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ABORIGINAL ADOLESCENT OFFENDING BEHAVIOUR :  
A STUDY OF A REMOTE COMMUNITY

by  
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and  
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CONTENTS

ACKNOWLEDGEMENTS	1
ABBREVIATIONS	4
1 INTRODUCTION	5
2 BACKGROUND AND METHODS	9
2.1 General background	9
2.2 Research objectives	11
2.3 Methods	12
3 THE SETTING	18
3.1 Origins	18
3.2 Contact with European law	20
3.3 The move south	24
3.4 Yalata Aborigines and whites	26
3.4.1 The white town	28
3.4.2 Aboriginal housing	29
3.4.3 Big Camp	30
3.4.4 Personal possessions	33
3.4.5 Daily life	34
3.4.6 Economics	37
3.4.7 Transport	43
3.4.8 Aborigines in the settlement	46
3.5 Summary	48

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4	THE DATA BASE	52
4.1	Sources	52
4.1.1	Personal data	52
4.1.2	Offence data	54
4.2	On criminal statistics	54
4.3	Subjects	56
4.4	Data and results (Tables 1 - 20, Fig. 3)	56
5	CHARACTERISTICS OF THE OFFENDERS	74
5.1	Offenders vs. non-offenders	74
5.2	Frequent offenders vs. occasional offenders	75
5.3	Sex differences	76
5.4	'Deviant' offenders	82
5.5	Categories of offenders	86
6	CHARACTERISTICS OF THE OFFENDING ACTS	89
6.1	Categories of offences	89
6.2	Illegal use of motor vehicles	90
6.3	Some incidents and a case study	91
6.4	Targets	94
6.5	Stolen goods and explanations	103
6.6	Times and spaces	106
6.7	Unreported offences	109

7	AFTER THE ACT	
7.1	Overview of events	115
7.2	Discovery	115
7.3	Reporting	117
7.4	The police	119
7.5	Arrests vs summonses	120
7.6	Children's Aid Panels	124
7.7	Appearance at Court	126
7.7.1	The Court experience	128
7.7.2	Pleas	129
7.8	Roles: A.L.R.M. and D.C.W.	131
7.9	Magistrates	132
7.10	Penalties	138
7.11	Community-based punishments	143
7.12	Summary	147
		153
8	SUMMARY	161
9	CONCLUSIONS	165
	APPENDIX: ABORIGINAL CUSTOMARY LAW	177
	REFERENCES	181

FIGURES

1	Yalata Community and Environs	18a
2	Yalata Settlement, July, 1979	28a
3	Male offenders as proportion of adolescent male population	57a
4	Courtroom plan	130a

AUTHOR'S NOTE

Some of the material contained in this report is of a sensitive nature. It concerns the appearances at court of Aboriginal juveniles, and the lives of members of an Aboriginal community. The community was named only because its location and history are relevant to the context of the study. The authors therefore request that the contents of the report are treated with care.

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constant friends and ever-reliable sources of information. Jack May and his family warmly accepted Maggie Brady into their camp and looked after her in the field during the latter part of the study.

We sincerely hope that the study, and this Report, will benefit the people of Yalata, and indeed, Aboriginal people throughout Australia.

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## ABBREVIATIONS

A.L.R.M.	Aboriginal Legal Rights Movement
C.A.P.	Children's Aid Panel
D.A.A.	Department of Aboriginal Affairs
D.C.W.	Department of Community Welfare
S.A.R.A.C.	South Australian Remand and Assessment Centre
S.A.T.E.C.	South Australian Training and Education Centre
S.M.	Stipendiary Magistrate
U.A.M.	United Aborigines' Mission

## 1 INTRODUCTION

In Australia, Aborigines are grossly over-represented in Court and prison statistics. This over-representation includes juveniles. The 1980 House of Representatives Standing Committee on Aboriginal Legal Aid reported that arrest rates for adult Aborigines were higher than those for non-Aborigines; that Aborigines were less likely to be released on bail than were non-Aborigines; and that non-Aborigines were either acquitted or had their charges dismissed more often than Aboriginal defendants (Ruddock, 1980:36). The same Committee noted that Aboriginal juveniles were more likely to be charged, convicted and remanded to institutions than non-Aborigines (ibid:61).

For South Australia, it has been established that the proportion of Aborigines, received into custody under sentence was twenty-eight times greater than their proportion in the population at large (1%). Aboriginal adolescents were more likely to be arrested than summonsed, more likely to be remanded, and more likely to receive a custodial sentence than were non-Aboriginal adolescent offenders (Law Dept., 1979:31).

Aboriginal communities and community workers in South Australia have expressed concern over such statistics. A committee of Aboriginal community workers submitted a report to the S.A. Government in 1978, presenting further data. The crime rate for adolescent (juvenile) Aborigines was found to be more than five times the South Australian rate for

non-Aboriginal adolescents. Over a five-year period, 44% of 10 - 17-year-old Aborigines appeared in Court (Ball, 1978). The Committee suggested that the "rates and causes" of Aboriginal juvenile crime be monitored.

It was a similar concern, and a desire to help a particular Aboriginal community (Yalata) to analyse the 'rates and causes' of its adolescent offence rates, which motivated this study.

The search for an understanding of behaviours seen as non-conforming, delinquent or criminal has been the basis of dialogue within criminology and the sociology of deviance, and has occupied much theorizing and debate within psychiatry and psychology, for many years. In the quest for unitary explanations, inherited, instinctual, unconscious and environmental factors have been posited. Numerous psychological profiles of young 'delinquents' have been created -- unsocialized aggressives, overinhibited neurotics, affectionless psychopaths, the aggressively disturbed, those with defective superegos -- but while these profiles may contain a degree of descriptive validity for some individuals, when applied more generally they suffer from marked indeterminacy. The same criticism (a lack of determining power of the particular theory to account for most cases of the behaviour in question) can also be applied to the numerous family theories of deviance and criminality.

This is not to deny that such factors may not cause antisocial behaviour resulting in breaches of the law, but that their primacy as aetiological factors needs to be questioned.

Obviously, any study of offending behaviour should include such categories in data collection, if only to exclude them as potent causal agents.

In the context of a minority ethnic group within a dominant society (such as Australia), focus has often been turned towards socio-cultural and political factors as being the causes of delinquency. A submission to the Ruddock Committee suggested such reasons:

Aborigines have no power and little pressure with which to lobby, no capital to withdraw, no employment and no labour to withhold - in societies of similar demographic, social and racial structures, what is left as a way of asserting rights is civil disobedience, criminal acts, civil disruption, withdrawing from society, threatening violence or committing it.

(Tatz, in Ruddock, 1980:7)

The understanding of non-conformity from such a perspective had its origins in the Chicago School of Sociologists of the 1930's and 1940's. They were the first to examine the somewhat moveable feast of the label 'deviant'. The world of criminals and 'street corner society' was penetrated by sociologists, who, as a result, began to remove previous definitions from the pathological end of the spectrum, and place them within a context of 'diversity' (Becker, 1963; Matza, 1969).

Since then, the effects of the labelling process have been

studied, the meanings and meaningfulness of behaviours for the actors (offenders) examined, and critiques have emerged of the disproportionate attention paid to some forms of crime, to the benefit of others (white collar and corporate crime, for example). In the process of authenticating deviant or criminal acts, some commentators have tended to idealize the political potential of even mundane criminal acts, so that a kind of 'noble deviant' emerged (Rock, 1973:103). Within a transcultural context, this would be the equivalent of excessive cultural relativity.

One of the more encouraging trends of recent times has been a move away from the search for unitary theories towards a multifactorial perspective. In this, a variety of psychological, social, cultural, economic and political factors are examined and dynamic relationships between them sought. Integral to this approach are attempts at detailed understanding of the nature of the acts, their precedents and antecedents, and the exchanges that take place between offender, police, welfare agents and Court (eg. Taylor, Walton and Young, 1979).

This study adopted a multifactorial perspective. In an effort to avoid both ethnocentrism and excessive cultural relativity, and to avoid the bias of any particular school of thought, data of putative psychological, social, cultural, economic and political significance were gathered. This Report seeks to document our findings, and to interpret them fairly and dispassionately.

## 2 BACKGROUND AND METHODS

### 2.1 General background

During 1977/1978 at Yalata, an isolated Aboriginal settlement on the far west coast of South Australia, 40% of male adolescents between the ages of 10 and 17, and 77% between the ages of 14 and 18 years, had appeared in Court on a variety of charges. Concern had been expressed both by the Community's Aboriginal Council and by local Government agencies involved with the settlement (Department of Aboriginal Affairs and the Department of Community Welfare). It appeared that the adolescents concerned were defying both adult community opinion and the European law, and both parties were finding it impossible to deal with their behaviour. As a result of this expressed concern, the Council sought help from a small research group based in the School of Medicine of Flinders University (Department of Psychiatry).

In 1978 a successful application was made to the Criminology Research Council by Dr. Rodney Morice, then Senior Lecturer in Psychiatry at the School of Medicine. The grant was to enable research to take place into adolescent offending at Yalata.

The research team, the 'Western Desert Project', had been established to undertake multi-disciplinary and applied research for and on behalf of Aboriginal communities in the Western Desert region of Australia. Aboriginal communities have become sensitive to research being conducted in them which

does not involve them, over which they have no say, and the results of which are seldom shared with them (Brady, 1981:281-285). Consequently, the methodology of this study was designed so that the community itself should be actively involved with and regularly informed of the progress and activities of the research. The framework which prompted aspects of this process was drawn from Freire's (1972) "problem-posing" approach. In this he stated that underdeveloped peoples would only come to understand and act upon those issues defined by them as 'problems'. We encouraged Community members to articulate problems as they perceived them, and then endeavoured, through our 'research' (involving Community members), to help to dissect and clarify the problems. We did not seek to formulate 'solutions', but rather to be instrumental in the triggering of community action. In the process we encountered many problems, and were forced to re-work our methodology and continually re-define our position in order to maintain a research programme flexible enough to adapt to a constantly changing situation.

As well as the authors, Dr. Rodney Morice (Psychiatrist) and Ms. Maggie Brady (Sociologist), the following people participated as occasional members of the team visiting Yalata: Dr. Mike Ross (Psychologist), Hamish Ramsay (Architect/Engineer), John Tregenza (Lecturer in Aboriginal Studies), Peter Bishop (Sociologist), Helen Swift (Research Assistant), Dr. Peter Gilchrist (Psychiatrist), Dr. Jenny Gilchrist (Anaesthetist) and Ms. Kerry Mack (Medical Student).

In 1981 a Research Fellow, Dr. Kingsley Palmer (Anthropologist) joined the Western Desert Project to work on other issues relating to the community. He contributed considerable anthropological expertise and field experience, and acted as a co-researcher in the latter part of the study.

## 2.2 Research objectives

The stated objectives of the funded project 'Aboriginal Adolescent Offenders Study' were

2.2.1 To identify significant psychosocial and cultural variables which distinguish between offenders and non-offenders in the Aboriginal adolescent population at Yalata.

2.2.2 To identify significant psychosocial variables which constitute causal or contributory factors in the development of offence behaviour.

2.2.3 To identify variables of strong predictive value in identifying those Aboriginal adolescents at risk regarding future offence behaviour.

2.2.4 To test the feasibility and efficacy

of adopting a 'problem-posing' approach (Freire, 1972) to criminal behavioural problems in an Aboriginal community.

Very early into the study, we realized that these objectives needed to be broadened to include the economic and political factors mentioned in the Introduction. Accordingly, plans to collect additional relevant data were made and implemented.

### 2.3 Methods

2.3.1 After an introduction to the community through the Regional Office of the Department of Aboriginal Affairs, a meeting with the Aboriginal Council was arranged through the Community's white Australian Manager. At this meeting, the concern of the Community over the adolescent offending behaviour was confirmed, and the way in which the research would be conducted was explained. It was made clear that all information regarding individual's identities would be kept strictly confidential, and that the researchers would regularly provide feedback to the Council of its progress and findings. The research was being undertaken in order to assist the Community itself and the researchers were to visit the Community regularly over a period of time so that they could become familiar and acceptable presences in the settlement. In order to assist with language difficulties and to involve the Aboriginal people themselves with the study, the Council was asked to select two assistants to work with us, a man and a

woman, who would be paid research assistants. The Council agreed to this, and by the time of the third visit, the two assistants had been chosen.

2.3.2 The researchers arranged to have lessons in the Pitjantjatjara language from Mrs. Nancy Sheppard, a skilled speaker and translator of the language. It was felt that by knowing some of the language we would have a much better chance of coming to understand the situation, and of establishing rapport with the people. In the latter part of the study, we found that by collecting Pitjantjatjara words and phrases used to describe various behaviours and by listening to adults' interactions with children, we developed some revealing insights into Aboriginal attitudes to misbehaviour and rule-breaking.

2.3.3 Details of the collection of quantitative data which formed the bases of personal and offence data files will be provided in Chapter 4.

Permission was granted by the Children's Court, for court sessions to be observed by one of the authors (M.B.). These were conducted monthly at the Ceduna Court by a visiting 'circuit' Magistrate from Adelaide. In some cases, attendance entailed travelling to court with young offenders, and giving them a lift back to the settlement. In 1981, Children's Court proceedings were attended at Ceduna on four occasions, and in Adelaide on one occasion.

Our research was confined to contemporary legal matters (court procedures, interactions with police) and contained no

examination of traditional Aboriginal Law or punishment procedures. These matters (Aboriginal Law) relate to adults not children, and there seemed few, if any, punishments which related to children traditionally.

The relationship between European and Aboriginal Customary Law is currently under examination by the Law Reform Commission who have published a Discussion Paper[1] (see Appendix).

2.3.4 A survey was undertaken of the living facilities and traditional housing of the Aboriginal population. With the help of an architect/engineer (H. Ramsay) and the Aboriginal assistants, the main living area for the population (Big Camp) was mapped, as well as the layout of the white settlement. This provided details of the living conditions and facilities, of possessions and their storage and of the physical layout of both Aboriginal and white residences.

2.3.5 After several months of contact with the community, we were asked to 'help' with the issue of petrol sniffing. The practice whereby young children deliberately inhaled petrol fumes as a method of becoming intoxicated was first noted at Yalata in 1976, and in 1979 a new 'epidemic' occurred.

Possibly because of earlier concern expressed by the health sisters and white staff, the Aboriginal adults seemed very worried about the effects of sniffing, and the disinhibited behaviours associated with it. Consequently, in addition to data relating to offending behaviour, we gathered information on the physical, psychological and social effects of petrol sniffing (Morice, Swift and Brady, 1981).

2.3.6 All community meetings (which involved both Aboriginal and some white residents on the settlement) and Council meetings (comprising the community's Aboriginal Council) were attended whenever possible, and particular attention was paid to discussions involving juvenile offenders.

2.3.7 Integral to the 'problem-posing' approach (outlined briefly in 2.1, and in more detail in Chapter 9) was the appropriate 'feed-back' of results to the community.

At the end of 1979, when we had collected the first year's data on offending behaviour (and had blood lead levels for most of the adolescent population), we presented the findings to the community at a series of meetings: at Big Camp (to most of the adult Aboriginal population), at the school to the senior boys' and girls' classes, and to the white staff. Most of the feed-back to the Aborigines was conducted in Pitjantjatjara by a white male fluent in the language, and who had worked for other Aboriginal communities in the north of the State.

It is difficult to assess how much of the quantitative data was understood by the community. However, an important part of the feed-back sessions was the attempted transmission of the experiences of other Aboriginal communities in attempting a variety of punishments and positive intervention strategies. We considered it important for the Yalata community to realise that they were not alone in their concern over the behaviour of their adolescents, and to know what other communities had attempted, and which strategies had seemed to succeed and which to fail.

The apparent efficacy of the 'outstation movement' seemed to be of particular interest to them. This 'movement' had gathered momentum over recent years, and involved the establishment of small, decentralized and semi-autonomous camps, or outstations, away from the larger settlements (Morice, 1976; Coombs, 1977; Wallace, 1977). In many cases, reinforcement of the authority of the older people had resulted. Additionally, adolescents had fewer illicit opportunities on outstations, and they were able to spend more time pursuing traditional activities, such as hunting.

However, it was also stressed that outstation life per se was not a panacea. Petrol sniffing and other behavioural problems had been noted on at least one major outstation in the north of South Australia. Palmer (1982:64) has subsequently commented that social disharmony and discomfort may accompany a group into its new outstation unless basic structural changes occur within the group.

The feed-back sessions did appear to be useful, in that they provoked much discussion in the community. Some of the Yalata adults began to discuss the possibility of taking the adolescents into the bush, away from the settlement and back to their own country.

Videotape records were made of each feed-back session.

2.3.8 Of necessity, the study was time-limited, and although extensions were granted (and funded) by the Criminology Research Council, we were aware from the outset that an adequate assessment of the application of the 'problem-posing'

approach would be difficult. However, it was equally realised that problem-solving strategies could have been initiated after the formal completion of the study.

#### Notes

1. Aboriginal Customary Law-Recognition?

The Law Reform Commission, Discussion Paper No. 17, November, 1980. Commissioner in Charge: Bruce DeBelle.

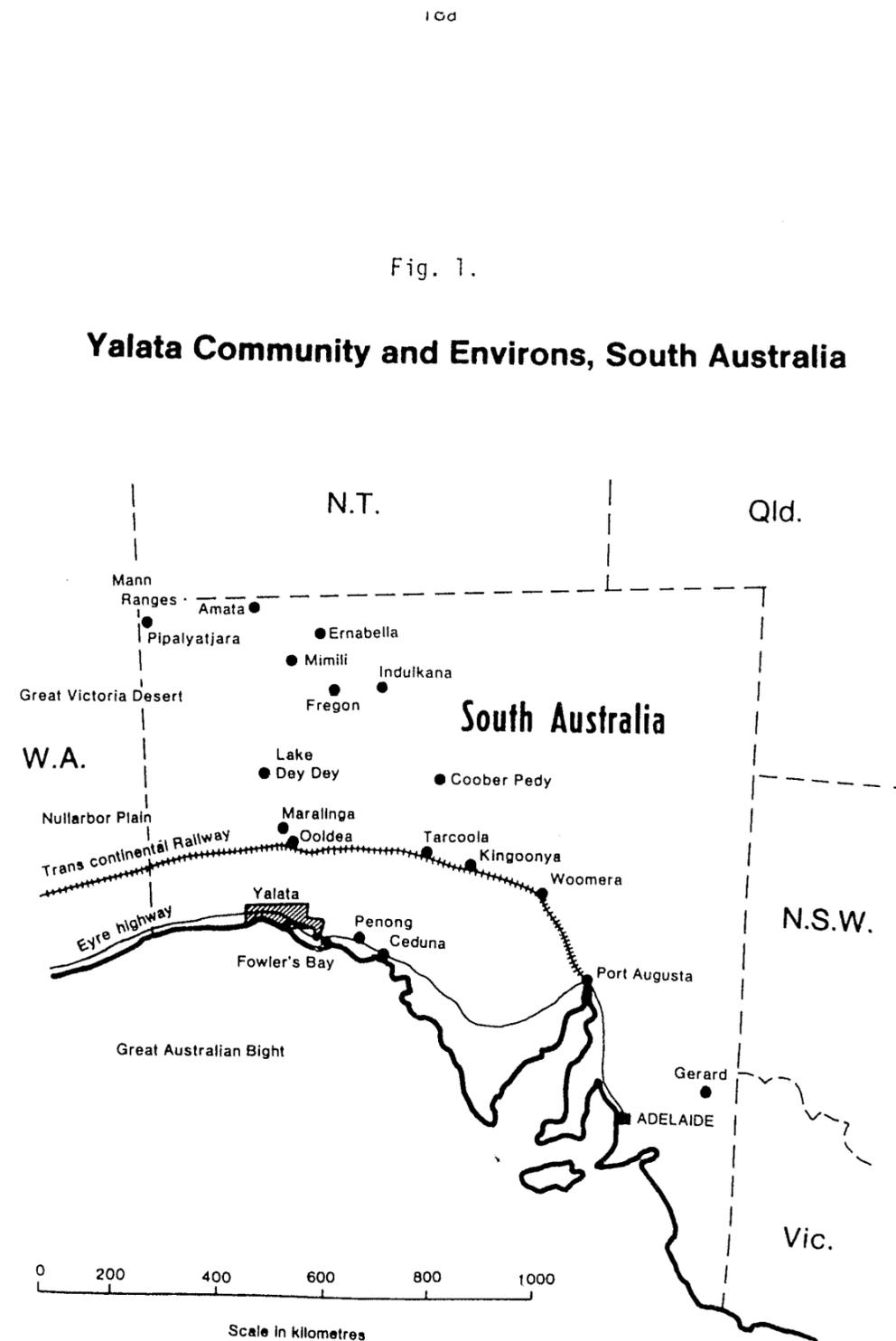
## 3 THE SETTING

3.1 Origins

The original homeland of the Pitjantjatjara-speaking people in this study was the Great Victoria Desert region of South and Western Australia. Since 1952 these Aborigines have been settled at what was Yalata Lutheran Mission, now Yalata Community Incorporated, a 4,560 square-kilometre tract of land situated at the head of the Great Australian Bight on the far west coast of South Australia, and some 1,000 kms west of Adelaide. Prior to this they were among the people gathered at Ooldea Soak, an important Aboriginal gathering place and permanent source of water in a parched area on the edge of the Nullarbor Plain (see map).

The first contact any of these Aboriginal people had with Europeans was with explorers. Ernest Giles had used 'Youldah' (Ooldea) as a depot on several of his expeditions, and commented in 1875 that it was known only to one or two white people. Later in the history of this area, the Aborigines were confronted by the gangers and fettlers employed in the construction of the Trans-Continental railway line. Work began on this line in 1909 and was completed in 1917. In order that the railway authorities could draw on Ooldea Soak's natural and plentiful water supply, a siding and a pump were built close by.

The establishment of a ration depot at Tarcoola (250 kms east of Ooldea), together with the activities at Ooldea, drew



Aborigines down to the line from the desert country to the north and west. Daisy Bates described this process:

As the construction proceeded, with a great influx of railway workers of all classes and nationalities, along 1,000 miles of previously uninhabited country, they straggled in to the line in increasing numbers, drawn by the abundance of foodstuffs and the new fire-drink.

(Bates, 1938:164)

Flour, sugar and tea could be obtained by the Aborigines from the ration depot and also by begging from workers, and so these foods gradually supplemented those obtained by traditional hunting and gathering. They confronted the cash economy for the first time, when it became known that carved artefacts could be exchanged for money. Mrs. Bates, who arrived at Ooldea in 1919, commented that 'hundreds of derelict natives' had gathered to camp at Ooldea along the line (Bates, 1938:108). She lived in a tent near the Soak, and, out of her own supplies, gave medicines and food to Aborigines who sought her help. She did not actively try to change their customs and she disapproved of missionary activity. She is still remembered by Yalata people, for she stayed at Ooldea until 1933. Believing that the Aborigines were a dying race she spent her time observing and noting their customs.

In 1933 a missionary of the United Aborigines Mission, an evangelical organisation, arrived at Ooldea. Mission buildings

were established close to the Soak, and over the following 19 years the U.A.M. sought to convert the Ooldea natives to belief in God and to urge them to abandon their pagan customs. Children were taken from their parents (who were seen as a bad influence) and housed in segregated dormitories. Active attempts were made to undermine Aboriginal rituals (particularly the initiation of young men) and some of this process was recorded by two anthropologists, Ronald and Catherine Berndt, who worked at Ooldea from 1939 to 1941.

Unlike a number of other missions in Australia, the United Aborigines' Mission advocates a complete break with tradition, and discourages its missionaries from receiving any degree of anthropological training before they set out upon their work; instead of endeavouring to use as foundation the valuable elements in the old culture, its aim is to sweep all away and start anew.

(Berndt, R. & C., 1951:138)

### 3.2 Contact with European law

It was at this time when their own Law [1] was under attack (was indeed being designated as sinful by the missionaries) that the Ooldea people first contacted European notions of crime and punishment. These were enforced in the early days of the mission by a Tarcoola-based policeman.

Tribal matters which may have from time to time occasioned a beating or spearing had suddenly become incidents which involved the white man's law. Incidents which were not criminal in Aboriginal eyes became designated so by whites, as Rowley points out:

There was no attempt to codify indigenous custom or to provide for it in the colonial legal system .... most missionary enterprises set about to control the whole area of Aboriginal conduct. If there was Aboriginal Law, it was of the devil.

(Rowley, 1978:163)

The assimilationist era ensured that Aborigines be subject to 'our' law, and ostensibly be protected by it:

The Crown Prosecutor said that he did not want the jury to think that the question of bringing wild aborigines into court was quite so farcical as the unreflecting might imagine. It was the white man's responsibility to offer the protection of the law to aborigines who helped him on stations ....

(The News, 20 July, 1943)

Daisy Bates held similar views, and in an uncharacteristic departure from her policy of tolerance and non-interference, stated:

Amongst these decadents today no intricate

anthropological study of social laws is necessary, only the administration of British rule, founded on our highest and best traditions .... What they need most is the governance and fatherhood of the Empire-makers, men of the sterling British type that brought India and Africa into our Commonwealth of Nations - a Havelock, a Raffles, a Lugard, a Nicholson, a Lawrence of Arabia ....

(Bates, 1938:238)

It was commonly the case that the missionaries would radio to Tarcoola for the police when any misdemeanour occurred at Ooldea, and a now-familiar pattern of attitudes towards gaol was established. Reading an account written in 1950 produces a sense of deja vu of current attitudes:

The missionaries hoped he would be tamed by his experience of gaol, but when he returned he strutted about as the hero of the show, boasting about the fine time he had had - two long rides in a train, plenty of tucker, nothing to do. Before long, it was the ambition of every lad in the camp to go to gaol .... it became their chief enjoyment to enact the whole scene of a court case and subsequent imprisonment.

(Turner, 1950:91)

These days the trip is by air, and the attraction of regular 'tucker' and television are facets of gaol life mentioned by those adolescents detained for offences committed at Yalata. Then as now however, the majority of offences with which Aborigines were charged can be directly related to the influence of and contact with European society.

The delineation of and preoccupation with personal property by whites formed another series of confrontations in the mission. Items were 'borrowed' and not returned from Ooldea siding.

At present, crimes at Ooldea, although they do occur, are rare.... If the Aborigine concerned is caught by the policeman in control of the area, he is taken to Tarcoola or Port Augusta gaol. The accusation of the white man is held sufficient to condemn him, the other side of the case rarely being probed - perhaps primarily because of language difficulties. As our contact with these desert people advances, crime, as is often the case in such circumstances, will no doubt increase....

(R. & C. Berndt, 1942:63-64)

It has been pointed out that stealing was unheard of before this time, when material possessions were few and portable, and kinship obligations usually ensured that a needed object could

be requested (Gould, 1969:185; Bates, 1938:237). Writing of their 1939-41 fieldwork, R. & C. Berndt noted that offences which were reported and for which charges were made, were those associated with white settlement:

In contrast to matters which concern only themselves, a number of offences with which these people are charged result directly from white influence and contact. Away from the settlements, and even near Ooldea mission itself, it is possible to leave goods and personal belongings unguarded and unchecked without any risk of interference or loss. But at Ooldea siding and other railway settlements, there have been from time to time complaints concerning petty pilfering and larceny, chiefly of food, money, tobacco or small articles.

(R. & C. Berndt, 1951:127)

### 3.3 The move south

In the late 1940's and early 50's the British and Commonwealth Governments were planning to test atomic weapons in a so-called uninhabited part of the country, and plans were made for Woomera, Emu and Maralinga to be testing sites[2]. Maralinga is only forty-five kilometres north-west of Ooldea. The entire area, it was decided, had to be cleared of Aborigines, who might stray into the test zones, and the Native

Patrol Officer stationed at Woomera made it his job to 'round up' the people. This fact, together with the closure in 1952 of the UAM at Ooldea for internal political reasons, meant that the Ooldea people had to have another home.

By 1952 the Aboriginal residents at Ooldea had become partially dependent on white sources of food; they were now no longer able to travel and forage through their lands which were to be used for atomic tests. R. & C. Berndt wrote:

... as they develop a taste for introduced goods and ideas, the aborigines become a dependent group. They no longer think in terms of reciprocity .... instead of being masters of their own environment, they become hangers-on at the fringes of white society.

(R. & C. Berndt, 1951:119)

It was perhaps this dependence which had grown up insidiously over the years, coupled with powerlessness and confusion, which contributed to a disastrous and unchallenged decision being made by the South Australian Government. Unaware (presumably) of the intense spiritual ties the Ooldea people had with the Great Victoria Desert region and their links with their northern relatives (settled at missions such as Ernabella), the Government, in conjunction with the Lutheran church, purchased a tract of land bordering the coast. Ooldea had been familiar ground, visited on traditional routes, but this coastal strip was far beyond the range of country explored

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by the Pitjantjatjara.

It is clear from historical records that the people were unwilling to move south. The UAM at Ooldea closed suddenly and in disarray. As one Aboriginal man put it, "we were all mixed up." In June 1952 the old UAM missionaries left and the new missionaries, who wished to have spiritual jurisdiction over the people, arrived in trucks to collect them and take them south. These were the Lutherans, and their first activity on the new land was to distribute sweets and tobacco and conduct prayers. The new settlement they created was called Yalata and began with an ex-army hut given by the Government (Hampel, 1977).

This dispossession and resettlement has had far-reaching ramifications for this group of Aborigines, who, at the time of our study, numbered approximately three hundred.

The historical background has been presented in order to place in context the current state of affairs at Yalata. It is presented not in an attempt to find 'causes' for certain behaviours or disruption, for many communities and individuals experience exploitation and exile and manage to survive relatively unscarred. However, it is part of the history of Yalata people, and their separation from their country far to the north was cited by them as a cause of much unhappiness.

3.4 Yalata Aborigines and whites.

The site chosen by the Lutherans for the settlement, now called Yalata, is three kilometres north of the Eyre Highway which crosses the Nullarbor Plain from Port Augusta in South

Australia, to Perth in Western Australia. The distance of 1,000 kms from Adelaide is keenly felt if one drives to Yalata, although there are flights to Ceduna which take two hours, and the drive from Ceduna to Yalata takes another two. Ceduna (pop. 2,300) is the nearest major town, 220 kms east of Yalata, and it was there that the Yalata adolescents attended the children's court. West of Ceduna, towards Yalata, is the small town of Penong, the location of the nearest police station to the settlement. Further west, and only 50 kms from Yalata, is the Nundroo roadhouse, the nearest source of alcohol for Yalata people.

The first encounter with Yalata, and the only one for the majority of travellers along the Eyre Highway, is the Yalata Roadhouse owned by the community, and four kilometres away from the settlement itself. It is a petrol station, restaurant and artefact shop, managed by a white Australian with a staff of eight whites and seven Aboriginal trainees.

For Yalata people, the Roadhouse is a place where they can purchase 'take-away' foods at weekends when their own store is closed. Aborigines rarely, if ever, eat in the restaurant (which is often busy with curious tourists), but prefer to sit in the snack bar or outside.

Along a graded dirt road bordered by dense mallee scrub (Eucalyptus oleosa), blue bush (Koockia sedifolia), and salt bush (Atriplex vesicaria), lies Yalata settlement itself.

### 3.4.1 The white town

The settlement (or 'village' as it was sometimes called) was comprised of seventeen houses for the white staff and their families. Houses were made of fibro-cement or brick and some were of the transportable type. There was a transportable house with 8 beds used as 'Visitors Quarters'. Other buildings were an administrative office with a telephone switchboard, school buildings, canteen, church, clinic, garage and workshop, storage sheds, store and a variety of sheds and houses sometimes inhabited by Aborigines.

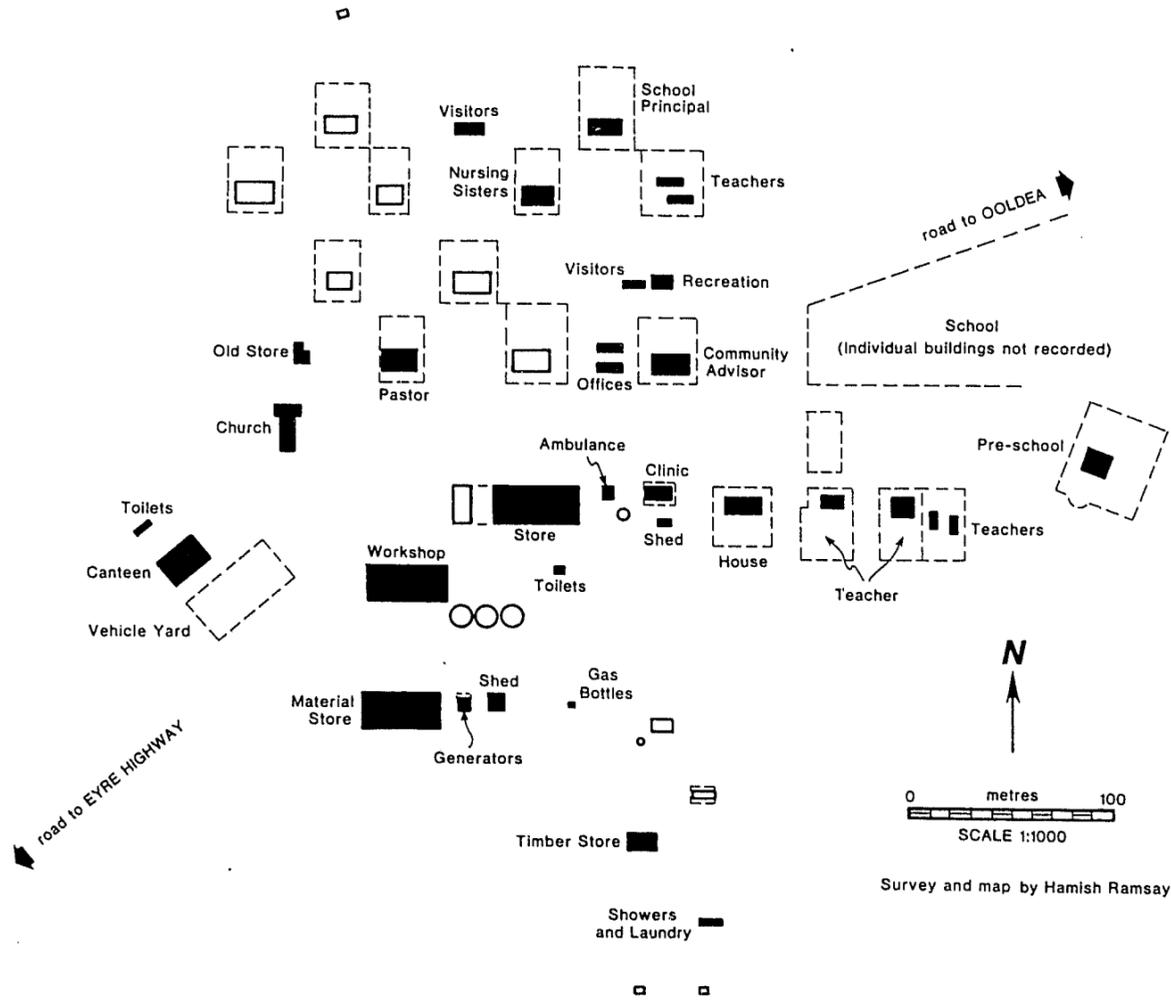
The village had grown up rather haphazardly, with no real streets or lines of houses. They were loosely grouped around the central buildings, the office, store and clinic. The school was located on the periphery of the village. The centre of the village was a large, dusty, empty area with little shade, and around this Aborigines sat during the day. It was this somewhat bleak and rocky place that was first encountered by the visitor to Yalata. It was equally uncomfortable on a summer's day (maxima of 45 degrees C are not uncommon) as it was on a frosty winter morning with cold winds whipping up from the Right. The house closest to this 'arena' was that of the store keepers, who were a white married couple. At night, they had immediate access to the store should the burglar alarm ring.

Almost all private houses and main buildings were equipped with a burglar alarm which activates a loud wailing siren. Some homes had a 'panic button' which also set off alarms when activated. These had been installed in homes where men were

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# Yalata Settlement July 1979



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absent, for example in the single women teachers' quarters. All the houses of white staff (except for the visitors's quarters which were not continually used) had gardens, surrounded by fences of low mesh or 6-foot high corrugated iron. They also had gates and lock-up garages. Most houses faced into the village rather than out to the bush, which, although scrubby and rather flat, could be quite beautiful in the early morning and at sunset.

#### 3.4.2 Aboriginal housing

In the southern area of the settlement behind the store block and the clinic lived those few Aboriginal families with houses. The three Aboriginal houses were inhabited from time to time, but were vacated when they became unsatisfactory. Recently, two houses had been 'cleaned up' and made fit for habitation. There was also a motley collection of huts and sheds which were sometimes used as 'wet weather houses' by the Aborigines. At the time of writing (1982) none of these dwellings had electricity or running water, gardens, fences or garages. It had been planned to supply them with electricity and water and the reasons given for the delay related to shortages of staff, time, equipment and money. These Aboriginal houses faced north, to the high back fences of the nearest row of white houses. One additional house for an Aboriginal family had been under construction for six months. They camp alongside it, waiting for it to be finished. There were also two toilet blocks and four showers for the Aborigines to use, together

with a solitary washing machine. There were no clothes lines. The only reticulated water supply available to Aborigines was located near the office in the centre of the settlement. There was some shade nearby, a brush shelter having been constructed recently, and because the site provided an excellent vantage point from which to view the general movements of the community, arriving vehicles and so on, Aborigines congregated there during the day. The opening of the store, arrivals and departures from the clinic, and any public disputes or raised voices in the office could all be heard or observed from this location.

### 3.4.3 Big Camp

Aborigines, apart from those few who had houses, lived either within walking distance of the settlement, or out at what was called 'Big Camp'. Big Camp was a conglomeration of smaller camps, located some kilmoetres away from the white settlement and sometimes up to thirty kilometres distant (White, 1977:101). The whole camp moved regularly, roughly once every two weeks, to a new location. Sometimes a new camp was only a few hundred metres away, but on occasions the camp was moved several kilometres. There were many reasons given for this movement by the people themselves, but the most common explanations related to needs for more wood (firewood and to make shelters), for a clean place (there was no sanitation), and to get away from dust (frequent use soon reduced the tracks to thick dust). Two other major reasons for a move were if

there was a death at a camp, and to relocate a camp nearer to supplies of artefact wood (usually myall trees, Acacia sowdenii). At 'holiday' times, that is during school holidays, several family groups would move together to a location a considerable distance from Yalata. This enabled easier access to game and bush foods (lizards, roots and fruits), and gave children freedom to roam around to play and to forage in a 'new' area. At such times, adults were freer to take their children out into the bush where they could observe and practise various bush skills.

The dwellings at Big Camp were traditional wiltja (literally 'shade' or shelter) made of various materials. The most common composition was of a frame made of branches over which was slung a polythene sheet stocked for this purpose by the store. Some people utilised pieces of corrugated iron or steel mesh as the frame, and sometimes a combination of all of them. Most wiltja were partially circled by a windbreak (yu:) of cut branches, and in summer many people slept out in the open with just a yu: to protect them from the cool wind. An old car could also serve as a dwelling, and from time to time some Aborigines who had permanent and well-paid employment, might acquire tents or a caravan. However, a wiltja was practical, portable, redesignable, and allowed aural and some visual access to surrounding events. Disadvantages (some of which tended to be noted by whites rather than Aborigines) were that they had dirt floors and dogs had easy access to lie on mattresses and blankets, increasing the likelihood of disease. The people

found it difficult to keep themselves and their clothes clean sleeping in a wiltja, and in bitter winter weather a wiltja was draughty, cold and not waterproof. Gusty winds soon dislodged the polythene sheets which then flapped open and tore. People complained often in winter of being cold at night. Just outside the wiltja was a fire, and at night several fires might be lit, around which people slept. Fires were kept going virtually continually in cold weather to give warmth. One of the major complaints Aborigines made about houses (and prison cells) was of the cold, for fires were the main source of warmth at night rather than bedclothes.

Water at Yalata was problematic. Supplies were pumped from local bores but were often limited, as pumps frequently broke down, and water had to be desalinated before it was fit for human consumption. Three large water tanks and several smaller ones were towed out to various locations at Big Camp and were moved when people shifted their place of residence. Tanks were refilled daily from a mobile water truck which made trips from storage tanks in the settlement out to the camps. If this truck broke down (as it often did), the camps could be without water for several days and people were forced to bring their own supplies out from the settlement in portable containers. The small water tanks were unhygienic and because many had no lids, children often threw rubbish or old cans into them. Children had also been known to fall into the tanks. The water situation was a constant source of frustration and additional labour for Aborigines living at Big Camp.

#### 3.4.4 Personal possessions

Possessions might consist of a foam mattress, blankets and perhaps pillows, but cooking utensils were minimal. A person might have a billy and a frying pan, while makeshift mugs were created from cans and 'spoons' from twigs. Plates were often made from egg cartons or empty steak and kidney pie tins. Other necessities were an axe, rifle and crowbar, sometimes a spade, and tools needed for artefact-making such as rasps, gouges and files. Cars, the most conspicuous of personal possessions, will be described under Transport.

Storage was a problem. Some people had boxes or a suitcase in which to keep clothes while tools might be wrapped in cloth. Food was sometimes kept in tin boxes, but more usually in a box or bucket hanging in a nearby tree out of the reach of dogs. One resourceful woman with a large family bought a large plastic dustbin in which she kept her supplies of food. Some younger Aborigines owned cassette tape recorders, radios or guitars, and some children owned pushbikes. Recently several new bicycles were noticed after the tax rebates had arrived.

There was no way of 'locking' a wiltja, and these possessions lay about unattended and scattered around the hearth area. An Aborigine might hide his money by burying it, but was more likely to store large sums in the safe at the settlement. A woman might keep medicines and money in a handbag, or hidden on her person (in a lining, for example).

There were no 'panic buttons' at Big Camp; if someone was

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having an argument, or needed help, those in the surrounding camp would be able to hear. Life in Camp was very visible and sound carried at night, so little was private. There was a fast-moving gossip and information network, for people spent long hours sitting together, and frequently moved around to other camps. People were able to recognise car engines, distant voices, footprints [3], and even individual dog barks, with ease.

Possessions and supplies were frequently loaned or shared between camps, and a child might be sent over to a neighbouring camp to fetch extra sugar or to borrow an axe, much as a European housewife might call on her next-door neighbour. The loan would be reciprocated on a future occasion. The presence of researchers in the camp [4] provided a new source of borrowing. We had a good supply of tools, and the vehicle was equipped with a water tank and a tap which saved people a walk to the nearest water tank.

#### 3.4.5 Daily life

Day-to-day existence at Yalata, especially during term-time, followed a regular pattern. The school bus arrived each morning at 8.30 to take those who wished to go into the settlement early, as well as school children. Other adults rode into the settlement on the community truck or in private vehicles and by 10.00 a.m. the camps were sometimes almost deserted. On Mondays, Wednesdays and Fridays the Community Office and Bank opened and most adults went in to cash their cheques or to

withdraw money. The cheques were social security payments such as pensions and endowments; there were no unemployment benefits available at Yalata [5].

On the days when cheques were not given out, people sometimes chose to stay away from the settlement, in order to go hunting for meat or to look for wood with which to make artefacts. The meat taken in hunting (mainly red or grey kangaroo and wombat) was a significant contribution to the diet, providing a high protein intake. Wood gathering was an essential task, providing the requisite types of roots or branches suitable for carving. As we shall see, the cash obtained from making and selling artefacts (boomerangs, spear throwers, dishes, carved animals) formed a significant contribution to income.

Cash was spent at the store, which opened for several hours each morning and afternoon. It stocked tea, sugar, flour, tinned and frozen foods, hot pies and drinks. The store also sold new and second hand clothes, radios, blankets - all the basic and essential goods that were needed. A delivery van from Ceduna called twice a week with mail and supplies, delivering them to a bulk store which was protected (as was the store itself) by a sensitive burglar alarm system.

It might have appeared to the white observer that life at Yalata, and particularly at Camp, was often boring. For young people, there were extremely limited employment opportunities. Older teenage boys were apt to spend prolonged periods of time fiddling with the engines of cars, while younger children might

accompany their mother or elder sister to look for lizards and other delicacies. Children on the whole, created their own amusement and activities with very little supervision from adults. They roamed freely around the camps, often until after dark, and the relatives with whom they lived made no attempt to keep abreast of their movements. There were occasions when a child might be sent off to another community to visit, or be looked after by other relatives; they were accustomed to travelling and to being separated from their biological parents.

Periodic disruptions to this flow of life, in the form of arguments, fights and drunken brawls, broke the monotony and provided additional source-material for gossip and intrigue. A public shouting match or marital fight might involve other relatives who were expected to support or defend one party, and on occasions an onlooker might attempt to intervene in a fight in order to disarm the combatants or to dissuade them from violence.

In contrast, it appeared that the activities of the young offenders passed relatively unnoticed by the Aboriginal community; such events as windows being broken or a break-in to the school were matters (it was felt) with which the white staff, the D.C.W. and the police should deal.

### 3.4.6 Economics

In order to give some idea of employment opportunities and available income for Yalata people, a survey was undertaken of sources of cash, selecting several months for our sample. It was thought important to have some information regarding available income for adolescents, and of their chances of employment, as these two factors could have had a bearing on offence behaviour.

Employment at the settlement was divided into regular and casual work. As mentioned, there were no individual unemployment benefits paid at Yalata, but the bulk unemployment cheque (C.D.E.P.) was received by the community to pay wages. In mid-1981 the breakdown of regular employees and their roles was as follows:

<u>Work</u>	<u>Number</u>		<u>Average wage</u>
	<u>Employed</u>	<u>Age range</u>	
Teachers' aides (Education Dept.)	5	20 - 40	\$300 per fortnight
Health workers (Health Commission)	2	20 - 30	\$300 per fortnight
Dept. of Further Education trainees	8	18 - 30	\$220 per fortnight
Roadhouse workers	7	16 - 21	\$112 per week

Community workforce  
(Mechanic, Chairman of Council, Pay Clerk, etc.)

7	20 - 40	\$180 per week
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The above roles were, on the whole, consistently filled by the same people. It is clear from the age range that there were few openings in the regular workforce for young people, especially school-leavers. The most popular jobs were those at the Roadhouse (working the pumps, or behind the snack bar). Those who worked at the Roadhouse had contact with the outside world, and access to the facilities of showers, toilets and take-away foods. They could buy goods at the snack bar and have their pay docked for the amount. There was a certain amount of glamour attached to working at the Roadhouse for these reasons.

The other main employer of younger people was the Education Department's Further Education scheme. In their own transportable school building, two European teachers had run a pre-employment training scheme on a yearly basis since 1980. The students were known as 'D.F.E. workers' (despite the fact that they were actually students). Their pay was generous and was often used to purchase vehicles.

Health workers tended to be young adults rather than school leavers. In 1980 a sixteen-year old girl was proposed as a health worker but the senior Aboriginal woman health worker prevented this, saying that she was too young and 'silly'.

The other form of work, which was casual, operated on a daily hire basis and was usually undertaken by men. Such jobs

included truck and grader driving, road clearance, ditch digging, rubbish clearance, watering trees, cleaning of offices and toilets.

Casual work sample, 1980/81

	Average workers per week	Average weekly earnings
July 1980	16	\$230
October 1980	13	\$181
January 1	20	\$209
July 1981	13	\$201

These average weekly earnings given are very approximate and they represent the earnings of those who had worked steadily throughout the month, as well as those who might work only one or two days. Over a six-month period the average weekly number of workers was 14. The numbers fluctuated widely; one day there might be 8 workers and the next day none at all. People worked when they needed the money.

Another major source of income was artefact-making. In our experience this was confined to adults. It was most unusual to see an adolescent of either sex sitting down carving artefacts. Adults could boost an otherwise meagre income by carving a remarkable number of items within a short time. It was a virtually instant method of earning money, as items were sold directly to an artefact store at the settlement and cash handed over on the spot. The only associated expenses would be petrol (for trips to collect wood) and the purchase and

replacement of necessary tools (axes, files, etc.); these expenses were minimal. Approximately 150 adults per month received cash payments for their artefacts, and over a six-month period the artefact income for individuals ranged from \$12 to \$1,000 per month. Some individuals devoted considerable energy to earning money in this way. If several people contributed to the making and carving of a particular item (as often happened) the income was divided between them when the item was finally sold.

Unless in receipt of a social security benefit for some reason, a Yalata school-leaver had no automatic independent source of income as a European Australian teenager could have. Generally young people did not fall within the range of eligibility for social security benefits which were designed to aid the elderly or those with large families. At Yalata the major recipients were those who received old age, invalid and widows' pensions (\$139.40 per fortnight), and those with many children (\$114.90 per month for four children). An adolescent conceivably could have been in receipt of an invalid pension, a special allowance (for single pregnant girls), or if married and a parent he or she would have received the family allowance. A single mother's allowance, for example, contributed \$16 per fortnight for a child under six. One young woman of fifteen at Yalata was reported to have deliberately conceived a child in order to receive the benefit. She had no-one to support her and a younger brother and had said she was tired of constantly asking others for food and clothing.

Expenses at Yalata were confined to food, clothing, consumer goods, and petrol or travel expenses. Medical care and schooling were free; there was no rent (although with the advent of proper housing, at some stage, Aborigines will be charged rent), and no electricity bills.

Payment of fines accumulated by young offenders was sometimes accomplished by the D.C.W. arranging tasks so that they could be worked off under their supervision. An adolescent could thus work after school for an hour or two each night, picking up rubbish or doing odd jobs. Unless a parent agreed to pay the fine, an adolescent would have no other source of income with which to pay it. On the other hand, adolescents were given pocket money by many adults, with which to buy their school lunch and an after-school snack.

The attitude towards money among Aborigines at Yalata was a practical one. It was, in a sense, like any other item, to be borrowed or given. If a person required cash urgently, he or she might try to borrow some or sit down for a morning and carve some artefacts. Pensioner's money was often used to purchase vehicles; the younger people who drove them used them for hunting (and thus provided meat for the elderly owners) and sometimes for alcohol-running. A drinking adult might purchase a car so that his son could bring alcohol into the settlement for him.

Money often changed hands, and could be accumulated by gambling, either at cards or two-up. Gambling at cards was very popular, especially among women, and the beer ration (3 cans

per person 3 times a week) was used as currency for gambling on the two-up game. Beer won at two-up could be re-sold (at higher prices) for cash.

Tax refunds were spent quickly, on large items such as cars, bicycles for the children, and tape recorders. Some people accumulated savings in the bank at the office, and the pension pay-outs were divided into three so that people could withdraw only a little at a time spread throughout the week. Those without money could usually be assured of food, as people who camped together ate together. Adolescents who stayed around the settlement after dark, and who therefore missed dinner at camp often found themselves in the situation of being stranded and hungry and in a group. Such a group might also have included children whose immediate family was absent from Yalata, perhaps because of the availability of temporary work (picking up stumps, for example, or station work). Adolescents under these circumstances would often take an opportunity that presented itself to break into a building for fun and for food. The explanation offered later to the police was often, "I was hungry."

Compared with their non-Aboriginal age-peers, then, Aboriginal adolescents at Yalata were relatively disadvantaged in an economic sense. A lack of money and the attendant inability to purchase the highly valued consumer items in the store (and seen 'lying around' in the whites' houses) might have been a strong contributory factor in the high Aboriginal adolescent 'crime' rate at Yalata.

#### 3.4.7 Transport

In order to illustrate the context within which vehicles were stolen by adolescents, it is necessary to explain the significance of cars to the Yalata Aborigines.

Access to vehicles was a key issue in their daily lives. A vehicle provided independence and mobility which could influence the choice of a person's camp site, the ease with which he could hold down a job in the settlement, and accessibility to distant Aboriginal communities. The ability to visit freely relatives in other Pitjantjatjara communities was highly valued, and an independent mode of transport could also influence a man's access to religious ceremonies which were being held elsewhere. A sturdy car or small truck provided its owner and his associates and relatives with considerable status, which derived partly from their ability to go hunting and thus to provide meat to their own camp, and to share it with chosen others. The owner of a car could also provide services (lifts, transportation of water and supplies, emergency messages) which caused the recipients of such services to be obligated to him, a favourable state of affairs to nurture.

There was no shortage of cars and if an adult decided that he wished to buy one, it was possible to obtain the necessary finance in one or two months, often utilising the savings from older relatives' pensions. Despite the number and availability of Aboriginal-owned cars, it was significant that these

vehicles were rarely, if ever, the target of illegal uses by adolescents.

All illegal use charges during 1979/80 were for theft of whites' cars.

The range of cars owned by Aborigines at Yalata was very variable; sometimes there was an abundance of privately-owned cars, at other times very few. There were often cars visiting from other communities, and cars might be off the road for repairs or under defect orders from the police. There were usually two distinct groups of cars; a) those under stable long-term ownership; and b) those with sequential ownership of a short-term nature. Those cars under long-term ownership were used primarily by their owners to take their families into the settlement and surrounding areas and for hunting. Cars in the second category were often used to run alcohol into the community, and the owners' expenses were covered by profits made by buying up quantities of alcohol and by offering a taxi service. These cars often changed hands during their use at Yalata, being bought and sold by several different people.

In July 1981, there were four cars which came under the first category. These belonged to specific individuals, though sometimes those individuals did not actually drive the cars, but had them driven by someone else, usually a relative. These four vehicles belonged to people who either had permanent jobs themselves or who were closely related to someone who did.

At the same point in time, July 1981, six cars were noted as belonging to the second category. The cars in some instances belonged to elderly women, who had little apparent control over the use of the vehicles.

There was some evidence that young adolescents had access to cars owned by their relatives. Although they were unable to drive on the main highways, young boys learned how to drive on bush tracks. On one occasion, at a holiday camping place, we observed a 12-year old boy at the wheel of his mother's car, with a full load of children, and who, when the car broke down, competently succeeded in getting it started again.

Perhaps the biggest advantage in having a private car was that it enabled Aborigines to travel to and from the settlement when institutionalised transport such as the community truck was not available. They could also drive to the Roadhouse to buy food and drinks.

The two groups, the white staff and Aborigines, lived side-by-side, but the interaction between the two was asymmetrical. This was a remarkable feature of life at Yalata. The Aborigines chose on the whole, to live at some distance from the whites, and yet they were tied by habit and economic dependency to visiting the settlement regularly. This was accomplished from the constantly changing venues established as sites for Big Camp and for smaller groups.

Europeans had little reason, and would not necessarily have been welcome to visit the Camp other than in the course of

duty. The Pastor held small services at Camp, the nursing sisters visited the elderly, and the school staff called around to collect children for day trips. Apart from these brief interactions which took place in the Aboriginal camps, the Aboriginal living areas were quite separate from and free of official white involvement.

#### 3.4.8 Aborigines in the settlement

In contrast with the absence of whites in the vicinity of the Aboriginal dwellings, it was the settlement which was the focus for Aboriginal - white encounters. It was at the settlement that the break-ins and thefts occurred which resulted in the Yalata adolescents appearing in Court.

It was not uncommon for Aborigines (especially young people) to spend considerable amounts of time hanging around the settlement and the white houses. Before and after school the children played in the school yard and in the adjoining bush.

Children and adults occasionally became stranded in the settlement after the bus, truck and private vehicles had all left. This happened sometimes through forgetfulness, accident, or design, and white staff would often be asked for a lift back to camp.

Such requests also came late at night, or even in the early hours of the morning. White homes were approached at almost any time of the day or night for assistance. The role of the white staff in the eyes of many Aboriginal members of the community, was to 'help' them and this perception made the

requests rational and feasible to those making them, if not to those receiving them. There was no distinction made by Aboriginal people between working hours and leisure hours - notions to which Europeans subscribe unquestioningly, along with those of privacy. For many of the staff, who worked long hours, often in order to keep essential services in operation (water pumps, generators), the constant requests for goods and services (a lift, a loan, a cigarette, help with a car) provided an unsettling edge of additional stress. There was always the potential development of resentment and aggression if staff did not accede to requests.

It is likely that the explanation for these Aboriginal expectations resided in the accumulated experiences and lessons learned from previous interactions with missionaries. Missionaries involved with the Yalata people had enjoyed, indeed encouraged, the notion that they were there to 'help'. Despite the official demise of the Lutheran presence in 1975 and the inauguration of an Incorporated Community, from the Aboriginal point of view, nothing had changed. The expectations of whites and their roles had not changed either, and Government policies of self-determination and management apparently had not, up until then, undermined this desire for white aid.

The settlement was composed of buildings which could be damaged, broken into and explored. There were consumer goods which were highly valued; there were cars in good working order. All these goods belonged to whites, with whom there were

no laws of exchange or obligation, and none of the subtle manoeuvrings of request which existed within Aboriginal social exchanges. The whites lived privileged lives, with an apparently unending access to material goods.

### 3.5 Summary

The Aborigines at Yalata were far removed from their homelands and lived in a settlement which was not of their own choosing, in which they had little interest and over which they had no real control. We consider that the Aborigines did not understand the role of the whites at Yalata very clearly, and conversely the whites often failed to understand Aboriginal perceptions, and their attitudes to and relationships with the settlement. This series of misunderstandings and misconceptions inevitably led to strained relationships, anger and frustration. Interactions between Aborigines themselves, and between Aborigines and whites were often uneven, tense and even violent on occasions.

Some Aborigines at Yalata drank alcohol and some of them did so with socially disruptive consequences. Periodic violence and injury exacerbated an already difficult situation. Children and adolescents, for their part, sometimes sniffed petrol, adding to the distress of their parents and the concern of those whites whose business it was to cater for their welfare. Both adults and adolescents frequently appeared in court as a result of committing acts which were designated as criminal by the European justice system. This report is based

on a study of the offences committed by adolescents, and is an attempt to discover factors contributing to these offences.

Our study established that although Aboriginal residents of Yalata did not live in houses, but in traditional shelters which had a poverty-stricken air about them, in general, there was an adequate flow of money available to the people. This was particularly so for the elderly, for those with large families, and for those who were prepared to work either at a job, or making artefacts. Many people owned some consumer goods such as radios, cassette players,, and there was no shortage of privately-owned cars among adults. It seemed that the level of property-ownership apparent in the community at the time of the research was commensurate with the current level of aspiration.

Children and adolescents, in general, had access to enough food and clothing for their needs, they had pocket money for snacks, they led an exceedingly unfettered play-life, and had relatively easy access to vehicles, not only as passengers, but occasionally as drivers. It was therefore unlikely, that juveniles' offences, which were most frequently related to stealing, were committed out of need or from poverty, although these were given as reasons on some occasions. For example, an important member of the Aboriginal community received child endowment for the six children in her care, had a husband in permanent employment and in one month made and sold artefacts worth \$1,015. In conversation with one of us, she commented, "we got no money."

How are we to understand this statement? It suggested

something other than concern about the status of her liquidity, as she was undoubtedly a woman of means. Her statement was indicative, perhaps, of her feelings about her position at Yalata and her attitude towards whites. A consistent perception existed among Aborigines that they were alienated and powerless in relation to powerful and privileged whites in the settlement. One expression of this, perhaps, was that adolescents stole from whites and damaged their property. Another was that adults abused whites (as well as each other) verbally and physically, and also morally through their constant demands for help.

Alcohol and petrol were used on occasions apparently to facilitate such behaviours, as they were often, though not always, the preliminaries to the committing of misdemeanours and of major offences.

....

It is against this background that we now turn to a consideration of the actions of Yalata adolescents, actions which precipitated these young people into confrontation with the police, the welfare system, and the courts.

Notes

1. 'Law is a word widely used throughout Aboriginal Australia to refer to traditionally ordained sets of rules and ways of doing things. It covers the rules of the Dreaming, it designates classes of ritual acts, and it can refer to actual objects that have ritual value (see Tonkinson, 1974:7; Palmer, 1982:62).
2. There were 12 nuclear explosions in Australia between 1952 and 1957 under a joint British-Australian agreement. Nine of these took place at either Emu or Maralinga. In May, 1980, considerable publicity occurred in South Australia when ex-servicemen involved in the tests demanded an enquiry into the effects of radiation. Aboriginal groups also expressed concern that their members may have been contaminated, and a S.A. Health Commission survey of Pitjantjatjara Aborigines was conducted in February, 1981.
3. An Aboriginal helper said to one author (M.B.), "I've been looking for you everywhere, following your tjina (footprints) everywhere," indicating that indeed shoe-prints as well as footprints were read.
4. One author (M.B.) spent 5 months in 1981 living at Yalata at Big Camp, working in conjunction with another researcher, Dr. K. Palmer, who was engaged in his own anthropological study as part of the Western Desert Project.
5. Instead the community received the bulk unemployment cheque which was used to pay wages to those who worked.

## 4 THE DATA BASE

## 4.1 Sources

Data collected with reference to each adolescent residing at Yalata during the study period can be divided into two main categories, personal data and offence data.

## 4.1.1 Personal Data

A personal data file was created for each adolescent. Following guarantees of confidentiality, access was granted to the Community's administrative files. These provided an accurate list of names and dates of birth. Any other relevant data, such as deaths of family members and the dates, were recorded.

The health records maintained in the Community were also scrutinized, and any relevant information added to the personal data files.

Family trees (genealogies) were drawn for each adolescent, with the help of the project's Aboriginal research assistants. Limited to known biological relatives, the trees provided a measure (albeit imperfect, and ignoring the highly significant classificatory kinship system) of the extent of each adolescent's family network. By tagging deceased or absent family members, a measure of 'available' family network was possible.

Somewhat arbitrarily, other indices of putative psychosocial import were ascertained:

status of father

alive at Yalata

alive living elsewhere

deceased

status of mother

status of parents

living together

not living together

designation of primary caretaker

person with whom adolescent living

total number of siblings born

number of living siblings

birth position of adolescent

number of step- and foster-siblings

Teachers at the Yalata school provided ratings for each adolescent on four academic and ten behavioural/personality dimensions. These were not intended to provide any more than a basic indication of general functioning and behaviour. If major group differences had emerged, more careful assessment would have been indicated.

These various sources of 'hard' and 'very soft' data were supplemented, when appropriate, by observational material gathered during the authors' field trips.

#### 4.1.2 Offence Data

The Department of Community Welfare of South Australia and the S.A. Police, after guarantees of confidentiality, provided detailed records pertaining to offences committed, charges, Court and Childrens Aid Panel (C.A.P.) appearances, and penalties.

The offence data presented below refers to Court and C.A.P. appearances during 1979 and 1980. Some offences committed during the latter part of 1978 are therefore included, and some committed during the latter part of 1980 excluded.

The term 'offence' refers to a reported breach of the S.A. laws which resulted in a Court or C.A.P. appearance. While some charges were dismissed, this did not necessarily mean that the adolescent was found 'not guilty', but merely that the judge or magistrate decided not to proceed.

The question of unreported offences will be considered later in this report.

#### 4.2 On Criminal Statistics

The validity of crime statistics has often been questioned, and they should only be accepted and interpreted with caution. Rohrer(1982) has drawn attention to apparent rises in crime rates, caused by reclassification of offences or by changes in public reporting or police recording practices.

In fact crime statistics can

represent the end product of the deployment of social control agencies ... the statistics provide us with a blurred but useful picture of the degree of respect for property and the extent of social disorganization and conflict in the society in general. The categories represented in the statistics, however, must be interpreted with extreme caution ... they do not capture the meanings of crime for the actor, nor indeed the aetiological context of the act.

(Young, 1975: 87)

These remarks could be applied to the Yalata offence data, although because of the somewhat unique context in which Aborigines were reported by a highly sensitive white community, and apprehended by a cooperative police force, the statistics probably present a clear picture of actual offences. It is unlikely that many offences against whites went unreported or that offenders were not caught.

Taylor et al(1974) could well have been describing the Yalata situation when they claimed statistics to represent those actions which the 'community' (or at least the powerful groups within the community) have deemed it necessary to prosecute. (p.457)

The feeling among long-term white staff at Yalata, and among the local (Penong) police, was that those who appeared in Court

(or C.A.P.) were 'the ones'; that Court appearances did in fact accurately reflect the incidence of adolescent offences.

Whether or not the Aboriginal population agreed was hard to elicit. Certainly many adult Aborigines were not reticent in passing judgement on particular offenders. "He's no good," they said; or "that boy is kuramata (bad), he's silly in the head."

Basically, the Aboriginal community was not interested in the Court and its proceedings, nor in the appearances of their children; or that is how their responses appeared to the white authors. They would reply, in answer to white enquiries, with "send them away, we don't want them."

#### 4.3 Subjects

Data was collected for the 57 Yalata adolescents who were aged between 11 and 17 years inclusive as at 30th June, 1980. Ten-year-olds, while being recognized with the 11-17-year-old group as 'children' under the Children's Protection and Young Offenders Act, S.A. 1979, were excluded, as no 10-year-old appeared in Court or before a C.A.P. during the study period.

In the tables which follow, 'age' refers to age at 30th June, 1980.

#### 4.4 Data and Results

The following tables are presented together for ease of scrutiny. They will be referenced appropriately in the following chapters.

Raw data was subjected to statistical processing using S.P.S.S. packages (Nie et al, 1975).

Table 1. Adolescent population of Yalata (age as at 30th June, 1980)

AGE	MALE	FEMALE	TOTAL
11	7	2	9
12	4	-	4
13	7	2	9
14	1	5	6
15	4	5	9
16	6	3	9
17	8	3	11
TOTAL	37	20	57

Table 2. Adolescents appearing in Court or before C.A.P. during 1979 and 1980 (total number of appearances in brackets)

		1979	1980
males	Court	15 (37)	14 (25)
	C.A.P.	-	6 (7)
females	Court	1 (1)	-
	C.A.P.	1 (1)	-
total	Court	16 (38)	14 (25)
	C.A.P.	1 (1)	6 (7)

Fig. 3. Male offenders as proportion of adolescent male population.

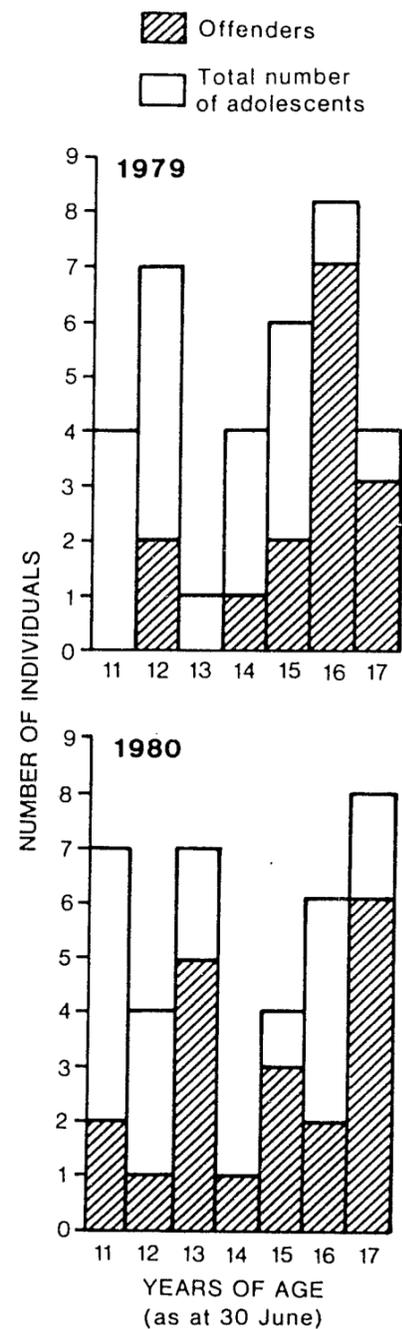


Table 3. Individual offenders, offences and charges

	1979	1980
Number of adolescents appearing in Court or before C.A.P. on 1 or more occasions	17	20
Number of separate offences leading to charges	26	17
Number of major charges (= Court/C.A.P. appearances)	39	32
Total number of charges	88	58
Mean number of charges per separate offence	3.4	3.4

Table 4. Mean number of Court and C.A.P. appearances for total adolescent male population at Yalata

AGE	1979	1980	1979 + 1980*
11	-	0.29	0.29
12	0.43	0.25	0.25
13	-	1.00	1.43
14	0.75	2.00	2.00
15	0.67	1.25	2.00
16	2.63	0.33	1.00
17	1.50	1.63	4.25

\* by age at 30th June, 1980

Table 5. Number of separate Court/C.A.P. appearances for adolescent males during 1979/1980

NUMBER OF APPEARANCES	NUMBER OF ADOLESCENTS
1	11
2	3
3	4
4	2
5	1
6	2
7	1
8	1

Table 6. Major charge frequency during 1979/1980

MAJOR CHARGE	1979	1980	TOTAL
break enter steal	22	10	32
illegal use and interference	7	16	23
break enter with intent	3	2	5
common assault	3	2	5
wilful damage	1	1	2
disorderly offensive behaviour	2	0	2
larceny	1	1	2
	39	32	71

Table 7. Frequency of all charges during 1979/1980

CHARGE	1979	1980	TOTAL
illegal use and interference	23	32	55
break enter steal	29	12	41
break enter with intent	3	6	9
larceny	15	1	16
wilful damage	2	2	4
common assault	4	2	6
no licence	2	0	2
attempt to commit felony	1	0	1
use firearm to annoy	1	0	1
disorderly offensive behaviour	2	0	2
breach of recognizance	1	3	4
care and control	5	0	5
	88	58	146

Table 8. Comparison of offence data for 1977/78 and 1979/80 (Court appearances only)

	1977/78	1979/80
number of individual adolescents charged	18	20
total number of charges	119	137
total number illegal use charges	54	48
total number break and enter and larceny charges	31	64

Table 9. Total charges for adolescent males by age group during 1979/80

Age at 30 June, 1980	11	12	13	14	15	16	17
illegal use and interference	2	4	11	5	8	13	12
break enter steal	-	2	3	3	5	18	9
break enter with intent	-	-	3	1	-	2	3
larceny	-	2	-	-	1	10	3
wilful damage	-	-	1	1	-	-	1
common assault	-	-	-	-	1	2	3
no licence	-	-	-	-	1	1	-
attempt to commit felony	-	-	-	1	-	-	-
use firearm to annoy	-	-	-	-	-	1	-
disorderly offensive behaviour	-	-	-	-	-	-	2
breach of recognizance	-	-	1	1	-	-	2
care and control	-	-	-	4	-	1	-
total charges	2	8	19	16	16	48	35
number of individuals charged	2	3	5	2	5	9	9

Table 10. Court and C.A.P. appearances 1979/80: chronological order of offences

DATE OF OFFENCE (H = school hols)	NO. OF INDIVIDUALS CHARGED	AGES	CHARGES
1978 Dec. 11	2	17,15	2 illegal use 2 break enter steal 1 larceny
Dec. 25 H	2	16,16	3 break enter steal 1 care and control
1979 Jan. 5 H	2	16,16	2 break enter steal 2 illegal use 1 no licence 1 use firearm to annoy
Jan. 6 H	2	16,14	1 break enter steal 2 break enter with intent 1 wilful damage 1 care and control
Jan. 14 H	1(female)	16	1 wilful damage
Feb. 9	1	14	2 illegal use 3 care and control 1 attempt to commit felony
Feb. 13	1	15	1 illegal use 1 no licence
Feb. 20	1	16	1 illegal use 1 common assault
April 2	2	16,16	3 illegal use 3 larceny
April 27	2	16,17	1 break enter with intent 1 break enter steal 2 common assault
April 30	1	17	1 break enter steal
May 20 H	2(1 female)	16,14	2 break enter steal 1 illegal use
May 23 H	1	16	1 illegal use
May 26 H	1	16	1 break enter steal
July 6	1	16	1 break enter steal

July 11		2	16,14	2 break enter steal 1 illegal use 1 breach of recognizance
July 26		1	17	1 disorderly offensive behaviour
Aug. 11		1	16	1 break enter steal 1 common assault
Aug. 18		1	17	1 disorderly offensive behaviour
Aug. 20		1	17	1 larceny
Sept. 3	H	1	16	1 break enter steal
Sept. 15		1	16	1 break enter steal
Oct. 26		1	14	1 illegal use
Nov. 3		5	16,16,15 12,12	7 larceny 6 break enter steal 5 illegal use
Nov. 4		1	16	2 larceny 1 break enter steal 1 illegal use
Nov. 7		1	16	2 break enter steal 1 larceny 1 illegal use
Dec. 3		3	15,13,12	3 illegal use 2 break enter steal
Dec. 21	H	1	15	1 illegal use
1980 Jan. 6	H	1	17	1 wilful damage
Jan. 9	H	1	17	1 break enter steal 1 breach of recognizance
Jan. 19	H	1	17	1 break enter steal
April 20		1	17	1 break enter steal 1 break enter with intent
April 24		2	13,13	2 break enter steal 1 wilful damage 5 illegal use 2 break enter with intent
April 26		1	17	1 illegal use

April 27		1	13	3 illegal use 1 break enter steal 1 break enter with intent
May 9		5	17,17,17 15,13	9 illegal use 2 break enter with intent
May 22	H	1	15	2 break enter steal
June 9		2	15,17	2 common assault
July 23		1	17	1 illegal use 1 breach of recognizance
July 24		7	15,14,13, 13,12,11, 11	7 illegal use 1 breach of recognizance
July 24		1	17	1 larceny
Sept. 10	H	1	16	1 break enter steal
Sept. 27		1	17	1 illegal use 1 break enter steal
Sept. 29		1	17	1 break enter steal 2 illegal use

Table 11. Court appearances and legal representation for male offenders

	AGE	NO. OF INDIVIDUALS APPEARING	TOTAL NO. OF APPEARANCES (TOTAL CHARGES)	NO. WITH LEGAL REPRESENTATION
1979	11	-	-	-
	12	2	3 (7)	3
	13	-	-	-
	14	1	3 (13)	1
	15	2	4 (9)	2
	16	7	21 (46)	11
	17	3	6 (11)	3
totals		15	37 (86)	20
1980	11	-	-	-
	12	-	-	-
	13	5	5 (17)	3
	14	-	-	-
	15	3	5 (8)	4
	16	2	2 (2)	2
	17	6	13 (24)	12
totals		16	25 (51)	21

1979: legal representation for 54% of Court appearances  
 1980: legal representation for 84% of Court appearances

Table 11A. Method of Court appearances (arrest vs. summons) for male offenders, 1979/80

YEAR	TOTAL APPEARANCES	ARREST	SUMMONS
1979	37	34	3
1980	25	21	4

Table 12. Major penalties by charges for male offenders, 1979/80

CHARGE	TOTAL CHARGES	DISMISSED	BOND	FINE	DETENTION	< 16
illegal use	49	22	19	2	1	3
break enter steal	38	16	7	7	4	2
break enter with intent	9	4	2	-	1	1
larceny	16	9	2	2	3	-
wilful damage	3	1	-	1	-	1
common assault	6	2	2	1	-	-
no licence	2	2	-	-	-	-
attempt to commit felony	1	-	-	-	-	1
use firearm to annoy	1	1	-	-	-	-
disorderly offensive behaviour	2	-	-	2	-	-
breach recognizance	4	-	-	-	-	-
care and control	5	2	1	-	-	-

Table 13. Summary table of penalties for male offenders, 1979 and 1980

	1979	1980
total charges	86	50
charges dismissed	41 (48%)	18 (36%)
bond	13 (15%)	20 (40%)
fine	11 (13%)	4 (8%)
detention	4 (5%)	5 (10%)
other penalties	17 (20%)	3 (6%)

Table 14. Age and blood lead level<sup>^</sup> by male offender status

		OFFENDER (N=22)	NON-OFFENDER (N=15)	t
AGE	mean	14.8	13.1	
	SD	2.1	2.2	2.28 **
BLOOD LEAD	mean	29.1	21.7	
	SD	16.0	9.2	1.71 *

<sup>^</sup> highest blood lead level during 1979 used to calculate means

\* p < 0.1 (trend)

\*\* p < 0.05

Table 15. Family variables by male offender status (%)

	OFFENDER (N=22)	NON-OFFENDER (N=15)
<u>15.1 Status of father</u>		
alive, at Yalata	12 (55)	10 (67)
alive, living elsewhere	6 (27)	1 (6)
deceased	4 (18)	4 (27)
Chi-squared = 2.52, non-significant		
<u>15.2 Status of mother</u>		
alive, at Yalata	14 (64)	12 (80)
alive, living elsewhere	2 (9)	-
deceased	6 (27)	3 (20)
Chi-squared = 1.90, non-significant		
<u>15.3 Status of parents</u>		
living together	10 (45)	8 (61)
not living together	12 (55)	5 (39)
Chi-squared = 0.32, non-significant		
<u>15.4 Primary caretaker</u>		
natural parents	9 (41)	8 (53)
single parent	3 (14)	3 (20)
mother + step-father	2 (9)	-
sibling	-	1 (7)
first-degree relative	4 (18)	2 (13)
other	1 (4)	1 (7)
unknown	3 (14)	-
Chi-squared = 5.6, df = 6, non-significant		
<u>15.5 Person lived with</u>		
parents	7 (32)	8 (53)
other primary caretaker	5 (23)	2 (13)
same sex peer(s)	6 (27)	2 (13)
opposite sex peer(s)	1 (4)	-
other	-	1 (7)
unknown	3 (14)	2 (13)
Chi-squared = 4.39, df = 5, non-significant		

Table 15 continued

15.6 Continuous family variables - t-tests

	OFFENDERS (N=22)	NON-OFFENDERS (N=15)	t
total sibling births	3.6	3.2	0.56
number of living siblings	2.7	2.8	0.17
birth position	2.9	3.3	0.60
number step- or foster- siblings	0.6	1.2	1.39
total family network	16.0	16.5	0.43
available family network	9.0	9.8	0.65

No statistically significant differences

Table 16. Academic performance ratings made by teachers by male offender status

	OFFENDERS (N=22)	NON-OFFENDERS (N=15)	t
global assessment of school performance	2.6	3.2	1.51
comprehension of English	2.6	3.3	1.93 *
quality of spoken English	3.2	3.6	1.11
maths concepts	2.5	3.1	1.41

\* p &lt; 0.1 (trend)

Table 17. Behavioural ratings made by teachers by male offender status

	OFFENDERS (N=22)	NON-OFFENDERS (N=15)	t
general affect	3.1	3.3	0.44
personal hygiene	2.9	3.3	2.20 **
sexual activity	2.1	2.5	0.68
popularity with peers	2.9	3.3	1.47
popularity with teachers	3.0	3.5	1.50
temperament with peers	3.6	3.5	0.39
temperament with teachers	3.1	2.9	0.67
aggression towards peers	3.2	3.1	0.30
aggression towards teachers	2.3	2.2	0.23
age-group preference	3.0	3.2	0.92

\*\* p &lt; 0.05, 2-tailed t-test

Table 18. Summary table of statistically significant differences and trends between male offenders and non-offenders

	OFFENDERS (N=22)	NON-OFFENDERS (N=15)	p
age	14.8	13.1	0.03
blood lead level	29.1	21.7	0.10
comprehension of English	2.6	3.3	0.06
personal hygiene	2.9	3.3	0.03

Table 19. Summary table of statistically significant differences and trends between 'frequent' male offenders (4 or more Court/CAP appearances) and 'occasional' male offenders (less than 4 appearances)

T-tests	FREQUENT (N=7)	OCCASIONAL (N=15)	p
age	16.1	14.1	0.03
number of living siblings	4.1	2.0	0.02
popularity with teachers	2.3	3.4	0.02
aggression towards peers	3.9	2.9	0.06

## Chi-squares

## Person living with

parents	1	6
other primary caretaker	-	5
same sex peer(s)	4	2
opposite sex peer(s)	-	1
unknown	2	1

Chi-squared = 8.8, df = 4, p = 0.07 (trend)

## School

attender 1979	2	13
non-attender 1979	5	2

Chi-squared = 5.0, df = 1, p = 0.03

Table 20. Summary table of statistically significant differences and trends between male and female adolescents living at Yalata during 1979/80

T-tests	MALES (N=37)	FEMALES (N=20)	p
blood lead level	25.9	16.5	0.002
sexual activity	2.3	3.4	0.02
temperament with peers	3.6	3.0	0.07
aggression towards peers	3.2	2.6	0.04
Chi-squares			
<u>Person lived with (%)</u>			
parents	15 (40)	7 (35)	
other primary caretaker	7 (19)	3 (15)	
same sex peer(s)	8 (22)	-	
opposite sex peer(s)	1 (3)	9 (45)	
other	1 (3)	-	
unknown	5 (13)	1 (5)	
Chi-squared = 19.2, df = 5, p = 0.002			
<u>Offender (%)</u>			
offender	22 (60)	2 (10)	
non-offender	15 (40)	18 (90)	
Chi-squared = 11.1, df = 1, p = 0.001			

## 5 CHARACTERISTICS OF THE OFFENDERS

### 5.1 Offenders vs. non-offenders

The overwhelming difference between adolescent offenders and non-offenders at Yalata during 1979 and 1980 was one of gender. Twenty-two males (60%) offended compared with 2 females (10%) ( $p = 0.001$ , Table 20).

Other differences between male and female adolescents at Yalata are summarized in Table 20. Males had a significantly higher mean blood lead level, indicating that petrol sniffing, at least during 1979, was a predominantly male activity. However, unlike offending behaviour, several female adolescents were known to be heavy sniffers. An analysis of variance revealed no significant relationship between blood lead level and offending (as measured by the number of Court/C.A.P. appearances) for male adolescents. The sex difference in lead levels therefore does not suggest petrol sniffing as a cause or correlate of offending.

Nine females (45%) from the adolescent group lived with a male (and could be presumed 'married'[1]), compared with one adolescent male (3%). Obviously, the males with whom the adolescent females lived were no longer adolescent.

From teachers' assessments, females were reported to be more sexually active than their male age-peers, and to be less outgoing temperamentally and less aggressive towards their peers.

There were no other observed psychosocial or demographic

differences between the male and female adolescent groups, although the differences in total numbers and age distribution (Table 1) is interesting.

Because of the low number of female offenders (2), further analyses searching for differences between offenders and non-offenders were restricted to the male adolescent group (N=22) (Tables 14 - 17). Table 18 lists the only significant differences between the two groups. Non-offenders were younger than offenders, and they were rated by the teachers as exhibiting better personal hygiene. This latter result may reflect teacher bias, or it could be explained by less care of personal appearance by the older males, who tended to live with their same sex peers rather than with their parents or other primary caretakers.

Rated mean differences in comprehension of English and measured mean differences in blood lead level only constituted statistical trends.

From these results, no cogent psychosocial differences between offending and non-offending males could be posited. The age differences hardly constituted a surprising or specific aetiologically significant factor.

#### 5.2 Frequent offenders vs. occasional offenders

Age differences remained at the same significance level when 'frequent' male offenders (4 or more Court/C.A.P. appearances during 1979/80) were compared with 'occasional' male offenders (1-3 Court/C.A.P. appearances). The frequent offenders were

older (mean age = 16.1 years). Other differences are summarized in Table 19.

The frequent offenders had more living siblings, and only 2 of the 7 attended the school during 1979. These results were probably reflections of their greater age. Another interesting, and probably age-related, effect was reflected in the categories of people with whom the offenders were living. Of the frequent offenders, 57% were living with same-sex peers compared with 13% of occasional offenders. Of the occasional offenders, 73% were living with parents or other primary caretakers, compared with 14% of the frequent offenders. As mentioned above, these differences were almost certainly due to the difference in mean ages of the groups.

Frequent offenders were less popular with the teachers (perhaps reflecting their non-attendance at the school during 1979), and they were rated by the teachers as being more aggressive towards their peers.

#### 5.3 Sex differences

To be an offender at Yalata during 1979/80 was to be male. To be a frequent offender was to be an older male living with one's same-sex peers.

To be a male offender at Yalata during 1979/80 was to be 'statistically normal'; 59% of 11 - 17-year-old males appeared in Court/C.A.P. at least once; during 1979, 83% of 16 - 17-year-old males offended.

To be an adolescent female at Yalata during the same period

was to be a non-offender, to be sexually active, and to live with an older (non-adolescent) male.

As no obvious psychosocial variables predicted offending behaviour in adolescent males (except that the behaviour increased with increasing age), and as the behaviour was almost ubiquitous among males, differences between male and female adolescents may have been of greater aetiological importance.

As females approached mid-adolescence, they were becoming increasingly sexually active, and were entering marriage relationships. Such relationships (bar one) were not available to adolescent males.

From one (albeit limited) perspective, Aboriginal adolescent females were doing what they had always done in entering a marriage relationship with an older male. This prescribed gender role had changed little since contact with whites. Traditional roles were still available to them -- the roles of young wife and mother/child-bearer and -rearer. Identity confusion, with its attendant behavioural sequelae, was less likely to occur, although this is not to imply that no significant changes were effecting adolescent females, or that they were necessarily happy with their prescribed roles.

It is possible, on the other hand, that male gender roles had changed more dramatically since contact. Family groups were no longer totally dependent upon hunting and gathering for their food subsistence, and these activities were therefore less crucial to the survival of the group. It could therefore

be argued that the role of the men in providing large game (kangaroo, emu, etc.) had been diminished, along with the status that accompanied such hunting for survival.

However, anthropologists have pointed out that hunting and gathering societies were not enslaved by the food quest, that they existed in a state of "affluence without abundance", and that economics was only a part-time activity (Sahlins, 1974: 11, 86)[2]. It is also well-documented that women in hunting and gathering societies provided by their gathering the larger proportion of the food eaten, particularly in areas where such foods were in abundance (Lee, 1980:262; Hiatt, 1978:4-14).

Both women and men engaged in hunting and gathering activity in the country around Yalata during the study period, and the arrival in the camp of large game hunted with rifles by the men was greeted with much satisfaction, and these foods were eaten with enjoyment despite the availability of store food. Women caught wombats and rabbits using crowbars, and they collected lizards, roots, fruits and nuts and wicketty grubs (the latter were only found further north into the desert). Young adolescents of both sexes participated in these expeditions, although the possession and use of rifles was the prerogative of the young adult and middle-aged men rather than the adolescent boys.

So although male hunting activity was then less urgent and probably less frequent than in pre-contact days, it was still a regular and an important part of Aboriginal life at Yalata, especially when vehicles were available [3]. The carrying,

disembowelling and cooking of large game would still be expedited according to traditional rules, and the correct procedures could only be carried out by adults. Therefore it would be difficult to state definitively that adolescent males at Yalata were anymore deprived of their traditional participation in hunting activity than they were in pre- or early contact times. But undeniably the reliance upon it for survival had changed, and possibly with it, some of its role significance.

Male ceremonial and ritual activity was undoubtedly interfered with by the early (and some later) missionaries. However, our own research at Yalata, and that of Palmer (1982), revealed that the ritual life was still actively engaged in and pursued with conviction. Boys at Yalata continued to be incorporated ritually as men - a process of substantial educative and psychological importance. Initiation had always been integral to the final stages of adolescent identity formation (Morice, 1980), and presumably continued to be so at Yalata. One white informant commented that he thought that this process now occurred when the boys were older (17 - 19) than 'before' (although he did not specify exactly when), and that the process was of briefer duration. This is probably so, but nevertheless the traditional practice was still strongly adhered to at Yalata. Again, changes in the perceived significance of initiation by adolescent males could only be speculated upon.

Although our evidence on this matter was not definitive, it

appeared that when a 'boy' became a 'man' (wati) in the Aboriginal sense, the adolescent patterns and types of offences were relinquished [4]. In other words, it became less common for a young man to engage in breaking and entering and illegal uses. However, becoming a man did not moderate other types of offending behaviour (such as assaults against the person and some larceny).

A possible explanation for this apparent movement away from a particular type of offending may have been a changed orientation towards adult associates and associations, and away from the social groupings of younger boys. Groups of adult men had a range of activities in which they participated and co-operated, such as drinking alcohol, organizing its delivery and distribution, playing two-up, purchasing and looking after motor vehicles, and with the subsequent organization of journeys, visits and errands facilitated by cars. They planned and organized ceremonial activities, which were often accompanied by complex arrangements for the hospitality given to large groups of visitors from other Aboriginal communities. They made bush trips to visit areas of significant mythological importance, and engaged in dialogues with Government representatives and mining companies with respect to the protection of, and care for, their land. Boys could not participate in these activities, and had to find their interests elsewhere.

Girls evidently found more licit than illicit opportunities within which they could interact together. They had more to

occupy them around the camp with the care of younger siblings, and they seemed to wander around the settlement after dark less often than did the boys [5].

Sutherland's notion of 'opportunity' depends upon the existence of two conditions: differential associations favouring the acquisition of criminal values and skills, and conditions encouraging participation in illicit activity (Traub and Little, 1980:145). We have described the absence of convivial and co-operative associations available to adolescent boys, as opposed to the range of opportunities for interaction available for adult men. Frequently this absence seemed to be filled for the boys by their participation in illicit acts. Sutherland's first condition, which relates to the acquisition of illicit values and skills, was fulfilled by the groupings of young boys who co-operated and acted together, and learned from each other in their exploits. It may have been that offending behaviour, especially if it could be seen as an act of defiance or of righteousness, had become incorporated into young male role behaviour, and as such had become relatively proscribed for females.

The offending behaviour of the type indulged in by boys (involving as it often did co-operative pairs or groups), and the apparent relinquishing of this category of offence as the boys became men, suggested that their illicit behaviour may have acted as a 'replacement activity'. We have shown that it was unlikely that such replacement activity was directly related to the absence (or reduction) of traditional pursuits,

# CONTINUED

## 1 OF 3

such as hunting and ritual life, as these activities were relatively intact. However, a possible change in their perceived significance could not be excluded.

Stated simply, the adolescent males' peer group provided action and the participation of each as an actor. When this action group performed, the types of illegal behaviours engaged in were those associated with that age-group and its preoccupations: breaking and entering, defiance of adults (especially white adults), and travelling in cars. When the action group of adult men performed, the illegal behaviours that could result were those associated with adult activity and with men's business. Consequently, the offences committed by this adult group tended to be associated with drinking-precipitated argument and insult [6].

#### 5.4 'Deviant' offenders

While for adolescent males at Yalata during 1979/80 it may have been 'statistically normal' to be an offender, and while sociocultural factors may be helpful in explaining this phenomenon, specific psychological or personality factors may have contributed to the offending behaviour of some individual adolescents.

In the case of at least one adolescent, there was evidence that his own cultural group regarded him as different, as deviant.

During 1981, this particular 17-year-old adolescent was sentenced to 5 months detention at S.A.T.E.C. for several

offences, including larceny (of petrol) and an attempted sexual assault of a 17-year-old white girl. A suspension of the sentence was requested on the grounds that he would return to Yalata to be initiated [7]. The presiding Magistrate granted a month's abeyance of the proceedings while the request was put to the Yalata men. They refused to accept the adolescent as an initiate, saying that he was "too young". He was subsequently detained at S.A.T.E.C.

In the DCW report, it was claimed that his mother had not fitted in to the Yalata community, that she had argued frequently with relatives and 'neighbours', and that she used "gifts and money to placate him [her son] rather than personal attention". Aboriginal views of his upbringing were similar; it was said that he was "spoilt", as they "let him do anything".

He first appeared before the authorities in a C.A.P. in 1976, at the age of 12. His father died the following year after an alcohol-related fit. In January, 1978, it was noted that he sniffed petrol, and by the May of that year, that he was sniffing regularly. In February, 1978, he was counselled and fined for an illegal use, and later in the same month he appeared at an Adelaide suburban court on another illegal use charge. In April he was in a juvenile detention centre, when he experienced withdrawal symptoms (cramps and visual hallucinations) as a result of his heavy petrol sniffing. He reportedly resolved to stop sniffing. A social worker commented at the time: "he disliked the vomiting and dizziness which often comes directly after the fumes are inhaled, before the

euphoria."

In May, 1978, back at Yalata, he fired a rifle three times at another adolescent. After his subsequent return from Adelaide, on the same day, he stole some petrol. He was attending school only very infrequently at that time.

In July, 1978, his mother died from alcohol-related renal disease. DCW left a \$20 ration order for him to buy food and clothing, and he was fostered to several different families, including an uncle who was unable to look after him during school holidays.

In January, 1979, his behaviour was described as erratic ... sudden bursts of activity ... laughing uncontrollably at small incidents. Relations say that he does silly things and talks in a silly way sometimes ... there may be some degree of brain damage from sniffing petrol.

A blood test in 1979 showed that he had an elevated blood lead level. By the end of 1979 he had registered 18 Court and 1 C.A.P. appearances.

Early 1980 was spent at Indulkana, a northern Pitjantjatjara community, where he apparently "settled down and was sent to school." In 1981, Aboriginal community members at Yalata reported that he was responsible for an upsurge in petrol sniffing in the community, and in particular for encouraging a 12-year-old adopted boy to persist in frequent sniffing. The two were often seen around the settlement together. The younger

boy was also regarded as 'deviant' by the Aboriginal community [8], in that his petrol sniffing behaviour was grossly atypical when compared to that of his age-peers (and indeed most other adolescents).

While the community blamed the older boy for the resurgence in sniffing, he blamed the community. He told social workers that he was angry at the amount of drinking at Yalata, and claimed that he had been "let down" by his own people.

In June, 1981, he appeared at the Ceduna court for the attempted assault, and was detained. The Magistrate regarded the offence as a serious one ("the act of menacing another person"). He told the youth that it was time he stopped blaming alcohol or petrol for his behaviour, and took responsibility for his actions.

It was clear that the older men at Yalata regarded him as being unfit for incorporation into the ritual definition of manhood, at least at that time. They may have perceived such an out-of-context request as presumptuous. The "too young" of their explanation did not refer to age in years. He was thought not to be 'ready', to be immature, to be psychologically "too young" [9]. His long history of petrol sniffing may have had some influence, as a history of court appearances alone had not prevented other 17-year-olds from being initiated. Perhaps they regarded him as kata kura (literally, 'bad head'), a not infrequent reason for failure to initiate youths in other parts of the Western Desert region of Australia, as noted by one of the authors (R.M.) during previous field work in Central

Australia.

Whatever the real reasons, the Yalata Aboriginal community regarded him as different. They appeared to have no readily available mechanism for handling this 'problem'. They wanted him "sent away."

This adolescent, like his 12-year-old 'sniffing partner', obviously differed from his age-peers in the pattern of his behaviour, if not across the psychosocial measures collected in this study. He was also perceived by his own community to be different to his age-peers.

#### 5.5 Categories of offenders

Like petrol sniffing at Yalata (also studied by the authors), offending behaviour can be divided into two main types. The first, and by far the most prevalent, reflected a 'statistically normal' form of age- and sex-related behaviour, probably in the form of a 'replacement activity', and deliberately and specifically directed at white property.

The second, infrequent, type reflected probable individual psychopathology, superimposed on the more typical behaviour patterns of the first type.

The existence and recognition of the two types is important for the consideration of problem-solving strategies aimed at modifying offending behaviour in general.

Notes

1. Marriage, in the sense referred to, describes a socially sanctioned agreement within the Aboriginal community, that a man and a woman co-habitate on an assumed long-term basis. Few Aborigines at Yalata had undergone a formal Christian marriage ceremony (we knew of three such couples), and as one Aboriginal man explained it, "people marry anangu [Aboriginal, or people] way now." Marriage arrangements at Yalata were frequently made according to traditional practice, although Yalata people recognized that sometimes people chose to marry those to whom they were not promised (Palmer, 1982:14).

2. Sahlins (1974:14) refers to Australian Aboriginal data, particularly McCarthy and McArthur (1960), and to Kalahari hunter-gatherers and the work of Lee (1968). Even the explorer Edward John Eyre noted that in three or four hours Aborigines could "procure as much food as would last for the day" (ibid:26). In times of drought, however, privations were undoubtedly suffered.

3. Sackett (1979) confirms the contemporary significance of hunting at another community of 'ex-desert' people and illustrates its use as a means of establishing authority and status on the part of the hunters.

4. Personal communication from a D.C.W. officer, and follow-up observations during 1981 field work.

5. One Aboriginal informant thought that girls may have wandered around in the early part of the evening; another said,

"girls are not interested in things like that [i.e. breaking and entering]."

6. From subsequent field work, one of the authors (M.B.) found that many physical assaults arose from disputes about social behaviour, marital disagreement, and status (particularly after insults relating to a man's ritual status, such as calling someone who is a 'man' a 'boy' or a 'half-man').

7. We were unable to discover the source of this suggestion. It is extremely unlikely that the boy himself would make such a request. More likely, a D.C.W. officer or legal rights field officer would have proposed it.

8. They did not, of course, use this term, but referred to him as kuramata (really bad).

9. There would probably been other reasons as well, known only to the relevant men.

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## 6 CHARACTERISTICS OF THE OFFENDING ACTS

In this chapter we examine the context surrounding the different types of offences committed by Yalata adolescents. This context is illustrated by reference to relevant tables presented in Chapter 4, and also by the presentation of relevant incidents and observations gathered during field work in the community.

When examined, the circumstances surrounding certain offending acts reflected some of the on-going tensions in the community. These related to feelings of alienation from the European structures which managed the lives of Aborigines on the settlement, and to the expectations by the Aborigines of the role of whites. Contextual data is presented which points out some of the issues of authority and control by whites, possession of property, and the role of the school and teachers. Further examples illustrate the demands and expectations made of white staff, which were often not understood by them. These expectations were related to the view that the job of the white staff was to 'help' (in the words of the Aborigines) and to provide for the Aborigines on the settlement.

### 6.1 Categories of offences

In keeping with the prevalence of property offences in South Australia generally [1], the most frequent offences at Yalata among adolescents were those against property rather than

against the person. Although it was not within the range of our study to investigate adult court appearances, it was clear from field work experiences that adults were more frequently charged with offences against the person, and rarely with property offences.

### 6.2 Illegal use of motor vehicles

Illegal use of motor vehicles is the adolescent crime par excellence. Jamrozik (1973:38) comments that it is believed to be the characteristic offence of a juvenile delinquent. At Yalata, the illegal use charge had a particular significance which related both to the real and symbolic importance of cars for this relatively isolated settlement.

As outlined in Chapter 3.4, access to vehicles was often an issue fraught with discord for the adults, and loaded with prestige for youngsters. Once an adult Aborigine had accumulated enough capital to purchase a car, he had many difficulties to face in keeping it on the road. Some elaborate and ingenious devices were invented in order to keep cars running. First he had to acquire a cheap and roadworthy car (running the gauntlet of unscrupulous car dealers), and then gain access to tools or to the learned techniques of car maintenance. He could pay for such maintenance to be carried out at the settlement workshop. He also had to obtain a licence. It was unlikely, in our opinion, that this range of bureaucratic and mechanical obstacles could easily be overcome by adolescents. Stealing was much easier. The white staff

possessed well-maintained vehicles which were sturdy and comfortable, and these vehicles could be obtained with the additional excitement of stealth.

Car thefts which began as spontaneous escapades sometimes developed into a more committed desire to leave the area and travel considerable distances. The structural and political reasons explaining why Yalata is so far from other Pitjantjatjara communities have already been discussed. The majority of serious and organised car thefts (including the provision of extra fuel, money and food), resulted in attempts to travel north. The drivers, knowing that the police could set up road blocks on the bitumen highway, attempted to leave the main road as quickly as possible and head north on dirt roads and tracks.

### 6.3 Some incidents and a case study

The degree of ingenuity and determination associated with some car thefts on the settlement was remarkable. In November, 1979, a woman teacher's panel van was stolen by eight boys (aged between twelve and seventeen), while she was away for the weekend. She had left the car behind at Yalata, locked in a padlocked shed, and the rotor arm had been removed along with the car keys, which had been locked in her house. The boys broke into the house, took some money, found the keys and the rotor arm, unlocked the car and drove to a nearby cattle station where they took several litres of petrol and some food. The car was recovered several days later at Amata (over 1,000

kms north, almost in the Northern Territory). It was damaged beyond reasonable repair. The passengers had made visits to three other Pitjantjatjara communities as they went. Several Europeans at the settlement grudgingly admitted that it was quite a feat of navigation and endurance.

In January and September 1981, groups of Yalata adolescents stole cars from white staff. The September incident involved nine boys (aged between eight and eighteen) who had obtained bolt-cutters from the settlement workshop. With these they snapped padlocks on the shed. They inserted a spare rotor arm from another car, and drove the vehicle (which again belonged to a school teacher) to Penong. This distance of 110 kms. was accomplished with the steering wheel still locked (the Eyre Highway is very straight). There the car was abandoned, and in another car they drove further east until being picked up by the police.

These examples illustrate the complexity of some illegal uses and the well-coordinated use of tools and helpers to assist in the task. Some car thefts, however, evolved almost accidentally from another activity. This was the case in June 1981, when thirteen Yalata adolescents stole three cars.

The incident started when a small group of children were sniffing petrol in the settlement - it was a long weekend and many staff members were away. The first idea was to obtain a car for its petrol and an old car was found. The eldest boy, aged 17 and known as a ringleader in such exploits, then discovered a Holden utility, and the plan changed to 'go

riding'. The utility was push-started and with the 17-year-old driving and 12 passengers, they drove to a coastal town where the car ran out of petrol. A green panel van was then taken and they drove on to Penong where a station wagon was found with its keys in the ignition. The two cars drove in convoy until the station wagon ran out of fuel. They decided to continue in one car again and drove to Indulkana, a Pitjantjatjara community some 500 kms to the north. They then went off the main road onto bush tracks. Early the following morning, the children spotted an emu and tried to catch it by throwing sticks and stones at it. One of them saw a police car coming. They scattered and a police officer called out to stop or he would shoot. A rifle was fired on at least one occasion. The children were all apprehended and brought back to Ceduna.

Of the thirteen, two were fifteen-year-old girls. This was the first occasion, to our knowledge, that Yalata girls had been involved in an illegal use of a vehicle. At Court the girls received good behaviour bonds for six months and had no convictions recorded against them. The 17-year-old driver, who had only been released from detention ten days previously, received two months' detention. Of the remaining ten children, two did not attend court, three were remanded in custody for assessment reports, and the remaining five boys received six month bonds or small fines. Of the thirteen offenders, eight were known to be regular petrol sniffers, including the two girls. It is clear in this case that, had it not been for the gathering-together in order to seek out and sniff petrol, and

the presence of a forceful organiser, the illegal uses may not have occurred. The representing Legal Rights lawyer in his comments to the court said:

The escapade was exciting, and required a lot of skill, there was an element of pride in keeping the cars going. The emu chase was retold with much excitement and even capture itself was an adventure. All that talent could be channelled into other activities.

(Ceduna court, 16/6/81)

#### 6.4 Targets

In the case of illegal use of vehicles, the choice of vehicle and owner often appeared to be quite rational. Panel vans were favourite targets as they were large and enclosed, and could carry more people and supplies. Four wheel drive vehicles were problematic because of their high fuel consumption and diesel vehicles awkward because of lower availability of distillate. A teacher whose car was taken (on several occasions) commented:

There was no antagonism between myself and the characters involved but there were factors to encourage them to take my car. It was a 'fast' panel van, I was a non-threatening person, my house is on the end of the row and out of whitefeller's

sight - both my house and next door were vacant that weekend.

(Personal communication, 2/7/80)

Single female staff on the settlement, who were usually teachers or nursing sisters, were a potential target because it was known that they lived alone. However, the two nursing sisters' houses rarely suffered from break and enter attempts, whereas those of the female teachers were frequently broken into. This may have been due to the vulnerability of homes left unattended during school holidays; teachers were conspicuously absent during these times, whereas there was always one nurse present.

The school itself was a common target for wilful damage by adolescents. The Education Department, after a series of such incidents involving dozens of broken windows, arranged for high-security mesh screens to be erected on all windows and doors. The screens were so thick that they actually obscured daylight from entering classrooms. The school buildings were situated away from the centre of the settlement, and they formed an isolated out-of-sight area, easily approached from the bush on the eastern side.

The home economics unit at the school (which was the classroom for the senior girls) was frequently broken into and raided for food. Sometimes those who broke in cooked themselves a meal on the unit's electric stoves. A number of break-ins to temporarily uninhabited homes were associated with the stealing and cooking of food. Other incidents at the school

included break-ins with no theft involved, but where equipment, such as cassette players was used. Sometimes offenders were found to have urinated or defaecated in the school office or classrooms [2].

From such incidents we may assume that the school, and schooling, represented many things for the Aboriginal adolescent. It acts as an authority structure, as an irritant, and as a repository of material, and technical wealth. It was also 'familiar territory'.

Other known targets for older boys were the homes of white staff known to have stores of wine or beer. One such house (with its occupants away on holiday) was broken into and raided of its wine collection; this was on Christmas Day, 1978.

There were other factors which influenced the choice of some houses or buildings as targets. One of these was the positioning of certain houses on the outer edges of the settlement, out of easy visibility from other homes. This would mean that if a car was removed from a shed, or from a driveway, it could be quietly rolled out of sight before the engine was started. The settlement was not well-lit at night. White residents have reported with wry amusement occasions when they encountered their own car being expertly and silently wheeled away.

Certain members of staff held positions of authority which brought them more frequently into potentially fractious situations with Aborigines. Frustrations aroused from such interactions were often expressed by wilful damage of the staff

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member's property, or by the mechanism of harassment or demands which were made, usually, late at night. For example, the roles of Community Manager and Mechanic were two which consistently produced disputes. Community Managers had wide-ranging powers which could be wielded with varying degrees of sensitivity [3]; Mechanics controlled the workshops, their repair bays, and the distribution of (i.e. the power to lend) tools and spare parts for vehicles.

At Yalata these staff members, and others, particularly those in the administrative office, found themselves having to deal with requests or demands to which they could not, for one reason or another, acquiesce. For example, the complexities of social security benefits were not the fault or responsibility of those staff who passed on the cheques, and yet they were often the recipients of angry comments if there was a delay in payment. The Mechanic would have to refuse a request to work on one vehicle because of priority having been given to another, or he would be unwilling to lend certain tools. A frequent response from the Aborigines on these occasions was, "but you gotta help us."

There was sometimes resentment felt by Aborigines when a request was deflected, and particularly if it was suggested that the task could be accomplished by themselves. It was still firmly expected that whites were there to perform services and to give aid in a wide variety of circumstances. This was, of course, a state of affairs that had come about through historical and political circumstances, a state of

affairs (that is, dependency) which was encouraged by the mission-run settlements. Such a confusion of expectations and role-definitions inevitably wrought ill-feeling, particularly when some new white staff were more than willing to facilitate 'self management' policies in the operations of the settlement.

While many of the above issues did not directly involve the 10-17-year-old age group, the perceptions of the roles of whites, however, were generalised throughout the community. Disagreements and tensions were highly contagious, and at times of instability, for example when several white staff were sacked, the entire community was effected.

The administrative office, in the centre of the settlement, housed the Community Manager, Accountant, Book-keepers and Wages Clerks. It was the place from which money (in the form of welfare benefits and wages) was distributed, and it held the safe. It was therefore a building with minimal significance for young people under 18, few of whom, as we have seen, were the recipients of such financial rewards. It was, significantly, not the target of attack by adolescents but by adults. Its glass windows have gradually been replaced by perspex.

A frequent target for breaking and entering was the community store although the installation of burglar alarms in mid-1980 curbed these incidents. The store was centrally located, and was thronged daily with customers. Apart from the snack bar at the Roadhouse, it was for Aborigines the sole source of food supplies of a European nature. Because of the difficulties associated with food storage, and a disinclination

on the part of the people to stockpile, most people made regular visits to the store. It was therefore a venue for conviviality and gossip and was very much part of the daily life of the people. It was run by a European married couple, and had employed Aborigines for several years. Despite all this, the store was regularly broken into, and on occasions relieved of large quantities of goods. In contrast with this store, located in the settlement, there was at the time of the research a mobile shop which was located centrally at Big Camp. It was left locked up, and was opened on three mornings of the week to cater for the needs of those who did not wish to make the trip into the settlement. It provided a most useful service, being in the midst of the largest collection of camps, and was usually located next to a large water tank. The European store manager worked in the mobile shop, with the assistance of Aboriginal helpers. This mobile shop was very rarely touched. We were told that on the few occasions when it had been broken into, only a small number of items were taken; it was never ransacked. On one occasion a youth had broken the padlock with the intention of getting inside, but he had not done so, and had confessed to the Store Manager.

The only possible explanation for the focus on one store (in the settlement) rather than the other (at camp) was the location. In all other respects the operations of the stores were similar: personnel, goods, profits. We concluded that the settlement itself was a locus of excitement, frustration and of alienation, and that these factors presented it as a

fair target for offending behaviour, by adults and adolescents alike.

Apart from the Store Keeper, the other most frequent visitors to the camps were the Nursing Sisters. Their Health Commission station wagon was the vehicle which made trips in emergencies, sometimes at night, and which carried them on their rounds. The car was always parked outside the nurses' quarters (unlike the cars of most other residents which were firmly locked in sheds). This official car was, to our knowledge, only once tampered with. In contrast, a nurse's private car, locked in her garage, was broken into for its petrol one night by an adolescent. As in the case of the mobile shop, this was an illuminating example of the choice of targets which suggested a wealth of issues related to feelings of alienation and powerlessness.

Many demands made of white staff, and break-ins at the settlement, centred around food. A common statement made by Aboriginal people to whites was, "we're hungry ... we got no food." We had the impression that the demands for food and the stealing of food were actions imbued with a certain righteous quality. Such comments, still being made in the 1980's, echoed the experience of R. & C. Berndt at Ooldea in 1940. They reported Aborigines saying, "white man got plenty, me nothing," and commented on such statements as follows:

the natives have now the feeling that the white man, with his vast array of material possessions, should support them merely by

virtue of his plenty.

(R. & C. Berndt, 1942:59)

Certainly the missionaries welcomed and utilised this perception as a means to encourage Aboriginal dependency on them [4]. The U.A.M. at Ooldea had begun to issue rations of food in 1933, and the Lutherans continued to supply food rations at Yalata until 1964. Before the days of official rations, Aborigines had expected Europeans to share their abundance with them. Reynolds has described this process, and stated:

.. blacks stole to survive. But there was always a political element in Aboriginal behaviour. They continued to believe that Europeans were under a moral obligation to share their abundance, both because sharing was so central to Aboriginal values, and to provide compensation for the loss of land, water and game.

(Reynolds, 1981:96)

When, later, the cash economy was introduced, and it was made clear that food and goods would have to be purchased, disillusionment and resentment set in. Many of the old people believe that to pay for food is robbing them.

(Hamilton, 1972:43)

These are historical insights however, and they do not necessarily always explain contemporary behaviour. Nevertheless, we shall cite two other parallel examples. Suttles, in his analysis of ethnic groups in U.S. slum dwellings, describes the breaking and entering and shoplifting which occurred at an inner-city store.

The store was run by whites and was almost entirely utilised by Negroes; it was perceived by the Negroes as 'rank opportunism' and those who raided it, are not much disapproved of, and their actions are regarded as only 'fair'. To steal from a thief is not exactly the same as theft.

(Suttles, 1968:53)

He called such a situation one of mutual exploitation. Bottoms (1973:445) describes theft which in one set of circumstances was not so labelled, and which in a different situation became a crime. His example was of Hungarian peasants who took wood for fuel from their master's estate under a system which was accepted as being their right. The practice was transformed when in the 1930's Hungarians emigrated to the U.S.A. They took coal from stationary railway trucks, and were charged as criminals.

If the Yalata Aborigines felt resentment vis-a-vis their relationship to whites (both generally, and within the settlement), and there was much evidence to support this assumption, then the targets of their offences must be viewed

within such a context.

6.5 Stolen goods and explanations

Police data for an 18-month period (January 1979-July 1980) revealed an impressive list of stolen goods (Table 21). Naturally enough stolen items of food and drink were rarely recovered, having been consumed. The police noted that other goods were found on the person of the offender, or at his camp. On occasions, items were returned to their owners without the offence being officially recorded.

Items stolen were, on the whole, of practical and utilitarian worth. Other items, such as electrical goods, jewellery, paintings and furniture were available but were not taken. Items stolen were of value because they were of immediate use. Items left behind were of no immediate use and therefore were considered of no value. Value, then, was a matter of pragmatic, not of intrinsic, worth and was measured in usefulness rather than dollars.

Table 21  
Items stolen at Yalata by adolescents  
between January 1979 and July 1980

List of items	Number of adolescents involved
Panel van	6 people (incl adults)

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3 tins meat, 2 cheques	unknown
Toyota	unknown
T shirt, jumper, money	4
Rifle, tyre lever, 2 prs side cutters, 4 jumpers, 2 jackets, 14 rugs, 5 shirts, food, under-pants, 2 prs boots, 1 belt, 400 cigarettes, 2 prs jeans, 2 knives, 2 prs shoes, bullets.	1 juvenile, 1 adult
24 cans beer	unknown
2 Toyota utes, 200 litres petrol	4
10 bottles wine, 1 cast, 1 bottle wine	2
Cassette player	2
2 vehicles + 80 litres petrol	4
5 spears	1
100 litres petrol, 3 prs shoes, 10 cassettes, watch, money, 20 litres petrol, Holden panel van, 6 cassettes, carton bullets, 3 cartons beer, 1 pr jeans, 1 shirt, 3 cartons cigarettes, food, 110 litres petrol, 80 litres petrol	10
1 carton beer	1
Holden sedan	unknown
Vehicle, 4 galls turps, 1 gall oil, 2 bottles wine	7

Cassette recorder	2
2 Toyota utes, Holden sedan,	
2 screwdrivers, testing light	2
Holden sedan	2

Certainly Yalata boys provided pragmatic 'reasons' for their offences, although these must be viewed as the commonsense meanings which individuals attributed to their acts. In the twenty cases for which we had information, the following explanations were given for their offences by young offenders:

<u>OFFENCE</u>	<u>REASON</u>
illegal use of vehicles	: to leave the area to go to West. Australia to go to Kingoonya (a small town on the road to the north) to go to the north-west Aboriginal reserve to go north to travel to various places to go for a drive
breaking & entering	: was drunk to get glue (for

sniffing) and money  
needed money and food  
to get food, hungry  
to get money, car keys  
hungry  
to get money  
stole spears to spear  
stepfather who had  
beaten him

wilful damage	:	in wild mood upset because there was no lift to Big Camp (broke 41 windows)
disorderly behaviour	:	2 incidents of drunkenness
assault	:	hate of victim

#### 6.6 Times and spaces

During our research period (two years), the regularity and frequency of the offences contributed to the accumulation of unease and stress experienced by white residents. Although in fact offences were committed by a limited number of individuals (and represented only a tiny fraction of adolescent crime in the State), on a small and isolated settlement troubles of this

kind were intensified.

The constant pressure on white staff and their families was inevitably expressed by them from time-to-time in deeds or words, and so a vicious circle was created. The situation was particularly difficult for new staff, for it took time to become part of the way of life on such a settlement. It took time and patience to become used to the many unexpected (and sometimes undesirable) incidents and interactions that occurred. In a sense, it was to the detriment of the Aboriginal population itself (who tended to prefer people whom they had known over a period of time), that the survival of some staff members was short-lived. Others who had been on the settlement for some years inevitably moved on, feeling that they had given their contribution. With the demise of the mission, and hence of staff members who were motivated primarily through their Christian beliefs, it became more difficult to attract staff who would be hard-working, sensitive and able to survive assaults on their property (and occasionally their person).

Despite these difficulties, it was evident that the staff found solace in their own social circles, their particular Aboriginal friends, and in the inherent fascination of working in such a place.

.....

As can be seen from Table 10 in Chapter 4, the majority of offences occurred in term-time, although there were two

clusters of school holiday offending in May 1979 and December 1979/January 1980. Weekends were occasions when offences occurred regularly, as staff often took the opportunity to escape from Yalata to go camping, or to stay in Ceduna (220 kms away). Of the weekdays, Wednesday nights were particularly problematic. At the time of the research, Wednesday was payday and had the reputation of being a night for heavy drinking. As one staff member said, "we expect trouble on Wednesday nights." On such occasions, young people sometimes avoided their camps (where drinking took place), thus missing their evening meal, and they tended to gather in the settlement.

The physical layout of the settlement has been mentioned under 6.4. with respect to the ease of illicit access to certain homes and buildings. The physical entity of the settlement itself with its houses and buildings, as opposed to the camps with their shelters, constituted a dividing factor between the Aborigines and the whites. That the settlement existed at all reflects the political and historical aims of successive governments for Aborigines, for gathering them into one place enabled more efficient administration. In the first instance, of course, an establishment allowed the missionaries to commence their work in curbing the nomadic habits of the Aborigines (this was U.A.M. policy). Over time, at Yalata as elsewhere, the growth of the settlements benefitted their white residents as much as the Aboriginal population. For both social and political reasons the majority of Yalata people were, at the time of the research, housed in traditional

shelters. Offences that occurred in the settlement involving property were those which were reported, and thus became official. Offences occurring at the camps (unless they involved serious bodily injury) were not reported as crimes, and remained unofficial offences.

#### 6.7 Unreported offences

In answer to a question about the extent of offences occurring at camp, an Aboriginal informant who was employed by the D.C.W. as a liaison officer replied:

No, no, tjitji [children] don't steal things from wiltja [shelters] ... [He added as an afterthought] ... but when they do, we take care of it.

It was clear that thefts did occur from Aboriginal dwellings at camp. Youngsters had been known to take blankets and food, and adults also stole blankets, rifles and axes. These were not reported as larcenies to the police. We were told that someone who found an item missing from their shelter, and who suspected a particular child would go and ask for it back.

These observations are confirmed by those of Hamilton, who states:

In spite of accusations of 'theft', common today with more European goods available, young children are still free to go from camp to camp, sitting by the fire without invitation and cajoling food and drink from

resigned hosts. If something is missing after such a visit a parent will go to see the child's parents and usually say quietly and unemotionally, "He has taken the knife." "O.K.," says the other, "I'll look for it." If it is found it is returned; if not they shrug and say, "Perhaps he threw it away." The child is not reprimanded. No one tries to find out the truth of the matter... Theft by children is not considered to reflect in any way on their parents.

(Hamilton, 1981:111)

At Yalata, much tolerance was expressed by Aborigines towards this kind of behaviour, and people often accompanied their remarks with comments such as "their parents don't worry [get concerned] about them because of drink" or, "that boy's family don't care" [5]. It is possible that such explanatory statements were offered to researchers as a method of neutralising these incidents, so that we too would 'feel sorry' (an expression that is often used) for children who did wrong things. These explanations served the purpose for the speaker, and helped her to comprehend nonconforming behaviour in her environment.

Incidents at camp were not always tolerated, and an adult would occasionally spank a child for stealing; one researcher

(M.B.) witnessed a beating with a stick for petrol sniffing. On another occasion, a 17-year old youth stole food from others' camps while they slept, and attempted to break into an Education Department caravan parked at the camp. An influential middle-aged man at the camp berated him for this publicly [6], and later it was reported that his uncle gave him a 'hiding'.

It was possible that most incidents at camp were of a minor nature (excluding physical assaults), and the families concerned either retrieved items or shrugged off their occasional losses. Some incidents, as in the example of the caravan, were made into condemnable actions by public airing and subsequent punishment [7]. However, it is interesting that court appearances only eventuated for offences against property in the settlement, offences against the property of whites.

A similar situation existed with regard to adult physical assaults: those occurring in the settlement tended to be reported, whereas numerous such interchanges at camp were not. This may have been partly due to the absence of a telephone at camp with which to call the police; someone would have to drive into the office in order to make a phone call. Apart from the proximity of the phone, the presence of white witnesses in the settlement may also have encouraged reporting. Whatever the reasons for such a state of affairs, the situation as it stood was highly anomalous. Despite a high incidence of assaults against the person (particularly among young adults) which tended to occur at camp, only the more serious assaults

were reported. On the other hand, an offence against property, committed by an adolescent in the white settlement, was highly likely to be reported and the offender charged with an offence.

In effect, the law was being differentially applied, notwithstanding the official hierarchy of criminal offences which places bodily harm over and above offences against property. Eggleston takes up the issue of the non-reporting of minor inter-Aboriginal disputes, saying that this may be justified on the grounds that Aborigines would prefer to deal with internal disputes themselves. But she compares such laxity with the tendency to report all assaults on staff, suggesting that it indicates a "major concern of the staff is to uphold their own authority and maintain discipline" (1976:263).

There were some examples of adolescent offences in the settlement passing unreported; sometimes payment for breakages was requested, or work to repair damages. There was some pilfering among workers at the Roadhouse, but the manager commented that he had decided not to make an issue out of it.

.....

Whatever may have been the personal characteristics (both psychological and social) of individual children who were reported and charged for offences, it can be seen that these acts of nonconformity provided for them a variety of solutions to the problems of everyday life. They gave opportunities for taking charge and making plans, for seeking and taking risks, for testing skills and cleverness. Bodily needs such as food

and alcohol could be fulfilled, and valued goods such as cars, money and cassettes could be obtained. Simultaneously the targets of the offences were not 'close-up', or even 'far-off', relatives in the majority of cases; they were the white staff, the barrier between the Aborigines and the plenitude which seemed to be ubiquitous to white society in general - and which it was their duty to share, however unwillingly.

Notes

1. Law Department. Crime and Justice in S.A. Quarterly Report for the period ending 30 September, 1979. Vol. II(1):5.
2. Personal communication from the School Principal, April, 1979.
3. Rowley (1978:168) commented that missions and settlements "offered special opportunities to persons of autocratic tendency. Many of them adhered to Christian beliefs and conduct which belonged to a world long past."
 

Eggleston (1976:264) writes of the extraordinary power held by superintendents and managers.

A staff member commented that it was not just being in authority, but it was "how you used your authority" that was the telling factor in triggering an incident.
4. R. Berndt (1942:56) commented: "The natives have heard much about God and Christ, but their conception of them is confused so that they have in part become identified with the distribution of rations."

5. Children generally were considered to be 'cheeky' and sometimes 'wild', as if these were the inherent qualities of being a child.
6. The term 'growl' was used in this context. It referred specifically to an admonishing or berating outburst, which was sometimes delivered in a ritualized speech after dark at camp. Tonkinson (1978:123) has referred to this formalized exchange.
7. Malinowski (1976:79), in his work on the Trobriand Islands published in 1926, noted that until public opinion was mobilized, nothing more than gossip need occur over a nonconforming act.

Interestingly enough, the definition of the caravan as a 'Government caravan' was used in this case, to heighten the severity of the boy's action.

## 7 AFTER THE ACT

7.1 Overview of events

A brief description follows of the sequence of events which occurred after an offence had been committed by an adolescent at Yalata. We shall then look in more detail at each point in this sequence. All of these events, which constitute what sociologists term the 'societal reaction', followed on, without exception, from offences committed against white property on the settlement or elsewhere. Adolescent offences against Aboriginal property have been discussed in the previous section.

When an offence occurred which was reported to the Police, one of three decisions had to be made by them. The Police officer could: a) warn the offender on the spot (in Yalata's case this this was usually not at the time of the offence), and take the matter no further; b) proceed with an arrest; or c) proceed with a report. If arrested, the child would be held in custody or released on Police bail. A report led to a summons. A screening panel made the decision as to whether the matter would be seen by a Children's Aid Panel or the Children's Court. The C.A.P. was a less serious and non-punitive mechanism for dealing with young offenders, and was confidential. Its most common penalty was designated as warning and counselling. If the adolescent denied the offence (which rarely - in our experience, never - occurred at Yalata)

he or she was automatically referred to Court. Adolescents were remanded in custody to Adelaide, even if they were (as usually happened) to appear in Court in Ceduna. They were flown down to either S.A.T.E.C. (South Australian Training & Education Centre, 15-18 year old boys), or to S.A.R.A.C. (South Australian Remand and Assessment Centre, girls or boys under 15).

The Children's Court was, strictly speaking, a specialist jurisdiction, but because of the distance from Adelaide (800 kms), cases were heard by the visiting circuit Magistrate rather than a Judge of the Children's Court. The Magistrate visited Ceduna once each month for four days. One or two of these days was devoted to hearing juvenile cases. The visiting Magistrate could remand children for assessment by the D.C.W., which meant a period in custody in Adelaide. Because Court only occurred once a month in Ceduna, this could mean a 3-week period in Adelaide. Sometimes a Magistrate would arrange for cases to be heard in Adelaide in order to speed up this process.

At Court the Aboriginal Legal Aid Movement barrister was often present (but see Table 11), with the Police and D.C.W. representatives (usually the the District Officer and his youth worker with responsibility for Yalata). Parents could attend, but did not during the study period. In Court a plea was taken and D.C.W. presented a social background report to the Magistrate. The Magistrate relied heavily on the advice and information provided to him in this way, considered previous

convictions and bonds currently undertaken, and made his decision. In some cases where there were several charges, all but one would be dismissed, and a penalty given for the major charge. Penalties in order of frequency were as follows:

bond with supervision  
fine  
bond without supervision  
detention  
care and control

Bonds were arranged at the Courthouse (which was also the Police Station), with D.C.W. organizing supervision if required. Detention was in Adelaide at one of the institutions mentioned.

## 7.2 Discovery

As has already been mentioned, most buildings in the settlement had become equipped with burglar alarms, many of which were installed in mid-1980. According to white staff, this had cut down the number of break-ins. It appears from the types of charges that indeed there was a drop in the number of break and enter charges in the second half of 1980, although it is difficult to ascertain from the available data how many charges related to separate incidents. It seemed that with the advent of alarms, offenders turned their attention to cars. Perhaps the significance of the alarms was in the degree of protection white staff understood them to offer.

When one community Manager was asked what happened when an

alarm sounded, he replied somewhat ambiguously that "whoever hears it takes control." Certainly white staff often found themselves snooping around the settlement at night after an alarm had rung or suspicious noises heard. When apprehended, children sometimes ran away but if caught, would acknowledge guilt and inevitably they provided the names of others involved. Of 37 known cases, all offenders provided the names of their co-offenders. If the offence was not discovered until the next day, the culprits were usually discovered by the reading of their footprints by an adult Aborigine. D.C.W. paid a Yalata man to act as a liaison worker, and this man often assisted with the tracking of offenders. In the majority of cases the offence was reported by the victim. Of 49 offenders for which information was available, 35 were reported by the victim, 11 apprehended by the Police (that is, caught in the act), and 3 reported by the Community Manager. Police apprehensions tended to be for illegal uses, as the vehicles were picked up on the Eyre Highway, which was patrolled. There were few unresolved crimes (either adult or adolescent) and one Community Manager who had been at Yalata for nineteen years, could remember only two. He added, "sometimes an offender would be a close relative of those reading his tracks and suddenly they have a bad memory." It is likely that adolescents realized that it was highly probable that they would be caught, having witnessed others' apprehensions, knowing tracks could be read and having become aware of the growing alacrity of the staff. This presumably constituted a major difference between offences

committed in this small and carefully watched white settlement and those occurring in the comparative anonymity of a city. Offenders knew they would be caught, and yet they were still prepared to go ahead.

### 7.3 Reporting

Adolescents' offences were usually reported by the victim through the Community Manager who would inform the police by telephone. They would investigate on their next visit to the settlement. Although virtually all adolescent offences against white property were reported, there were instances when the staff member involved decided against reporting. Such a decision seemed to be based on the circumstances of the offence, the victim's knowledge of those involved and their reputations, and his familiarity with the settlement and its operation.

There was rarely any disagreement over who should call the police, or whether indeed they should be called, when the offence was against property. However, in cases of fighting or assault among adults the reporting of offences was more problematic. The police could not make a charge unless a complaint was laid by the victim, and in many cases, Aborigines chose not to lay charges. In the days of the Community Manager who was formerly the Lutheran Superintendent, it was he who had sole control over the reporting of offences. However, the community's Aboriginal Council had discussed the possibility of the Council itself being responsible for reporting offences.

Had this eventuated, Aboriginal definitions of what constituted 'an offence' would have come to the fore and this may have influenced the type and quantity of cases brought to Court.

At the time of the research, if an inter-Aboriginal dispute occurred publicly in the settlement and there was actual or potential damage to either persons or property, then on the whole Aborigines themselves would urge police involvement. Such a willingness again reveals the anomalous situation whereby offences in the settlement became officially labelled and those at camp were not. We assume that this reliance on a European structure of law and order reflected, once again, the expectation that whites were there to make sure things ran smoothly. This expectation came into full force when the issue was directly located in, as it were, white territory - the settlement.

### 7.4 The police

The local Senior Constable estimated that 85% of their workload was related to Yalata incidents and visits. The two police officers stationed at Penong (110 kms east of Yalata) called at Yalata at least once a week as a matter of course, and would make additional visits if requested. For example, during a troubled time late in 1981, the police called daily. Ceduna police station undertook a 'patrol' along the Eyre Highway as far as the Western Australia border, and the Ceduna officers also call at Yalata en route. Eggleston points out that if police decided to patrol an Aboriginal reserve, their

decision was, in effect, discriminatory:

A reserve is not a 'public place', so if the Police regularly patrol reserves they are subjecting Aboriginal residents to more surveillance than is exercised over the rest of the community.

(Eggleston, 1976:23)

This is undoubtedly so, and yet at Yalata, requests for a police presence had increased over the last few years. Some members of the Aboriginal community had even requested that a policeman be stationed permanently on the settlement. However, it was the deliberate policy of the S.A. Police Department not to station police officers on Aboriginal settlements (Warner, 1981).

For the community to make such a request seemed to constitute an acknowledgement that the Aborigines either could not, or chose not, to deal with more serious offences internally [1]. If someone under the influence of alcohol was attacking persons or property, the common Aboriginal view was that "he won't [i.e. cannot] listen because [people are] silly when they're drunk." Consequently there was nothing that could be done about it, so it was said. Aboriginal witnesses would call out from a safe distance for such a person to 'wanti' (stop, leave it), while others muttered about calling for the police. However, since it took the police one hour and twenty minutes to drive the distance from Penong to Yalata, the situation had often calmed down by the time they finally

arrived. Some resentment was expressed by one Community Manager that when the police did come, "a week after someone had been a proper insect, the chances are they will just chat and dismiss it."

Relationships with the local police appeared to be cordial, although the more senior of the two men was liked more than the other. The Community Manager in 1980 had encouraged them to "drive around and chat" and have coffee in the Roadhouse, as a way of making them accessible to the people. In his view, the people were getting used to the presence of the police. We found the Senior Constable concerned about the adolescents' offences, ("I get fairly wild when I find kids not eating") and he expressed some anxiety about the sniffing of petrol.

However, there were unofficial complaints about police behaviour. Aboriginal residents told us that the police drove "too fast" around the camps and that they were worried that they might run over a child. They also complained that the police vehicle was sometimes driven right into the camp [2]. This was witnessed in mid-1981 when the death of a baby who had rolled into a camp fire was under investigation. Three large police vehicles arrived early one Sunday morning and instead of parking at a polite distance from the living areas, they were driven extremely close to several shelters. Such an action was a gross invasion of Aborigines' private space, which might be invisible to the white observer as it lacked boundaries or fences, but which existed nevertheless. The approach by an

Aborigine to another's shelter was made with circumspection and tact, often with a cough or low singing to warn of the impending arrival of a visitor. Another unofficial complaint was made by a mixed-race couple who had occupied a house on the settlement during 1980. They reported that police had entered their house without invitation in the middle of the night, "looking for someone." They were awakened by the police shining torches in their faces [3]. It was unlikely that a white staff member's home would have been entered so summarily, and this example illustrates that Aboriginal privacy - whether in camp or at the settlement - was violated, at least on some occasions.

The history of Yalata-police relations is perhaps best summed up by an incident in which thirteen young Aborigines from Yalata were charged with 121 offences (see White, 1974 for a full account). At the ensuing trial, the newly-formed Aboriginal Legal Rights Movement represented those charged, which resulted in many of the charges being dropped. The lawyers also challenged the way in which the police had framed the charges. Eggleston wrote concerning this matter;

This was one of the few occasions that any Aborigines on the West Coast had pleaded not guilty to any charges.

(Eggleston, 1977:358)

Another rare not guilty plea was heard in 1981 by one author (M.B.). Two adult Yalata men appeared in the Ceduna Court charged with disorderly conduct. The police had no evidence

that they had been drinking, no witnesses, and the so-called disturbance of the peace occurred on a deserted road south-west of Ceduna. The A.L.R.M. lawyer defended the two men and an anthropologist was called as expert witness. The case was dismissed [4].

#### 7.5 Arrests vs summonses

Despite the fact that many adolescent offences were reported to the police, rather than the offenders being caught in the act, the vast majority of Yalata adolescents were arrested (see Table 11A in chapter 4). On this point, Eggleston comments;

Since an arrest constitutes a greater interference with individual liberty than a prosecution by way of summons, powers of arrest should be scrutinised by those who are concerned about individual rights.

(Eggleston, 1976:27)

Unless an offender is caught in the act, the power of arrest should be used, strictly speaking, only when police reasonably believe that a summons would not be effective. As a judicial principle summonses should be issued, but from the police point of view an arrest secures the offender's appearance at Court [5]. According to Eggleston, there is no evidence that Aborigines who are proceeded against on a summons or who are released on bail are any more unreliable about attending Court than are Europeans (1976:29). During our research period, it was clear that D.C.W. was intimately involved in making sure

that adolescents appeared in Court on the required day, so the necessity for so many arrests seemed puzzling. Eggleston's major concern was that of the deprivation of liberty suffered by a defendant if not granted bail soon after arrest (1976:28); the local A.L.R.M. solicitor expressed concern when an 11-year old Yalata child was not granted bail, and was kept in the cells.

Another factor which influenced the decision to arrest or to summons was the seriousness of the offence. From our data it can be seen that, indeed, the more serious offences of common assault and break, enter and steal were dealt with on most occasions by an arrest, although four were not. There was a high number of arrests for the charge of illegal use of motor vehicles, presumably due to the circumstances of discovery. In such cases, once the vehicle left the settlement area, there was a strong likelihood that it would be picked up by the police on the Eyre Highway. Despite the variables that could influence the decision, the preponderance of arrests was a notable feature of the data.

Police discretion included the option of taking an incident no further than a note in a log book. A police officer with close knowledge of Yalata adolescents could thus give a lecture on the spot and make a note of it. On occasions a private arrangement was made whereby an adolescent or his guardians would repay the cost of a broken window, for example. Since the advent in 1972 of the Children's Aid Panels in South Australia, police in the State have reported a sharp decline in

the use of police warnings (Sarri & Bradley, 1980:50). If this was so, it has had the unfortunate consequence of replacing an informal and non-institutionalised method of dealing with young (and particularly first) offenders, with an official form of social control.

#### 7.6 Children's Aid Panels

The Panels were instituted as an alternative to Court processing for the

non-judicial treatment of juvenile offenders between the ages of ten and eighteen years ... [they provided] a forum where the juvenile, welfare workers, Police officers, and parents can discuss what the child has done.

(Sarri & Bradley, 1980:47)

These authors report that Panels were more relaxed and informal than Court proceedings and that parents found them helpful. The child accumulates no 'record' from such an appearance, the proceedings are confidential and only attended by a police officer and D.C.W. community worker.

The advantages of this benign and more relaxed hearing were, however, not accessible to Aboriginal children on settlements, purely because of their remote geographical location. In 1977/78 only 19 Aboriginal children were processed through Panels, as compared to 137 appearing at Court. This was in the

whole north-west reserve of S.A. As a result of this, Sarri and Bradley report that 65% of Aborigines were processed through a Court for their first appearance rather than through a Panel (1980:59). Children's Aid Panels for Yalata children were infrequent, and the reasons for their paucity remained unclear (see chapter 4, Table 2). Yalata was not 'remote' in the way other Aboriginal settlements in the far north of South Australia were, and it was liberally endowed with visiting youth and welfare workers. In 1979 there was only one appearance at a C.A.P. (a girl); in 1980 six boys appeared at Panels (all aged 14 and under). The following year, however, these six boys all appeared in Court on similar charges - confirming, on a small scale, Sarri and Bradley's finding that Panels were no more successful than Courts in preventing reappearances (1980:60).

Over the last two years, some Panels have been held at Yalata, in an attempt to involve parents more fully. On one occasion, D.C.W. set up a 'public disapproval' session in the canteen with Aboriginal community members acting as both the audience and jury. Young offenders were lined up, with the police and D.C.W. youth workers seated at tables at the front, and the 'crimes' were read out. The adolescents apparently found this a salutary experience, and started crying. Adolescents at Court had been, in our experience, determinedly dry-eyed, so it may have been that community-based shamings such as this would be more efficacious in eliciting remorse for misdeeds. Such sessions at least involved the community and

helped to generalize responsibility for the children's behaviour.

#### 7.7 Appearance at Court [6]

The most striking factor in the appearance of Yalata young people at Court was the total absence of parental or community involvement. Despite numerous opportunities for relatives to attend Court in company with a young offender, these were not taken.

D.C.W. made arrangements for children to travel to Ceduna for Court, sometimes hiring a mini-bus if there were more than five or six due to appear. Such trips had the air of an outing. Sometimes transport presented problems; indeed it appeared that to hold the Court at Yalata itself would have been more convenient, and certainly more relevant. In 1977 the Ceduna Court of Summary Jurisdiction was convened on three occasions at Yalata itself, thanks to the enthusiasm of the visiting S.M. of the time. This made it possible for members of the Aboriginal community to attend en masse, and offered more openings for Aboriginal input into the proceedings [7]. Many people attended these Court sessions, and although the older people were shy of addressing the proceedings publicly, they were able to talk informally with members of the Court.

Had the system continued, the people undoubtedly would have become more familiar with the idea and contributed more fully. The Court had not sat at Yalata since that time, partly because such a system depended on the goodwill of the visiting

Magistrate, and partly because of the absence of a secure place in which to hold defendants who were in custody. Yalata people were unwilling to have such a lock-up constructed (in accordance with the requirements of the police), and so an arrangement which could potentially be of great influence in the treatment of youthful offenders had lapsed [8]. The system seemed to operate adequately in the Aboriginal communities of the South Australian far north-west, which had a visiting bush court. Under such circumstances, there was a greater chance for the translation of proceedings into the Pitjantjatjara language, and for opinions to be given from relevant older and influential members of the Aboriginal community.

#### 7.7.1 The Court experience

A researcher (M.B.) attended Children's Court sittings in May, June, July, October and November 1981. On arrival at Court, children sat outside the Courtroom in a busy waiting area, which was in effect a passageway through which police and officials bustled. The usher, a police officer, then called each child into the Courtroom. Once inside, the defendant stood awkwardly until told to sit, and remained silent throughout the proceedings, apart from making his plea (usually in a whisper). Questions from the Magistrate were answered with a monosyllabic yes or no, or sometimes just a nod of the head. The etiquette of the Courtroom procedures (modes of address, standing for the Magistrate etc.) and the layout of the room were not conducive to involvement by the defendant, particularly when he was an

Aborigine. One author has suggested that,

The staging of magistrates' justice in itself infuses the proceedings with a surreality which atrophies defendants' abilities to participate in them.

(quoted in Casburn, 1979:8)

The passing of papers, the muttered exchanges between Clerk, Magistrate and Welfare Officers, and the absence of an interpreter, added up to a mystifying experience for the adolescent. The mode of questioning itself was often problematic. Even when an interpreter was present in a case involving two adult Yalata men, the methodology of the proceedings produced gross misunderstandings. In this particular case the police prosecutor asked quite incomprehensible questions such as, "the police say you were in the middle of the road, true or false?" The dialogue continued:

Q. (to 'Johnny') Did 'Jimmy' say that?

A. (motions to 'Jimmy') That's 'Jimmy' over there.

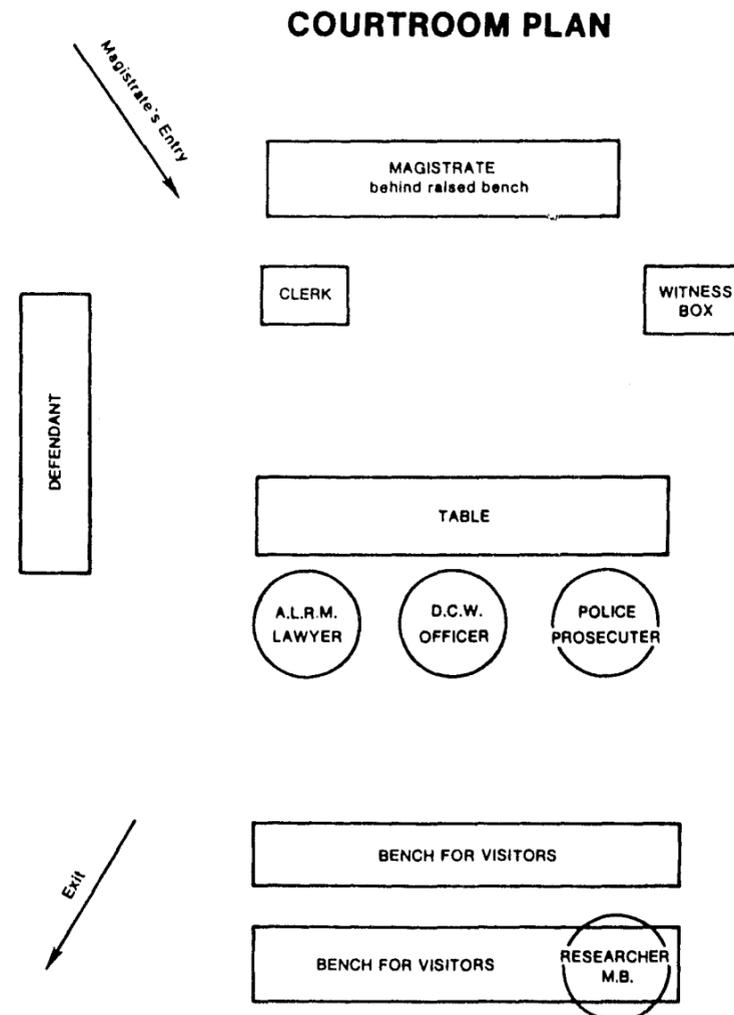
The misunderstandings continued with the question,

Q. Did the policeman say, "You're under arrest for being drunk?"

A. No, I wasn't drunk [9].

These examples illustrate the difficulties with reported speech, particularly when a European asks an Aborigine to speak for another. Aboriginal understandings of such linguistic

Fig. 4.



exchanges are that a man's 'word' belongs to him and cannot be proffered by someone else [10].

Parker (1977:345) commented on Aboriginal defendants who in court mentally removed themselves from proceedings, by staring out of windows, or at the ground, and by appearing to be apathetic. Yalata children engaged in such absencing measures. They were unaccompanied, and therefore did not have the benefit of colluding whispers with friends or parents. Defendants were familiar with two people in the room, the D.C.W. officer and the A.L.R.M. lawyer. The lawyer sat near the defendant and so was able to whisper the occasional explanation and instruction.

#### 7.7.2 Pleas

The adolescents always pleaded guilty. Occasionally, an adolescent, when asked by the Clerk (at the end of a long and usually rapidly-delivered reading of his offences), "do you plead guilty or not guilty?", would inadvertently answer "not guilty." On such occasions the A.L.R.M. lawyer provided him with the whispered and correct reply of "guilty."

The purpose of the Court, in the case of Yalata adolescents, was not to establish their guilt or innocence; their guilt was already admitted. Of the 45 cases on which we have information, all defendants made full admissions of the offence at the time of apprehension. If an adolescent was caught and told the names of others, they too would acknowledge guilt when questioned. It was impossible to judge whether this was because the adolescents felt some inevitability about the whole

process, or agreed that they had done something wrong in a vain attempt to please [11]. It simply may have been that an Aboriginal adolescent had no notion of attempting to cover up an offence by denying it.

#### 7.8 Roles: A.L.R.M. and D.C.W.

The role of the ALRM lawyer was in his words, "to represent his clients' best interests." He regretted that through pressure of work he was unable to spend more time talking with each adolescent beforehand, or talking to parents and relatives at Yalata. He saw his presence as being in order to prevent any "massive injustice" being done. He was well-informed about the quality of life at Yalata, although he was not able, because of the nature and volume of his workload, to spend any length of time at the settlement (see chapter 4, Table 11 for legal representation).

The D.C.W. officers usually visited Yalata once a week, and occasionally a group worker stayed for two days. A female social worker dealt with cases of neglect and counselled parents, and a male Aboriginal community worker had the task of 'supervising' bonds which were being worked off, and generally talked with youngsters who had appeared at Court. After many requests for a youth worker to be permanently based at Yalata, one was appointed in 1981.

The role of D.C.W. at Court was to present social background reports detailing the family circumstances of the individual child. This, it was hoped, would aid the Magistrate in his

course of action with the defendant. They could also offer information regarding the adolescent's disposition and conduct, particularly if a defendant had been avoiding trouble in the weeks immediately preceding his appearance. Overall, the role and demeanour of the D.C.W. workers was a paternalistic one - with the positive and negative connotations associated with such a stance. Their actions vis-a-vis the Yalata offenders were often protective (an arm round the shoulders, or hand on the head), and the reports constantly reiterated the disorganisation of the community, and the lack of responsibility of parents for their children. The values of cleanliness, work, and the need for family 'stability' were consistently emphasized [12].

The disposition of offenders' parents were frequently described in social background reports, particularly if they were known to be drinkers. On occasions, we found evidence of this kind quite contradictory. For example, in one report, it was stated that "the parents' involvement with alcohol may be a contributing factor" to a 13-year-old boy's offence. The boy's father was a regular drinker, like many of the older men at Yalata; however, he was also a highly respected and important leader in matters of ritual and land-holding. He had attended meetings with Government officials and mining companies with respect to his great knowledge of the importance of land north of Yalata in the Great Victoria Desert. These facts were not mentioned, were indeed probably not known to D.C.W. Very few of the older men at Yalata did not drink alcohol at some

time, and vague generalisations about an 'involvement' with alcohol were presumptions and certainly did not explain the behaviour of his son. That D.C.W. had knowledge about the drinking habits of their subjects' parents at all was undoubtedly due in part to the visibility factor that has so often been associated with Aborigines and alcohol:

Drunkenness is far more obvious (on a reserve or fringe camp) than it would be amongst whites living in ordinary homes, even if the actual extent of the drunkenness is the same.

(Eggleston, 1976:19)

In another report, a 12-year-old boy who had participated in an illegal use of a motor vehicle was described as having "a disjointed upbringing." It was noted that he needed some "controls put on his freedom of movement." This boy did not live consistently with either of his biological parents, but lived at his grandmother's camp most of the time, and occasionally with his mother. His grandmother's camp was always part of a larger group, headed by her nephew, a middle-aged and non-drinking man who allowed no drink in his camp. This man acted as a surrogate father to the boy and several others, as well as caring for his own family together with his wife. They formed perhaps the most stable enclave within the whole community, but within this framework, children were allowed a freedom of movement and action that might appear inordinate to the European observer. The suggestion that controls be placed

on freedom of movement was both unworkable and untenable within the current structure of Aboriginal child-rearing and socialisation [13]. There was no support in reality for the 'broken home' aetiology put forward by D.C.W. in this latter case, any more than the apparent drinking behaviour of the father necessarily influenced the behaviour of the boy described in the former case.

The difficulties of gathering relevant information about the children by D.C.W. were, of course, legion. Their visits were short and their information was based on 'opinions' gleaned from specific Aboriginal community members as well as from their own past experience with the community [14]. The Aboriginal community members with whom the D.C.W. (and other Government officials) tended to deal were those who were proffered by the community as being those who could best interact with Europeans under such circumstances. There was also the Aboriginal man employed by D.C.W. to provide such information, and he knew the sorts of things he should say. The problem in such circumstances was that Aborigines, like white Australians, would very much like there to be rational explanations behind certain behaviours. By neatly apportioning apparent causes for otherwise incomprehensible non-conforming acts, such acts became understandable and less threatening. When asked, Aborigines at Yalata would provide a host of reasons why (they thought) young Billy had turned out to 'no good'. Such explanations ranged from "being spoilt" [15] to him "worrying about dead relatives", to his parents "spending too

much money" on alcohol. Other comments (which always referred to children other than those of the speaker) included disapproving references to a boy who "back answered" all the time, and another who sniffed petrol "when he was old enough to drink."

Opinions of the type given above fulfilled two very important functions for the speakers. Firstly, their explanations provided information which Aborigines believed was of the kind which Europeans required (particularly if the questioner was an official of some Government department). Another factor which influenced the content of information provided was that;

Aborigines resemble each other most when they are dealing with Europeans, since this requires an extra-ordinarily rigid and ritualised set of responses; the roles in which Europeans are prepared to deal with Aboriginal people tend to be much more limiting and stereotyping than those found within the Aboriginal kinship system. White people demand situation-specific responses .....

(Hamilton, 1981:149)

If this was so, then a kind of reciprocity of expectations occurred when white Australians from D.C.W. attempted to fill out their background knowledge. They anticipated (or already 'knew') that a particular set of circumstances surrounded an

offending child, their questions were asked accordingly, and the responses were provided in the requisite manner. The second function which was fulfilled by opinioned explanations was an absolving one for the speaker. For the speaker to say of another's child "his father spends too much money on grog," was to absolve him or her (as a member of the community) of responsibility for the child's misbehaviour, whilst simultaneously disparaging that other family; as it was said at Yalata, "them lot," or "that other mob." When it came to non-conforming behaviour (both among adolescents and adults) Aborigines at Yalata were quick to disassociate themselves from it, and by blaming someone else the problem was pushed away, labelled and dealt with.

Thus explanations and typifications which amounted to what sociologists call the social construction of reality [16] became incorporated in Reports as definitive statements on the young people concerned and on their background circumstances. These reports carried a good deal of weight with the Magistrate in Court, for they were virtually his only source of information. Magistrates tended to be sympathetic to the work of D.C.W., and one described himself as being "rather intransigent with regard to repeated offenders ... it is high time your Department was given some assistance."

### 7.9 Magistrates

Twenty years ago Mr. Justice Kriewaldt regretfully acknowledged the disadvantage of having no anthropological training (Kriewaldt, 1960). The situation had not changed, and despite the occasional visit to Yalata arranged for a visiting Magistrate, it was difficult for a newly-arrived circuit Magistrate to be sensitised to Aboriginal social custom. Even a visit to the settlement may have provided an erroneous impression, or one that served to reinforce previously-held beliefs about disorganisation and poverty. Fleeting visitors tended to be struck firstly by the lack of sanitation and the untidy and makeshift appearance of the camps, and allowed this impression (which was of course also a true one) to dwell foremost in their memory. Such experiences might have served to confirm the stereotypes already mentioned, and they belied not only the lack of concern felt by Aborigines for the 'look of things', but also the considerable extent to which Aboriginal residents subscribed to a structured social order in their everyday lives.

During 1979 and 1980 two Magistrates took it in turns to sit at the Ceduna Court on alternate months, but in 1981, in an attempt to provide some continuity, one Magistrate attended for six consecutive months and the other attended for the second six months.

The Magistrates relied heavily on the advice offered by D.C.W. On occasions he would request that an assessment report be completed, which entailed the adolescent being remanded to

Adelaide. An adolescent could not be sentenced to detention until an assessment report had been completed, so that these reports were compiled usually for the more serious cases. They were more detailed than social background reports, and could include medical or psychological evaluations. Not only did requests for such reports necessitate the defendant being remanded to Adelaide and held there in custody, but the actual Court appearance which related to a specific incident was delayed by another month. This made it more difficult for the adolescent to comprehend that his appearance was related to, for example, that car he had taken three months previously.

When announcing the penalty for a particular offence, the Magistrate often emphasised the notion of responsibility for their actions to the boys. For example, one Magistrate told a boy, "in law if you go along with other boys you're just as much to blame. As you get older we presume you are able to make up your own mind" [17]. However, a reason that was frequently given for an offence by the offender himself was that "the other boys made me do it"; it was also common for an adolescent's parents to give such an excuse, saying "he's not really kura (bad) .. the other kids made him .." Such statements constituted another example of the disclaiming of responsibility, by both child and parent.

A Magistrate's warning would also relate to the increased seriousness of offences as a boy grew older;

You're going to turn eighteen in August,  
and you'll find the penalties in adult

court much tougher than the children's court ... stay out of trouble because it is more important when you're an adult not to go to gaol.

(S.M., Ceduna, 21/7/81)

And there were warnings that drink was no excuse;

Judges don't take notice when people say "I only did it when I was drinking" ... everybody says this ... I have the power to send you to McNally [18] and if you weren't doing something to improve yourself I would send you ...

(S.M., Ceduna, 21/5/81)

There were occasions when a Magistrate attempted to force an offender's biological father to be answerable for his son [19]. For example, with two young brothers before him, a Magistrate insisted that their father attend the Court in two day's time in order to sign their good behaviour bonds. Despite the protestations of the A.L.R.M. lawyer who explained that this man was engaged in traditional ritual business at the time, the S.M. was adamant that he should be, as he put it, "made to take his sons' offences seriously" and that he be "put out" in order for this to happen. Despite difficulties of transport, the father did attend, presumably missing the day's ceremonies. The incident highlighted the shortfall in cultural understandings, for although the attempt to create concern was

well-intentioned, it was also problematic. Earlier in the year, the same father had been unwillingly involved along with other parents, in a publicly-staged physical punishment of children who had been petrol sniffing. It was said afterwards (by both Aboriginal and white observers) that he had been particularly soft on his son, and had let him off lightly. Nevertheless, it is probable that his unwillingness to beat his son, and his acquiescence in the antisocial behaviours of his two sons, was representative of the attitudes of many other Aboriginal parents. Such a tolerant reaction has been noted elsewhere, and in a sense it alone constitutes a major stumbling-block to the notion espoused by many white Australians, that misbehaviour by adolescents requires greater parental control. Such a notion was reproduced during our study in courtroom exchanges and D.C.W recommendations.

One study which is salutary in this regard, is that by Annette Hamilton of Aboriginal child-bearing practices. She states;

Aboriginal child-rearing practices are on almost all points 'permissive' ... authoritarian practices are entirely absent. No demands are made for unquestioning obedience or externally regulated development; ... Pressures are inconsistent and children are not expected

to obey or respect adults automatically by virtue of their different statuses.

(Hamilton, 1981:149/150)

Not only do adults make no systematic attempt to train young children in obedience or submission to adults, but also the role of the actual biological parents is more diffused than it is in European society:

The Aboriginal child has many people taking care of it at different times, and although both the real mother and sometimes the father are to be found in this role, the usual pattern of life includes many others as well. The system of classificatory kinship, whereby all sisters of one's mother are also called 'mother', and all brothers of one's father, 'father', tends as well to reduce the exclusivity of the categories.

(Hamilton, 1981:92)

Yalata people used specified Pitjantjatjara words to designate their kin. However, some relatives which are distinguished in English were not distinguished in Pitjantjatjara. Others, distinguished in Pitjantjatjara were not so differentiated in English. At Yalata, a person called his mother and his mother's sisters by a single term (nguntju) and his father and his father's brothers by a second term (mama). Children were of course aware of who their biological

parents were, but if you call four men 'father', why should the responsibility for your behaviour be allotted to only one man?

#### 7.10 Penalties

At Court a large number of Yalata adolescents' charges were dismissed (45%) by Magistrates. In many cases this was evidently because the defendant was facing three or four different charges at the one appearance (see Chapter 4, Tables 12, 13). If a charge was dismissed, the Magistrate had the option of recording a conviction (which had the effect of officially recording a complaint against the defendant), or not, as he saw fit. The A.L.R.M. lawyer commented that a dismissal but with a conviction noted could have ramifications for the defendant later in his life; for example, applications for employment may ask the question "have you had any criminal convictions?" Such a question would have to be answered in the affirmative [20].

Good behaviour bonds ranged from \$40 for a nine-month period to the more general amount of \$100 for twelve months. Sometimes bond conditions included compulsory participation in a programme of some kind, referring to activities and camps organised from time to time by D.C.W. Fines ranged from \$20 to \$300 in our two-year sample.

During the period of our study, detention orders ranged from periods of two to six months. The average time spent at S.A.T.E.C. by Yalata adolescents was four months for serious offences, and twenty-eight days for less serious ones [21].

Many adolescents would already have had a three-week custody for assessment at one of the Adelaide centres before being flown back up to Ceduna for the Court appearance. If officially sentenced to detention, he would be flown back down again. The Social workers who supervised the Yalata adolescents at S.A.T.E.C. commented that this three-week custody for assessment was "no big deal" for them, unlike white children. Aboriginal children, it was thought, enjoyed the comforts of a two- or three-week stay in detention, with television and regular food [22]. The periods for assessment were not long enough to become unpleasant. However, after a month or more of detention, the Aboriginal boys began to feel restricted. This was said to lead to a period of depression and withdrawal, after which the staff anticipated that there would be outbursts of aggression. Yalata boys became particularly depressed and lonely if there were no other Pitjantjatjara-speaking Aborigines being detained. The experience of 'gaol' (as the boys call it) was more bearable, indeed almost enjoyable if there were several Yalata boys detained at the same time.

In order to give some indication of the numbers of Aboriginal detainees in Adelaide detention centres, samples taken in 1975 gave the following percentages:

<u>Centre</u>	<u>4/10/75</u>	<u>5/5/76</u>	
S.A.T.E.C. (15-17 aged males)	17%	30%	
S.A.R.A.C. (10-17 aged females)	24%	10.8%	
Brookway Park (10-15 males)	28%	20.7%	
Lochiel Park (12-17 males)	7.5%	3.8%	
	<hr/>	<hr/>	
	18.4%	16.5%	[23]
	<hr/>	<hr/>	

It has been suggested in the press that detention centres were being used as health rehabilitation centres for Aborigines from remote communities, some of whom stayed for as long as seven months [24]. Certainly, as for any disadvantaged group, detention provided welcome comforts for Aborigines, and Yalata people have commented that boys returned "looking fat." Gaol did not hold the stigma for Yalata boys that it holds for white Australians. Boys from Yalata have, on occasions, been given a rousing send-off by their peers when taken to gaol, and it appeared to have some status attached to it. Nevertheless, bravado before and after the event may have concealed the loneliness and fear of the experience for some boys. One repeated offender from Yalata, who had been confined to the single cells in the high security wing, was found each morning huddled in the corner of his cell terrified of spirits (mamu). An assessment report on another Yalata boy, aged 16, maintained that he had found it difficult to settle in at first and "had to be detained in the single cells," which suggests that his

difficulty was expressed aggressively. The report continued by saying that he had "learned to survive ... and experiences very limited distress in being in, he certainly enjoys the material comforts there. 'Paul' also enjoys flying to and from Ceduna." One Yalata boy commented that the worst thing about being detained was that you were not allowed to smoke [25].

Aboriginal languages and culture were unknown areas to the workers at the detention centres. S.A.T.E.C. social workers commented that they had no special training in order to help them interact with Aborigines, and they had to use "the same tools with Aborigines as for white kids." They regretted their lack of knowledge of traditional Aboriginal communities, saying that they had absolutely no idea of what life was like in such places.

It is arguable whether or not detention fulfilled any deterrent effect. Despite the separation from family and familiar scenery that gaol entailed, it did not appear to be an unduly unpleasant experience. D.C.W. in one assessment report noted that the speed at which a boy had been returned to S.A.T.E.C. after his release on two previous occasions, "had been astounding." It has been suggested that offences have been committed by Aboriginal boys deliberately, in order to be sent to gaol (Gilroy, 1976:124); however, we recorded no incidents that would confirm this at Yalata.

#### 7.11 Community-based punishments

Magistrates frequently reiterated the supposed efficacy of sanctions which could be imposed by the home community. One Magistrate stated, "the more 'Paul' can face the consequences of his offending in his own community, the more effective this will be." In order to try to bring this about, Magistrates attempted to obtain information about suitable adult men who could be 'responsible' for offenders if they were sent back to Yalata. These arrangements were rarely successful. In 1979 at a Yalata Council meeting, Councillors explained the nature of good behaviour bonds for five boys, and they were allotted men "they had to take notice of and obey." Four of the five continued to be regular and serious offenders, and one of them, now over the age of 18, had been detained in adult prison.

Mr. Justice Muirhead, while sentencing some Aboriginal youths in the Northern Territory said;

You find yourselves .. in the cultural dilemma of conflicting societies ...  
 You would do well ... to hold onto your Aboriginal traditions ... I accept the concern of your own communities, and you all appear to retain tribal ties. Any punishment they may eventually administer -  
 and I make no request along these lines -

is likely to be more salutary than anything  
I myself can do.

(Daunton-Fear & Freiberg, 1977:62)

It is ironic that fifty years on from the heyday of mission-based and Government-supported programmes to curb the powers of the 'elders' [26] and undermine the indigenous forms of social control, the answer to the delinquency problem is often sought in traditional Aboriginal culture. A D.C.W. proposal for the Treatment of Aboriginal Juvenile Offenders (n.d.) suggested a programme:

that will enable tribal elders to choose from a wider range of tasks and resources to provide training of young men that is both consistent with traditional principles and relevant to today's world.

Sommerlad states;

Committal to white institutions absolves the community from taking responsibility for youth and undermines the authority of the elders.

(Sommerlad, 1978:46)

The assumption underlying such statements was that the 'elders' both wished to and had the power to influence the behaviours of young people (actually, young males; the activities of young females were rarely discussed). We should question these assumptions. Another issue which was often hinted at and vainly hoped for, particularly by the Court and its entourage, was

that traditional initiation practices would be the answer to anti-social behaviour. Initiation is often perceived by Europeans as being a punishment, and as a kind of passport to good behaviour in adult life. Some anthropologists have considered the punishing aspects of initiation, and we would refer the reader to these sources rather than considering them here [27].

On the latter point, it would be impossible to state definitively that the acceptance of a youth for initiation into manhood would necessarily herald the end of a delinquent career. At Yalata, in our limited experience of this area, boys were selected for initiation on the basis of traditional matters associated with land-holding. The fact that a boy had been in trouble with the police and would possibly be in trouble again at some time in the future, seemed irrelevant [28]. That adult males who were also men (wati) in the Aboriginal sense continued to appear at Court on various charges belies any over-simplified assumption that manhood ipso facto meant non-involvement with European law-breaking.

There are many problems associated with handing over offenders (either adult or juvenile) to the Aboriginal community for punishment, and Misner (1974:267) discusses them (see also Appendix on Customary Law). These are legal matters of jurisdiction and ethics. However, they assume that the community itself would be willing to undertake such a role.

By attempting to urge adult men in the community to take responsibility for the offences committed by their adolescent

members, Magistrates were highlighting a crucial issue. That issue is, basically, whose responsibility is it to maintain law and order in the community with particular respect to the behaviour of adolescents. Discussions had been held for several years (we have records from 1976) at Yalata, at Aboriginal Council meetings, on the problem of controlling young offenders. Comments at such meetings over the years revealed the inability of the community, and its apparent unwillingness, to take action forcefully with young offenders:

the Council was dismayed at its lack of ability to do anything as relations responsible for them (offenders) were not fulfilling their obligations.

Council minutes 22/1/76

The Council did not know what to do ... the Court system is doing nothing for them.

Council minutes 6/4/76

Five children were in trouble for petrol sniffing and breaking and entering. Councillors agreed to speak to relatives.

Council minutes 11/4/79

a committee was formed to help D.C.W. liaison, to put the community view to the

Court and try to get parents to look after their children.

Council minutes 3/7/79

None of these resolutions appeared to have been effective in any long-term way [29].

In some cases relatives would be warned about their 'responsibilities', but attempts to formalise such arrangements were fraught with difficulties. Some Council members were themselves the close relatives of offending boys; and others, although potentially (or in the eyes of Europeans) in a position of some authority, often retreated from using it in this way.

We draw attention once more to our previously-stated observations that Aborigines at Yalata were unwilling to intervene in certain problematic situations occurring at the settlement and preferred to call the police. They were also unwilling to impose forceful sanctions on young people who were interfering with the property of whites. Quite simply, the people did not see it as being their problem. Obviously, when confronted by worried D.C.W. workers and Community Managers, and when faced with an item on the Council agenda, adult Aborigines would willingly agree that it was bad that the young people consistently were being sent to Court, and that 'something' should be done. But when their own explanations for such behaviour were related to a boy being spoilt, or to his parents spending too much money on alcohol, what possible influence could others have had on these apparent causes? The

very framework within which Aborigines perceived youthful misbehaviour directed towards whites was one that seemed to preclude any intervention.

Beliefs about offenders and petrol-sniffers not taking any notice of rebukes or punishments were very widespread, and rumours circulated which reinforced such beliefs. For example, a rumour was started in 1981 that if you punished petrol sniffers by hitting them, they might die, because they were weak. This was said to have come from an "Adelaide lawyer." This belief was reinforced by the equally unfounded news that a Yalata petrol sniffer who was in detention in Adelaide had died. Another commonly-held view was that offenders just 'wouldn't listen' (putu kulinyi). Of those who had previously been petrol sniffers, it was thought that their brains were no good and that they couldn't hear. The Pitjantjatjara expression was pina wiya (no ears), as opposed to the expression for deafness, pina pati (closed ears). A deaf person had ears, but they were closed. Offenders and petrol sniffers had no ears, no understanding, so there was no point in even trying to change them.

Concluding this section on events which follow the offence, the dilemma for the juvenile justice system was, then, two-fold, Firstly, the European mechanisms of detention and good behaviour bonds failed to act as either deterrents or as punishment. Secondly, the Aboriginal community itself: a) did not perceive the property offences of adolescents to be their problem; and b) chose not to intervene with offenders or

their parents and justified this choice by a variety of mechanisms, which acted to deflect the problem away from themselves. In an apparent contradiction, Aboriginal adults called for boys to be sent away to Adelaide, while simultaneously acknowledging that gaol did not teach them anything. We conclude that such demands reflected, once again, the perception that these issues were for whites to manage and that they expressed an eagerness to pass responsibility for problematic issues onto someone else.

#### 7.12 Summary

In this chapter we have considered the events occurring when an exploit became an offence and was reported to the police, thus setting in motion a chain of events. We have shown that the majority of offences aimed at whites were reported, and that all the adolescents involved confessed, and therefore all were guilty when they appeared at Court. We noted that offenders were invariably caught, and that they would have been aware of this outcome. The local police were found to have a cordial relationship with the Aboriginal community, although this was only relatively tenuous, and dependent on the personal characteristics of those police officers stationed near to the settlement. Their involvement with the community acted to protect the property of whites (or more accurately to bring justice to bear on those who attacked such property), and to intervene in and act upon inter-Aboriginal disputes that got out of hand.

We considered that the relative absence of Children's Aid Panels discriminated against Aborigines in remote areas, including Yalata, so that many appeared in Court for first offences. Court was found to be largely irrelevant to the Aboriginal population, who did not accompany Yalata adolescents to Court, and did not express strong feelings either of praise or blame if a child had to appear. If the Court could once more be held at Yalata itself, it would be likely that the people would become more involved, and would perhaps feel more inclined than they were during our study to take responsibility for the behaviours of young people.

Government agencies, members of the Court and associated bodies in Adelaide tended to be both ill-informed and also misinformed about Aboriginal society, and their staffs were untrained in Aboriginal affairs. They confronted the twin problems of inadequate deterrents existing in European law, and the community's disinterest in taking on the problem. Yalata itself presented considerable problems for these agencies. It provided an apparently perfect example of the 'bad conditions lead to bad behaviour' equation, which tended to be reinforced by the accumulation of fleeting impressions during short visits to the settlement. Misinformation often originated from official reports on Yalata (prepared by D.A.A., D.C.W. and even the United Nations Association) which frequently emphasised the material conditions there, and the traditional culture was viewed as having broken down [30]. During the course of our research, and that of Dr. K. Palmer as part of the Western

Desert Project, it became clear that a high degree of structured traditional social organisation still existed at Yalata [31]. The issue was not one of cultural breakdown; it was, we suggest, one of the disinclination on the part of Aborigines to intervene in punishing acts of non-conformity against white law which were aimed at white's property. This disinclination was born out by the linguistic expressions used to describe misbehaving children, the widely diverse range of explanations offered by Aborigines as reasons for behaviours, and by the long history of failed attempts to 'make' adults deal with young people in a particular way.

There is one further point to make. The emphasis, by white Australians associated generally with the punishment or rehabilitation of Aboriginal young offenders upon the ethics of hard work, cleanliness, and above all parental supervision of errant adolescents, constitutes a perspective that will inevitably fail. As we have shown, the independence and freedom of movement and living companions which were so frequently and despairingly referred to in official documents, were totally acceptable behaviours lodged firmly within the boundary of Aboriginal mores. In a study of Inuit (Eskimo) settlements in the far north of Canada [32], Hugh Brody makes some pertinent comments. He states;

The southern observer will not find evidence of socialisation in any careful or self-conscious provision of what parents hold to be the child's real needs ... [it]

might be taken as an absence of any socialisation at all, but in fact it is the continuation of the traditional avoidance of manipulative or authoritarian treatment of young children...

It may be that, in a rapidly changing social setting, the absence of traditional forms of socialisation may come close to an absence of any form of socialisation, and that such an absence may have a great deal to do with the appearance of delinquent behaviour in children brought up in periods of radical and rapid social change. But hypotheses of this kind can be easily overstated.

(Brody, 1975:194)

Notwithstanding his last rejoinder, Brody's analysis has considerable application to the situation we have researched. The answers will not be easy, but over-simplified exhortations that Aboriginal parents must closely supervise or punish their adolescents for behaviours which, clearly, are not perceived as being within their field of reference, are not only untenable demands, but also do nothing to contribute to effective understandings.

Notes

1. Drunkenness is one of the behaviours which, although disruptive to the life of a community, is not traditionally proscribed. Generally, there are no 'tribal' methods of dealing with persons committing disruptive acts while under the influence of intoxicants (Misner, 1974:266).
2. Bell and Ditton (1980:88) also noted this complaint from Aborigines in other parts of Australia.
3. See also Eggleston (1976:23)
4. Parker (1977:332-352) has some interesting points to make on the infrequency of 'not guilty' pleas.
5. Personal communication, A.L.R.M. solicitor.
6. See Chapter 4, Tables 2, 3, 4.
7. See Lewis (1979) for information and suggestions regarding the operation of such a bush court system.
8. There were other logistical difficulties such as the time needed for travelling, and the discomfort of extreme summer heat; however, these would not appear to be insurmountable.
9. Ceduna Court, 21/7/81. See also Coldrey and Vincent (1980:224) and Misner (1974:261).
10. We wish to thank Dr. K. Palmer for making this point.
11. Parker (1977:345) draws attention to the answering of questions by Aborigines in such a way as to please the questioner.
12. On one occasion when some Yalata boys had stayed overnight in Ceduna before appearing in Court the next morning, they had

voluntarily taken an extra shower. This was offered to the Magistrate as being evidence of the boys' "good faith."

13. Hamilton (1981:149) has described the Aboriginal camp as "struggling, disordered, anarchic, highly individualized."

14. There was also the problem of a partial, or half-formed, knowledge of an anthropological kind about Aboriginal culture, for example the frequent use of terms such as 'tribe' and 'elders', and incorrect definitions of boys in the pre-initiation stage. A D.C.W. report 'Treatment of Aboriginal Juvenile Offenders' (n.d.) referred to all uninitiated boys as being njinkas (sic.), when in fact this term has a specific meaning.

15. People at Yalata said a child was spoilt if his mother carried him around too much when he was old enough to walk (see also Hamilton, 1981:128), or when parents "give 'em anything."

16. Berger, P. and Luckmann, T. (1976). The Social Construction of Reality.

17. The use of word 'law' was unfortunate, for although it was evidently used to refer to European law, an Aboriginal boy would attribute the traditional Aboriginal meaning of the word to it. See also Note 1, page 50.

18. McNally was the name by which S.A.T.E.C. was previously known.

19. On other occasions, Magistrates adjourned the proceedings to allow time for enquiries to be made at Yalata, or at another Pitjantjatjara community, regarding supervision by relatives. This was also done if the defendant requested that he go and

live at another settlement for a period of time. Magistrates, in so doing, showed considerable understanding and sensitivity.

20. We were unable to obtain information on the number of recorded convictions in dismissed cases.

21. Personal communication, D.C.W. District Officer.

22. There is no television reception at Yalata as yet. With the advent of DOMSAT, the proposed Australian domestic satellite, Yalata, along with other isolated settlements across Australia, will be able to receive television programmes. The effects of satellite television on Aboriginal communities is currently the subject of a research study being conducted by the Australian Institute of Aboriginal Studies in Canberra.

23. D.C.W. Report: 'Treatment of Aboriginal Juvenile Offenders' - no date.

24. Adelaide Advertiser, 25/2/82. Report on questions asked in the S.A. House of Assembly.

25. Adult gaol was felt by Yalata people to be much tougher. Port Lincoln Gaol, where many Yalata adults were sent, had been described as very uncomfortable. One 50-year-old man from Yalata said the cells were very cold, as he was used to sleeping close to fires at night. It was said in Court that the man's lung complaint had been exacerbated by his stays in prison.

26. A term which seems to have more usage among white Australians than it does among Aborigines.

27. See Sackett (1978) and Tonkinson (1978:68); and for discussions on traditional authority structures, see Meggitt

(1975:248) and Berndt (1965:202).

28. In July 1981, a 19-year-old youth was initiated who had appeared in the Children's Court on 14 occasions, and was well-known as the driver in group illegal uses.

29. A system of Aboriginal nightwatchmen who patrolled the settlement after dark was in operation intermittently in the late 1970s. By 1981, this patrol was no longer in operation.

30. The Lutheran Church produced a stencilled information sheet about Yalata which was sold (up until 1981) at the Roadhouse.

It stated: "Corroborees are quite common, although the influence of these rites is gradually diminishing as the effects of education and Christian conviction supply satisfying answers to many things previously classed as mystical." A D.A.A. report in 1978 referred to a "depressed and broken down tribal existence."

31. Palmer (1982:62) comments that Yalata people carried on Aboriginal business with "skill, enthusiasm and expertise ... affairs are expedited with thoroughness and success."

32. There are many similarities between Inuit peoples and Aboriginal Australians with respect to the history and impact of European contact. The situation described on Inuit settlements is so unnervingly similar to that on some Aboriginal settlements, that it is a book worthy of study by anyone who is closely associated with Aborigines.

## 8 SUMMARY

- 8.1 Yalata, situated on the eastern edge of the Nullarbor Plain in South Australia, and 1000 km. west of Adelaide, had an Aboriginal population of approximately 300 during 1979/80.
- 8.2 During the study period, there were 37 male (65%) and 20 female (35%) adolescents residing at Yalata.
- 8.3 Nine female adolescents (45%) were married, compared with 1 male adolescent (3%), and male adolescents were reported by white teachers to be generally less active sexually than female adolescents.
- 8.4 Offending behaviour (resulting in Court or C.A.P. appearances) was predominantly a male activity, with 59% of male adolescents being charged during 1979/80, compared with 10% of female adolescents.
- 8.5 Offending behaviour in males increased with age. Non-offenders were significantly younger than offenders, and occasional offenders were significantly younger than frequent offenders.
- 8.6 No statistical relationship was discovered between blood lead levels (an index of petrol sniffing) and offending

behaviour.

8.7 Two main types of offending behaviour were delineated; a 'statistically normal' type practised by most of the older adolescent males, and a much less frequent 'deviant' type, presumably related to individual psychopathology.

8.8 Adolescent offences were usually directed against property rather than persons, with break enter and steal and larceny charges predominating during 1979, and illegal use charges during 1980. The change was probably related to increased security measures in buildings introduced during 1980.

8.9 Most offending behaviour was directed at specific targets - white-owned property (such as cars), and buildings of special significance (such as the school).

8.10 The specific targets of adolescent offending behaviour strongly suggested a causal link with a sense of alienation from white Australian society, and the acts of offending may have signified an assumption (albeit misplaced) of positive action and control.

8.11 White Australian law was, in practice, differentially applied. Offences by adolescents against white property were usually reported and charges preferred. Offences by

adults (against white law) within the Aboriginal community were not usually reported or investigated.

8.12 Without obvious cogent reasons, adolescent males were arrested rather than summonsed (89% as against 11%), a probable breach of individual rights in many cases.

8.13 Limited use was made of Childrens' Aid Panels as an alternative to Court proceedings (only 13% of all appearances during 1979/80).

8.14 Adolescents were not accompanied by adult relatives at any Court appearance.

8.15 Language difficulties were often apparent during proceedings.

8.16 During 1979/80, all adolescents pleaded guilty.

8.17 Only two-thirds (66%) of adolescents were legally represented at Court hearings.

8.18 Only a limited awareness of Aboriginal customs and culture was demonstrated by whites involved in the legal processes, and sometimes this was counter-productive.

8.19 While most adolescents appearing in Court faced multiple

charges (136 charges for 62 appearances during 1979/80), most charges were dismissed (43% over the 2 years). 24% of charges resulted in a bond, 11% in a fine, 7% in detention, and 15% in other penalties.

8.20 No penalties appeared to act as a deterrent to subsequent offending, nor to offending by other adolescents.

8.21 The practice of some Magistrates of returning offending adolescents to their community for supervision or punishment was rarely successful. Adult Aborigines neither seemed to perceive offences against white property as particularly relevant to them, nor to be willing to exercise punishment.

**CONTINUED**

**2 OF 3**

## 9 CONCLUSIONS

The funded research programme 'Aboriginal Adolescent Offenders Study' delineated four objectives, and these will be addressed in turn.

9.1 'To identify significant psychosocial and cultural variables which distinguish between offenders and non-offenders in the Aboriginal adolescent population at Yalata.'

As a variable, gender differentiated offenders from non-offenders, but this was hardly a surprising or useful finding. Offenders were older than non-offenders, and frequent offenders were older than occasional offenders, but again, these findings were of little utility. Variables which attempted to measure family and social network size and integrity did not differentiate the groups.

While it was possible that other undiscovered or unrecorded variables could have separated the groups, the more significant finding seemed to be that, for Yalata, male adolescent behaviour was statistically normal.

9.2 'To identify significant psychosocial variables which constitute causal or contributory factors in the development of offence behaviour.'

As no recorded psychosocial variables were found to differentiate offenders from non-offenders, such variables could not be implicated in the aetiology of offending behaviour. Even in the cases of one or two frequent offenders considered 'different' by the Aboriginal community, and in whom psychological or personality factors may have been instrumental in the genesis and patterns of their behaviour, no salient psychosocial factors, as recorded in the study, could be defined.

One possible aetiological factor related to gender roles. Adolescent males at Yalata may have been experiencing some role confusion or diffusion, and this may have contributed to their desire to seek excitement and action through illegal activities. Their female age-peers assumed more obviously prescribed and intact gender roles - those of young wife and mother, or even of sibling caretaker. A stronger sense of personal identity thus may have protected them from acting-out behaviour.

However, the general history of Aboriginal-white Australian contact, and the particular history of the Yalata Aborigines, with their record of dispossession of land and usurpation of control by changing white Australian 'benefactors', suggested possibly stronger causal or contributory concomitants. The

apparent specificity of the offending behaviour in always selecting as targets white property strengthened the conviction that the behaviour reflected a powerful (but otherwise unexpressed) sense of alienation from the dominant white society.

While usually regarded negatively, such offending behaviour could be conceived more constructively; it could be seen as a positive action to combat an only vaguely-perceived sense of alienation and powerlessness, as an attempt to gain some control. If so, a deflection of such energy into more socially- and politically-conscious behaviour could prove to be of substantial benefit to the community.

9.3 'To identify variables of strong predictive value in identifying those Aboriginal adolescents at risk regarding future offence behaviour.'

Gender was the only apparent strong predictor variable. At Yalata, to be male on entry into adolescence virtually guaranteed several Court appearances during the ensuing years. As a mix of socio-political factors seemed at least to contribute to the behaviour, without substantial alterations to these factors it is likely that offending behaviour by adolescent males will continue. Current methods of handling offending behaviour (the legal process) did not appear to be influencing its occurrence or frequency, and there is no reason to expect this non-influence to change.

9.4 'To test the feasibility and efficacy of adopting a "problem-posing" approach (Freire, 1972) to criminal behavioural problems in an Aboriginal community.'

Addressing the issue of widespread illiteracy among Brazilian peasants, Paulo Freire (1972) developed the concept of "problem-posing education", by which

...men develop their power to perceive critically the way they exist in the world with which and in which they find themselves; they come to see the world not as a static reality, but as a reality in process, in transformation.

(Freire, 1972: 56)

(Freire's italics)

He subsequently (Freire, 1978) further articulated the process:

The educator's task is not to use these means and these paths to uncover the object himself and to offer it, paternalistically, to the learner, thus denying him the effort of searching that is so indispensable to the act of knowing ... the most important factor is the development of a critical attitude in relation to the object and not

a discourse by the educator about the object.

(Freire, 1978: 10-11)

(Freire's italics)

We believed that this education process could be applied to research, as this particular type of research really aimed to be educational in effect. We called it 'problem-posing research', and believed that if, as researchers, we worked with the community as 'co-researchers', on issues identified by them as problems, they would begin to formulate and implement 'problem-solving' strategies. Our role, we believed, would be to assist the community in the detailed and critical analysis of the identified problem, and not to define, or even to help them to define, solutions.

Freire again:

What is being attempted in this kind of education is the exercise of critical reflection, at deeper and deeper levels, about how human beings live in their world. It means taking the daily routine itself as an object of analysis, trying to penetrate its meaning.

(Freire, 1978: 134)

This fourth objective was not achieved, and for several reasons; although if we cannot claim successful realisation of it, neither can we be certain that the approach totally failed.

For problem-posing to have been successfully implemented, in a Freireian sense, several different conditions and methods would have been necessary.

Implied in the whole approach was the selection of the 'problem' for study by the community. If we are totally honest, the community agreed with us that <sup>adolescent criminal offending</sup> it was a problem. In their infinite accommodation and desire to please, it was probable that the Aborigines of Yalata accepted adolescent offending behaviour as a problem because we (and other whites from D.A.A. and D.C.W., etc.) assumed that it must have been.

By their reactions to the behaviour, throughout the course of the study, it was as if they did not see it as a problem at all. They did not appear unduly upset or concerned following offences, nor did they support their adolescents by ever accompanying them to Court. They also did not seem to attempt to control the behaviour.

Two possible explanations can be offered for this failure to perceive offending behaviour as a problem:

- a) an avoidance of problems, and associated conflicts, which did not directly affect them;
- b) an actual acceptance, and therefore covert support, of the behaviour.

During field-work in an isolated outstation in Central Australia (Morice, 1978), and during regular visits to Aboriginal settlements in the Centre, one of the authors (R.M.) had observed frequent instances of limited disputes and conflicts ignored by most members of the community, even by

those in close proximity to them. He also observed how most people would detour around the sites of such disputes, or around individuals who were obviously angry or drunk.

Non-confrontational behaviour is, of course, ubiquitous in human societies, but in the context of the small, isolated community it seemed more salient. The second author speculates that frequent confrontational behaviour would increase the risk of conflict escalation, and thus threaten the survival of small groups. He considers it possible that relative non-confrontational behaviour was developed as an adaptive behaviour by small hunting and gathering hordes, and that such strategies persist as part of the armamentarium of Aborigines' adaptation to the confines of settlement living.

The apparent failure of the Yalata Aborigines to recognize as a problem the offending behaviour of the adolescents could be interpreted as an example of non-confrontational behaviour, by avoiding confrontation and additional conflict with the whites who did perceive the behaviour as a problem.

Almost diametrically opposed to this is the possible explanation of an actual acceptance of the offending as a valued behavioural response. Throughout this Report, we have stressed the historical and contemporary facts of dispossession and alienation of the Yalata Aborigines. We have discussed the disjunction between the life-styles of the whites and blacks at Yalata, and have shown that the targets of the adolescent offenders indicated specifically directed action -- against the whites. The actions of the adolescents were, we believe,

understandable within a context of a pervading sense of alienation from the dominant white society.

It would be naive to assume that such attitudes disappeared with the passing of adolescence. Adult Aborigines at Yalata must have felt the same. Indeed, mention has been made in this Report of adult 'offending behaviour' directed at the administrative offices (and officers).

Offending behaviour (and acting-out behaviour in general) in the young is often ambivalently perceived by their parents. The young often do what their parents would like to do, but cannot because of increased societal constraints. It is as if the adolescents are the actors under the direction (covert, unconscious even) of their parents. Such could have been the situation at Yalata.

While the two proffered explanations appear diametrically opposed, both could have been operating together, syllogistically, to strengthen the apparent acceptance by the adults of adolescent offending behaviour.

Also integral to the problem-posing approach are the intensely collaborative nature, between researcher and subject(s), of the analysis of the problems, and their analysis "at deeper and deeper levels" (Freire, 1978:134).

Due to the apparent non-perception of offending behaviour as a problem, the analysis of it became a largely unilateral exercise. We, as researchers, gathered data and, through their processing and interpretation, formed opinions. The data (and

not the opinions) were transmitted to the community during the feed-back sessions -- but these could be interpreted as "a discourse by the educator about the object", and as such antithetical to Freire's approach.

Nor did we make any real attempt to question with the community their perception of the offending behaviour. Manifestly, it was a problem for black-white relations at Yalata (and elsewhere), even if it only reinforced the predominantly negative attitudes held by most white Australians towards Aborigines. As part of the problem-posing approach, we should have raised this issue, and thus encouraged analysis "at deeper and deeper levels."

If, as we believed, the offending behaviour was an authentic action within a matrix of dispossession and alienation, we should have encouraged articulation of these problems, and of the many other more concrete issues relating to them. This would have been difficult, if not impossible, given the socio-political climate at Yalata in 1979.

Additionally, we were not fluent in Pitjantjatjara. Dialogue at the levels referred to above would have necessitated fluency. Certainly, the language lessons we undertook were of benefit and, at the very least, indicated the seriousness of our intentions to the community. But we remained severely constrained by communication barriers.

Even if the Yalata community had genuinely perceived offending behaviour as a problem, and if we had been able to

facilitate genuine analytical problem-posing, barriers to the development of problem-solving strategies may have emerged. In particular, resistances resulting from a state of relative dependency may have impeded progress.

Throughout their contact with white Australians, Aborigines have been subjected to a paternalistic (and often repressive) domination, which has encouraged the development of a relative state of dependency, or of 'learned helplessness' (Seligman, 1975). Since first contact, white Australians have consistently provided Aborigines with what they (the whites) thought they (the Aborigines) needed, and have identified problems for them, and imposed solutions (few, if any, of which worked).

Since 1933, the Yalata Aborigines had been largely under the care of whites, predominantly missionaries who actively encouraged them to relinquish control of their own affairs. At Ooldea, one manifestation of this was the provision of dormitories for young boys and girls, with the missionaries taking the care and rearing of these children away from their parents and relatives. These adults, referred to by the missionaries as the "camp natives", were seen as having a bad influence on the young children. They were encouraged to deposit their children in the homes, where they were fed, taught and indoctrinated with Christianity.

When their traditional land was declared inaccessible, and made unusable (polluted) by the exploding of atomic devices during the 1950s, they were simply shifted south by the missionaries. At Yalata, white missionaries, and later lay

staff, continued to fill roles that would otherwise have been performed by the Aborigines themselves. These included the care and supervision of children in school, from kindergarten onwards, and, until the late 1960s, the provision of rations. More recently, during the 1970s and 1980s, youth workers provided recreational activities and expeditions over weekends and during school holidays. D.C.W. arranged for adolescent offenders to go on what were termed 'rehabilitation camps' and trips away from Yalata. Some white personnel viewed the Yalata settlement as an unsuitable and even unsavoury place (much as the Ooldea missionaries had viewed the camps), and made every effort to take troubled and troublesome children away at weekends and over holidays.

Thus, especially in the area of child-care, whites had assumed relative control, and the Aborigines, in a dependent-like state, seemed sanguine in their apparent relinquishing of responsibility.

Additionally, Aborigines (those at Yalata included) had always exercised permissive child-rearing practices. Parental control over behaviour was minimal. Children learned, as a result of subtle and non-authoritarian socialization methods, the boundaries of acceptable behaviour, and the roles and actions expected of them as members of particular family groups. As well, responsibility for children and adolescents was diffused throughout the community, because they had several adults who fulfilled the roles of mother and father.

These two factors, relative dependency on whites in areas of

child and adolescent responsibility and an inherent permissiveness (from a white perspective) in traditional child-rearing practices, thus may have militated against the development of conventional (again from a white perspective) problem-solving strategies, such as the assumption of greater control over the behaviours of their young people.

However, this issue is really hypothetical within the context of our fourth study objective, as we believe that, from a problem-posing perspective, the ground for the development of problem-solving strategies had not been adequately prepared.

We also believe, given the socio-political precursors, that simple measures of increased parental responsibility and control would not necessarily reduce adolescent offending behaviour. Only the more substantial issues of self-esteem and self-determination will be causally linked in time, we believe, to any real reduction.

## A P P E N D I X

## ABORIGINAL CUSTOMARY LAW

The issue of Aboriginal Customary Law and its relationship to European law is currently under consideration by the Law Reform Commission. They have published a Discussion Paper (No. 17, November 1980) which contains tentative proposals concerning the recognition of Customary Law.

The Discussion Paper refers to the "crisis proportions" reached by juvenile delinquency in many Aboriginal communities (*ibid.*:44), and to the inappropriateness of sending youths away from their traditional communities and environment to detention centres in the city. With regard to delinquency the Paper assumes that delinquent behaviour is somehow linked to the avoidance of 'traditional ways'. It says:

In some communities, the problem of what to do with young men who refuse to accept traditional ways and engage in delinquent behaviour is the most obvious law and order problem and the most obvious manifestation of the breakdown of tribal ways.

(*ibid.*:57)

It may be that in some communities teenage boys do try to avoid initiation ceremonies, stealing cars or committing some other illegal acts in the process of leaving the area. But to

link offending behaviour in general with a 'breakdown of tribal ways' is to confuse the issue. 'Tribal ways' contained no sanctions against the modern illegal behaviours engaged in by adolescents. The fact that modern Aboriginal adolescents commit illegal acts against European laws does not necessarily have any bearing on 'tribal ways' at all. No offence which resulted in a court appearance during our research period at Yalata could be linked with 'traditional' matters. The involvement of adolescent boys in offending behaviour did not appear to influence decisions made regarding their ritual incorporation. An exception was the unusual case of the boy for whom an unsuccessful request for initiation was made (see p.85).

The fact that so many commentators on this aspect of Aboriginal juvenile delinquency elaborate on the tribal factor is puzzling. An explanation may lie in the fact that Europeans involved in the area (as with the D.C.W. officers and their court reports) may take literally the statements offered to them by young Aborigines in detention. There is a strong possibility that boys tell the courts that they committed their offence in order to avoid being initiated. Such a statement acts as a neutralisation for their offence as well as an explanation. Four Yalata boys at S.A.T.E.C. in 1980 told the social workers there that they were frightened of being initiated; two of these boys have since undergone the ritual. Of course, the possibility that the boys were reporting their actual motives should also be considered.

#### Traditional social control

Prior to the imposition of the European legal system, breaches of Aboriginal Law were, according to Berndt (1965:202) subject to two major pressures. These were kin and tradition. He argues that the kinship system provided a system of checks and counter-checks on behaviour. Other offences called for time-honoured approaches, utilising precepts from the past which were grounded in, and took their authority from, the sacred. Berndt suggests that pressures towards conformity were strong, but not strong enough to eradicate conflict, and that a ritualisation of the situation often provided a resolution. Berndt places emphasis on the role of the elders in settling disputes and considers that the supposed egalitarianism of Aboriginal society "is often no more than a social fiction" (1965:175). R. & C. Berndt (1942:63) recommended that internal law and order and the growing incidence of crime at Ooldea in the 1940's should be controlled by the elders and the 'camp boss'.

Other writers place more emphasis on a diffusion of responsibility for social control. Meggitt (1975:248) notes an absence of

individuals or groups ... with permanent and clearly defined legislative and judicial functions.

He asserts that a leader in ceremonial or religious functions did not necessarily have authority which extended into secular affairs. His work suggests that every man had at some time the

privilege of judging the behaviour of others, provided he had knowledge of the social norms involved in the offence (*ibid.*:256).

The Federal Government, through its assimilation policy (1940-1967), assumed that all those protected by the law of Australia would also be subject to it. However, because protection was to apply to incidents occurring between Aborigines as well as between Aborigines and whites, the law often found itself making decisions for which it was ill-prepared. Kriewaldt believed in the educative functions of the law, and argued that Aborigines should be subject to Australian criminal law in order to remove the temptation for private vengeance;

Today, if an Aborigine resorts to force, he takes the law into his own hands...

(Kriewaldt, 1960:13)

The true dilemma of Aboriginal versus Australian Law lies in the situation whereby an action which may conform to Aboriginal Law comes to be adjudicated upon by Australian Law as an illegitimate act. It is rare for such a situation to evolve with reference to Aboriginal adolescents. The illegal acts they performed (breaking and entering, illegal uses), had no associated traditional sanctions. Consequently, there was dependence on the Australian legal system when it came to dealing with teenage breaking and entering charges, or illegal uses.

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