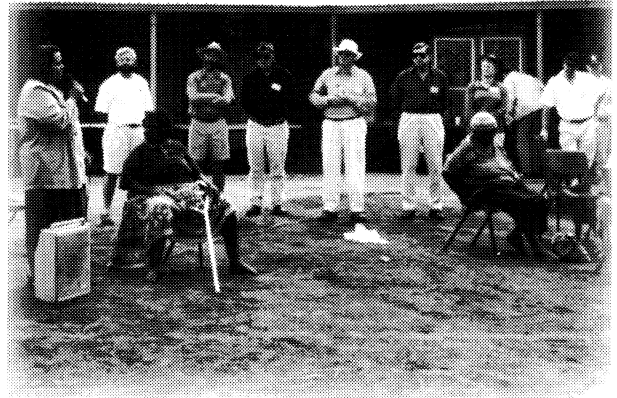
The discussion ranged from peoples concerns for immediate family members serving lengthy jail terms to broader problems such as petrol sniffing, mandatory sentencing and the failure of the so called diversionary programs for juveniles to make any recognisable difference or impact. The 1.3 million dollars allocated in October last year

for this purpose has failed to trickle through to remote communities such as Mutitjulu. In February, the Prime Minister announced in Darwin that one million dollars would be devoted to petrol sniffing programs. Yet the only program in the centre to tackle petrol sniffing is at Mt Theo, situated near Yuendumu. It has not received any funding from the PM's initiative. Unfortunately it has to close down at regular intervals due to the lack of funding. People living in Mutitjulu and surrounding areas don't have immediate access to that facility, even when it is open.

Lena Taylor, an interpreter with the Institute of Aboriginal Development performed a very difficult task admirably. The exercise highlighted the need for qualified interpreters. The Federal Attorney General had a particular interest in this issue as he toured various parts of the Territory inquiring on the effectiveness of the initiative launched last year to provide greater funding for Aboriginal interpreters. The CAALAS Council met Mr. Williams a few days before the Mutitjulu visit, and this topic (as well as mandatory sentencing and diversionary programs) was discussed. The message was clear. More needs to be done!

For many of the delegates, it was their first visit to a remote community. The brief glimpse of community life — the isolation, the variety of problems that have to be addressed and the basic existence no doubt provided an interesting contrast to the courtroom and life in the city (and indeed the Yulara resort where they were staying). Perhaps some may have mused on what Aboriginal people from remote communities think when walking into a court room — people dressed in robes belonging to another century and speaking of foreign concepts that are often difficult to interpret, let alone understand.

Graeme Calma, the Chairman of the Mutitjulu Community Council was generally pleased with the result of the meeting. The opportunity to speak about



*Photo by Adam Millar, Office of Joint Management reproduced with permission*

these important matters was a welcomed one.

The meeting was not lacking in humour. At one point, two camp dogs had a vocal and 'robust' disagreement in the middle of the gathering, barking and howling as they rolled around in a cloud of red earth. The learned judge at the microphone responded by saying "That's OK, I usually get that sort of response".

## Notice Board

On 7th April 2001, the Federal Attorney General visited Alice Springs. He met with the CAALAS Council and opened the contact centre at Centacare in Hartley Street. Yamba the Honey Ant was on hand to make him feel at ease.

On 1st May 2001, a delegation from the United Nations inquiring into contemporary forms of racism, racial discrimination and xenophobia visited various organisations in Alice Springs, including CAALAS.

Kim Raine (Bowden Collier & Deanne) gave birth to a baby girl, Sophie Katelyn (04.05.01) and Ariel Couchman (CAAFU) to a baby boy, Luca (08.05.01). A warm welcome to the kids and many congratulations to the proud parents.

On 9th May 2001, David Ross QC gave a CLE seminar on questioning witnesses in court.

On 16th May 2001, Rick Farley spoke at the Law Week Lunch.

