

REGIONAL REPORT OF INQUIRY IN QUEENSLAND

BY
COMMISSIONER L.F. WYVILL, Q.C.

ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY

Secretary: John Gavin
Assistant Secretary: Jill Sheppard

45 Flinders Street
ADELAIDE SA 5000

GPO Box 1005
ADELAIDE SA 5001

Reference:

Telephone: (08) 223 6222
Fax: (08) 223 7825

30 March 1991

His Excellency the Honourable William George Hayden, A C
Governor-General and Commander-in-Chief of Australia
Government House
CANBERRA ACT 2600

Your Excellency

In accordance with Letters Patent issued to me on 27 April 1989 and subsequently varied, I have the honour to present to you the report of Commissioner L.F. Wyvill, QC, of the overall findings of his inquiry in Queensland.

The same report is being provided to His Excellency the Governor of Queensland in accordance with Letters Patent issued by him.

Yours sincerely

Elliott Johnston

ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY

Secretary: John Gavin
Assistant Secretary: Jill Sheppard

45 Flinders Street
ADELAIDE SA 5000

GPO Box 1005
ADELAIDE SA 5001

Reference:

Telephone: (08) 223 6222
Fax: (08) 223 7825

30 March 1991

His Excellency the Honourable Sir Walter Benjamin Campbell. AC, QC
Governor of Queensland
Government House
BRISBANE QLD 4000

Your Excellency

In accordance with Letters Patent issued to me on 29 June 1989 and subsequently varied, I have the honour to present to you the report of Commissioner L.F. Wyvill, QC, of the overall finding of his inquiry in Queensland.

The same report is being provided to His Excellency the Governor-General in accordance with Letters Patent issued by him.

Yours sincerely

Elliott Johnston
COMMISSIONER

ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY

Secretary: John Gavin
Assistant Secretary: Jill Sheppard

7th Floor
Unisys House
157 Ann Street
BRISBANE QLD

PO Box 117
NORTH QUAY QLD

30 November 1990

Telephone: (07) 221 7011
Fax: (07) 229 4558

The Honourable Elliott Johnston QC
Commissioner
2nd Floor
Flinders House
45 Flinders Street
ADELAIDE SA 5000

Dear Commissioner Johnston

In accordance with Letters Patent issued to me by His Excellency the Governor-General of the Commonwealth of Australia and by His Excellency the Governor of Queensland. I have the honour to present to you a Queensland Regional Report for consideration by you and for furnishing by you to Their Excellencies.

Yours sincerely

L F WYVILL QC
COMMISSIONER

INTRODUCTION

The Letters Patent issued to me by His Excellency the Governor-General of Australia on 6 May 1988 and His Excellency the Governor of Queensland on 2 June 1988 (both of which were subsequently amended) required me, among other things, to inquire into and furnish reports of my findings in relation to

- (a) the deaths of Aboriginals and Torres Strait Islanders in custody in Queensland between 1 January 1980 and 31 May 1989; and
- (b) any subsequent action taken in respect of each of those deaths including the conduct of coronial, police and other inquiries and any other things that were not done but ought to have been done.

At the first public hearing of the Commission in Brisbane, on 10 June 1988, when my Terms of Reference were read, I stated my understanding of the nature of the task that I had been commissioned to carry out. In so doing I echoed statements made by Commissioner Muirhead in his opening remarks in Canberra on 11 November 1987.

... the Commission is not concerned only with the question of how Aboriginals and Torres Strait Islanders in custody die - that is, with the physical cause of death - but also with the question of why they die. It is vital that I should know the background of the deceased people, that I should see and understand the environment in which they lived and should, in most cases at least, inspect the places where they died.

If it is not to be a barren exercise, my inquiry cannot be limited to simply seeking an answer to the question, 'How?' I must endeavour to find out 'Why?' as well. Many questions will arise, not only concerning the physical cause of death and the actions taken subsequent to death but also the background of the deceased, the adequacy or other of surveillance in custodial areas, the efficacy of systems and methods, the adequacy of investigations and steps taken to prevent recurrences.

Apart from the investigations into the immediate facts of each death and questions of individual responsibility arising in relation thereto, which will be the focus of the Commission's formal hearings, the Commission will seek to gain a broader understanding of the deaths of Aboriginal people in custody as a social phenomenon, and of the underlying issues. This involves seeking some knowledge of the social context in which the deaths occurred and of the communities in which they occurred or from which the deceased persons came.

As my inquiries proceeded the Queensland Government of the day became increasingly uneasy about my determination to inquire into underlying issues and at every turn I met with objection and frustration. Eventually I was forced to bring the matter to a head and I did so in a ruling delivered on 13 November 1989 in relation to a submission by NAILSS ¹ on underlying issues having a bearing on the death of the young man who died at Wujal Wujal. The Government objected to my receiving that submission. The major ground on which the Government based its case was that only the National Commissioner had authority to investigate underlying issues. Support for this argument was alleged to lie in the fact that the following paragraph appears in the National Commissioner's Letters Patent and not in mine:

AND We further declare that, for the purpose of reporting on any underlying issues associated with those deaths, you are authorised to take account of social, cultural and legal factors which in your judgement, appear to have a bearing on those deaths ...

In ruling against the Queensland Government's objection I said:

The error in this reasoning is that the paragraph relates to the National Commissioner's reporting authority and not to his inquisitorial power. There are no corresponding words in those parts of the Letters Patent that relate to his power to inquire. The powers of inquiry conferred originally on Commissioner Muirhead and now on Commissioner Johnston are expressed in essentially the same terms as the powers of inquiry conferred on me by my Letters Patent. Insofar as a death is within our Terms of Reference the scope of inquiry is expressed in exactly the same words. The power (and the duty) conferred on me to inquire into deaths that are within jurisdiction is broad. It is not restricted so as to exclude the social, cultural and legal factors that appear to have a bearing on those deaths.

Following my ruling the Government commenced proceedings to have it reviewed in the Federal Court of Australia. However, the change of government consequent upon the December 1989 elections brought a complete *change* of attitude towards the Royal Commission; the court proceedings were discontinued; and, where previously there had been frustration and hindrance, I received the utmost cooperation.

I have now completed such inquiries as I was able to make in the time specified in my amended Letters Patent and have furnished reports in relation to the 27 deaths in Queensland investigated by me. This report is made in compliance with a requirement in my Letters Patent to furnish a report of any other findings of my inquiries and such recommendations (if any) as I consider appropriate.

I have not included recommendations in this report other than on purely local issues. Other Commissioners in corresponding reports are doing likewise. It was felt by Commissioners that conflicting recommendations (which might well be justified by different conditions in different regions) and similar recommendations, but inevitably differently expressed by different Commissioners, would lead to confusion. Pursuant to the Letters Patent, Commissioner Johnston will be consulting with all other Commissioners as to the final report of the Commission. This report will contain recommendations and where they are different for different parts of the country will explain the basis for such differences.

Unless the context otherwise indicates, in this report the term Aboriginal will also include Torres Strait Islanders.

I should also observe that until 1987 the Queensland Government declined to release any information on the race of people in custody or of children subject to orders under the *Children's Services Act*. Furthermore, since 1987 no distinction has been made in statistical information coming from the Queensland Government between Aboriginals and Torres Strait Islanders who are or have been in custody or who are or have been subject to orders under the *Children's Services Act*.

SYNOPSIS

In some respects this report may provide an easily accessible summary of the more important findings of my individual inquiries, but it is intended to do more than provide a digest of what was revealed in the individual cases. It is an attempt to draw on the totality of the information gained and my experience as a Royal Commissioner and to set out and examine the systemic deficiencies that are demonstrated by the

comparison of what was revealed by my inquiries into each of the deaths and a review of the great volume of information that came to light in the course of my inquiries.

What immediately follows this synopsis is some statistical information relating to the Aboriginal and Torres Strait Islander population in Queensland with three maps showing their distribution.

Chapter 1 provides an analysis of the deaths which were the subject of my inquiries, and examination of the causes of those deaths and a discussion of the central issue of the avoidability of those deaths. In the first section of that chapter I describe the immediate facts and circumstances of those deaths and present my findings as to the immediate causes of those deaths. In the second section I identify and discuss the eleven self-inflicted deaths. In the following sections I discuss the avoidability of death in custody and identify eight deaths that were unavoidable, those which should be avoided' now and I find that a number of the deaths were preventable.

Chapter 2 provides a general summation of the personal and social characteristics of each of the deceased. That chapter recognises that an adequate examination of the deaths that occurred in Queensland must consider not only the immediate facts and circumstances surrounding those deaths but the social environments in which the deceased lived, and in a number of cases died. Thus, **Chapter 2** provides an overview of the communities in which the deceased lived, the domestic environments and family structures in which they were raised, their education and employment opportunities and achievements, their conflict with the criminal justice system and their physical and psychological health. The chapter also identifies specific connections between the history of relations between Aboriginal and White people in Queensland, the contemporary marginalisation and disempowerment of Aboriginal and Torres Strait Islander people generally and the life circumstances of those who died in custody in

In **Chapter 3** I examine the adequacy of previous investigations into the deaths. I identify the principles which should guide the conduct of police investigations, briefly survey the conduct of the police investigations into the deaths in Queensland and present my findings as to the general conduct of those investigations. In the second section of the chapter I consider the conduct of post-mortem examinations, and in the third section I consider the operation of an ideal coronial system, and the short comings of the Queensland coronial system disclosed by my inquiries.

The appendices contain three research papers I commissioned in the course of my investigations into the phenomena of Aboriginal deaths in custody in Queensland. In **appendix 1 a** research paper concerning the relations between Aboriginal and White people in Queensland from 1840 to 1897, prepared by Professor Henry Reynolds is reproduced along with a research paper considering relations in Queensland from 1897 to 1971 prepared by Dr Dawn May. In **Appendix 2** a research paper prepared by Dr Paul Memmott entitled Queensland Aboriginal Cultures and the Death in Custody Victims. Those papers have been included as they provide a description of very many important historical and social factors having a direct bearing on Aboriginal deaths in custody in Queensland.

ABORIGINAL AND TORRES STRAIT ISLANDER POPULATION STATISTICS IN QUEENSLAND

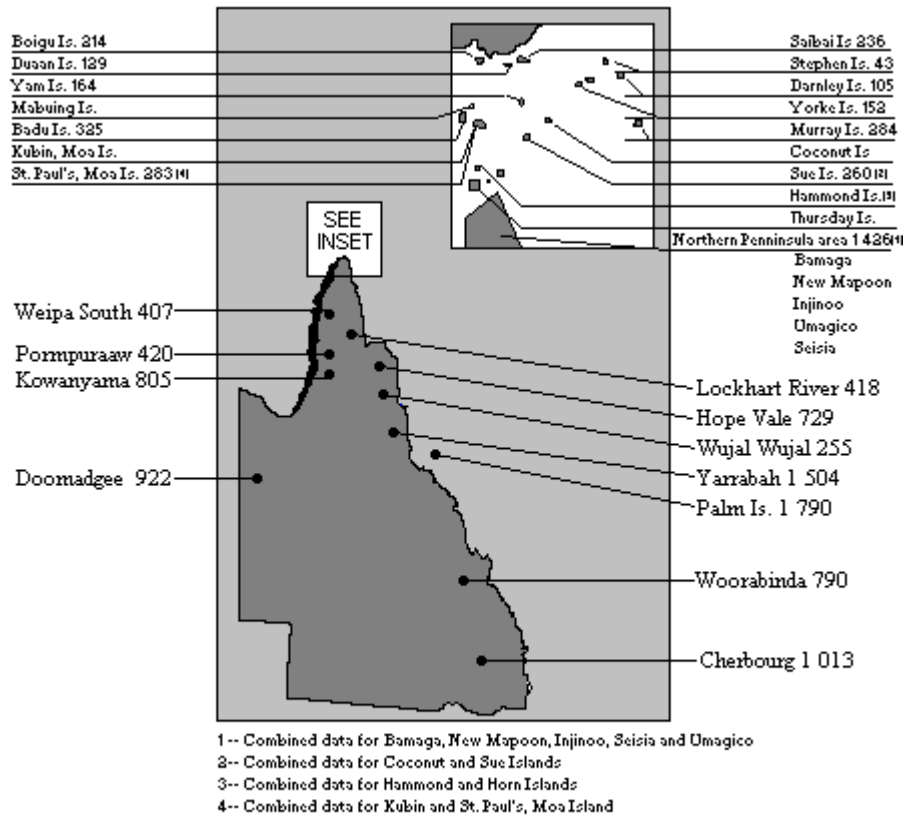
The Aboriginal population of Queensland is 48,098 and represents 23% of the total Aboriginal population of Australia, while the Torres Strait Islander population of Queensland is 13,170 and represents 61% of the total Torres Strait Islander population of Australia.

The following maps show the distribution of the Aboriginal and Torres Strait Islander population of Queensland.

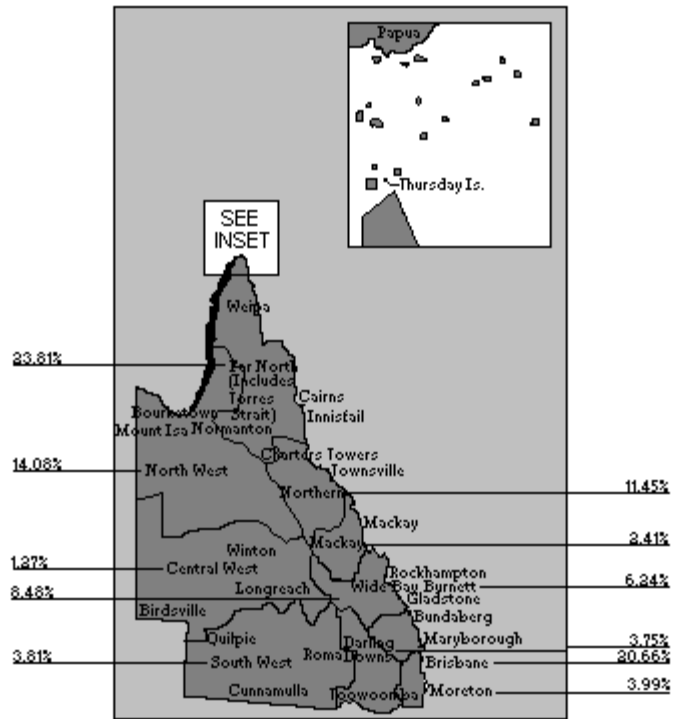
This information and the following three maps are based on the Australian Bureau of Statistics, 1986 Census figures as detailed in the Department of Community Services, Queensland, Annual Report of 1988-89 (pages 4-7).

Populations of Aboriginals and Torres Strait Islander Communities in Queensland

(Source: Australian Bureau of Statistics, 1986 Census)

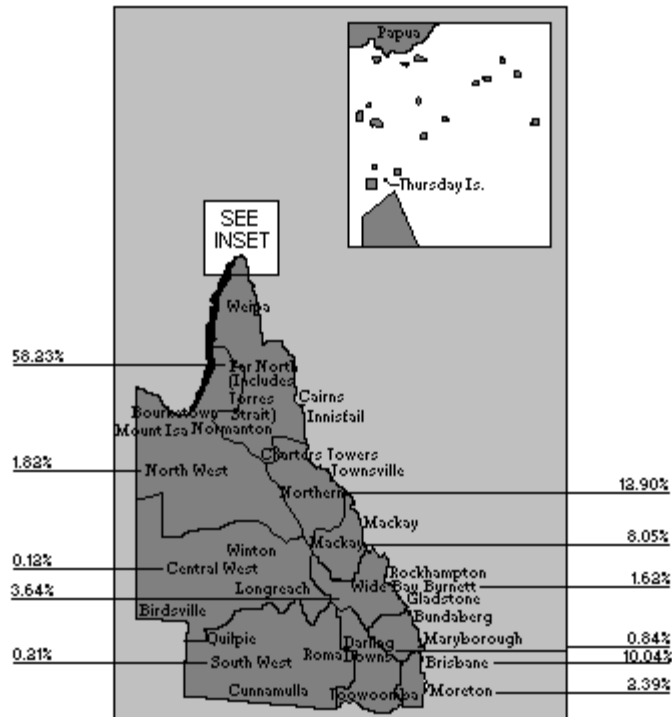


Aboriginal Population by Statistical Division in Queensland
As a Proportion of Total Aboriginal Population in Queensland 30 June 1986 (source: Australian Bureau of Statistics, 1986 Census)



**Torres Strait Islander Population by Statistical Division
As a Proportion of Total Torres Strait Islander Population in Queensland 30 June 1986**

(Source: Australian Bureau of Statistics 1986 Census)



CHAPTER 1: AN ANALYSIS OF THE DEATHS, THEIR CAUSES AND THE ISSUE OF AVOIDABILITY

1.1 The deaths of 27 Aboriginal and Torres Strait Islanders in Queensland between 1 January 1980 and 31 May 1989 came within my Terms of Reference and were investigated by me. Table 1.1 lists the deaths in the order in which they occurred with information showing where each death occurred, the sex and age of the deceased, whether the deceased was an Aboriginal or Torres Strait Islander and the immediate cause of death.

1.1.1 Deaths in Custody

Table 1.1: Deaths in Custody

NAME	DATE OF DEATH	WHERE DEATH OCCURRED	SEX, AGE AND IDENTITY	IMMEDIATE CAUSE OF DEATH
Karen Lee O'Rourke	11.02.80	Rockhampton Base Hospital after removal from Birralelee Children's Home on 11.2.80	Female 14 Aboriginal	Fatal burns received in security room fire.
The Man who died in Brisbane	{}4.12.80	Brisbane Prison	Male 42 Aboriginal	Asphyxia by hanging.

Prison					
Nikira Mau	03.01.81	Brisbane City Watchhouse	Male 55 Torres Strait Islander	Heart attack.	
Walter James Barney	22.02.81	Townsville Prison	Male 40 Aboriginal	Haemoptysis (haemorrhaging in lungs)	
Daniel Raymond	16.05.81	En route to Townsville General Hospital after removal from Townsville Prison on 16.05.81	Male 31 Aboriginal	Gunshot wound while attempting to escape. Asphyxia by hanging.	
Joseph [L or r away Gregory Michael Dunrobin	02.08.84	Cherbourg Watchhouse	Male 30 Aboriginal		
Charlie Kulla Kulla	12.08.84	Coen Watchhouse	Male 40 Aboriginal	Lobar pneumonia.	
Patrine Misi	14.03.85	Townsville Watchhouse	Male 40 Tones Strait Islander	Broncho pneumonia.	
Vincent Roy Ryan	30.03.85	Townsville Prison	Male 39 Aboriginal	Heart attack.	
Barbara Denise Yarrie	14.04.86	Royal Brisbane Hospital after removal from Brisbane City Watchhouse on 31.01.86	Female 29 Aboriginal	Hypoglycaemia and pancreatitis.	
Bernard Matthew Johnson	07.06.86	Townsville Prison	Male 41 Aboriginal	Heart attack.	
Perry Daniel Noble	04.12.86	Yarrabah Watchhouse	Male 20 Aboriginal	Asphyxia by hanging.	
Richard Frank (Charlie) Hyde	18.12.86	Yarrabah Watchhouse	Male 42 Aboriginal	Asphyxia by hanging.	
John Raymond Pilot	25.01.87	Brisbane City Watchhouse	Male 33 Aboriginal	Epileptic fit during a period of alcohol withdrawal.	
Alistair Albert Riversleigh	13.03.87	Doomadgee Watchhouse	Male 34 Aboriginal	Asphyxia by hanging.	
David Mark Koowooha	14.03.87	Cairns Base Hospital after removal from Yarrabah Watchhouse on 18.02.87	Male 19 Aboriginal	Pneumonia following coma as a consequence of attempted hanging.	
The Young Man who died at Wujal Wujal	29.03.87	Wujal Wujal Watchhouse	Male 22 Aboriginal	Asphyxia by hanging.	
The Young Man who died at Aurukan	11.04.87	Aurukan Watchhouse	Male 18 Aboriginal	Inhalation of blood following injury received in attempted hanging.	
Daniel Alfred Lacey Monty Charles Salt ...	11.06.87	Brisbane Prison	Male 40 Aboriginal	Heart attack.	
Edward Stanley West	21.06.87	Back of police vehicle en route from Laura to Cooktown Hospital	Male 39 Aboriginal	Lobar pneumonia.	
Edward Stanley West	09.07.87	Cherbourg Watchhouse	Male 18 Aboriginal	Vasovagal reflex caused by hanging.	
Darren Steven Wouters	15.11.87	Brisbane City Watchhouse	Male 17 Aboriginal	Asphyxia by hanging.	
Patrick Thomas	15.11.88	Rockhampton Prison	Male 17	Asphyxia by	

Booth			Aboriginal	hanging.
Fay <u>Lena</u> Yarrie	15.12.88	Royal Brisbane Hospital after removal from Brisbane City Watchhouse on. 15.12.88.	Female 29 Aboriginal	Battered to death in cell by fellow inmate.
Barbara Ruth Tiers	01.02.89	Rockhampton Watchhouse	Female 37 Aboriginal	Haemorrhage from an ovarian cyst with rupture consistent upon a bleeding tendency occasioned by advanced liver disease.
Muriel Gwenda Catheryn Binks	11.03.89	Townsville General Hospital after removal from Innisfail Watchhouse on 23.02.89	Female 38 Aboriginal	Pneumonia.
Deidre Abigail Short	24.03.89	Lockhart River Watchhouse	Female 30 Aboriginal	Heart attack.

Two of the deceased, Nikira Mau and Patrine Misi, were from islands in the Torres Strait. Each died of natural causes. Nikira Mau at the age of 55 was by many years the oldest of all of those whose deaths were the subject of investigation by me.

Six of the deceased, Karen Lee O'Rourke, Denise Barbara Yarrie, her sister Fay Lena Yarrie, Barbara Ruth Tiers, Muriel Gwenda Catheryn Binks and Deidre Abigail Short were Aboriginal women. Karen O'Rourke at 14 years of age was the youngest and Muriel Binks at 38 the eldest.

Nineteen deaths occurred while the deceased was in police custody or after removal to hospital from either the Brisbane City Watchhouse (five), the Townsville Watchhouse (one), the Rockhampton Watchhouse (one) or the Innisfail Watchhouse (one). Monty Salt died in police custody in the back of a police motor vehicle while being transported from Laura Police Station to the Cooktown Hospital.

Karen Lee O'Rourke who was the only child ² who died in custody was fatally burned while detained in the security room of what was the Birralee Children's home.

In all, eight of the deceased died while in prison custody. Seven of the deceased died in prison or after removal to a hospital, following an injury or sudden illness. Daniel Lorraway died in an ambulance on the way to the Townsville Hospital after being shot in the Townsville Prison.

None of the deaths that occurred in custody in Queensland was caused by foul play by which I mean any criminal act or omission which led or should have led to a criminal prosecution.

1.1.2 Self-inflicted Deaths

Table 1.2 is a list of the 11 Aboriginal men who killed themselves while in police or prison custody. In each case the method of bringing about death was by hanging either by an article of clothing (five) or a piece of bedding material. Eight of those deaths occurred on Aboriginal communities constituted under the *Community Services (Aborigines) Act 1984* or the *Local Government (Aboriginal Lands) Act 1978*.

Table 1.2

NAME	DATE OF DEATH	WHERE THE INCIDENT CAUSING DEATH OCCURRED	AGE
The Man who died in Brisbane Prison	04.12.80	Brisbane Prison	42
Gregory Michael Dunrobin	02.08.84	Cherbourg Watchhouse	30
Perry Daniel Noble	04.12.86	Yarrabah Watchhouse	20
Richard Frank (Charlie) Hyde	18.12.86	Yarrabah Watchhouse	42
Alistair Albert Riversleigh	13.03.87	Doomadgee Watchhouse	34
David Mark Koowootha	14.03.87	Cairns Base Hospital after removal from Yarrabah Watchhouse on 18.02.87 .	19
The Young Man who died at Wujal Wujal ³	29.03.87	Wujal Wujal Watchhouse	22
The Young Man who died at Aurukun ³	11.04.87	Aurukun Watchhouse	18
Edward Stanley West	09.07.87	Cherbourg Watchhouse	18
Darren Steven Wouters	15.11.87	Brisbane City Watchhouse	17
Patrick Thomas Booth	15.11.88	Rockhampton Prison	17

The term 'suicide' is used by social scientists and in everyday speech to refer to self-inflicted deaths regardless of whether or not the person had formed a definite intention of dying by his/her own hand and the term has been so used in research papers published by the Royal Commission. ⁴ Because of the historical consequences of a coronial finding of suicide, lawyers are reluctant to refer to a death as suicide unless satisfied that in doing what he did, the deceased intended to end his life.

In the deaths investigated by me I maintained the lawyer's approach and stated, where I could, what I found the deceased's intention to be.

I had no hesitation in finding that the man who died in Brisbane Prison on 4 December 1980 was 'determined and deliberate in the taking of his own life'. He had experienced great tragedy in his personal life. His first two sons had died soon after they were born. In July 1970, his de facto wife died of pneumonia shortly after giving birth to their third son who then died leaving the deceased and his 14 month old daughter as the only surviving members of the family. In November 1980 the deceased was arrested and charged with serious sexual offences involving his then 11 year old daughter. He had been on remand in the Brisbane Prison for a month and obviously his perception of his future was nothing but bleak. Before hanging himself with a rope made of bed sheeting the deceased wrote a note to his sister and another to his daughter which clearly indicated that he no longer had the desire to live.

When 17 year old Darren Steven Wouters hanged himself in the Brisbane City Watchhouse with a strip of blanket material, he too left a note which provided some evidence of his state of mind. Using toilet paper he spelt out the words 'LIFE SUX' on the floor of his cell. At least twice in the months before his death, Darren had given thought to killing himself. In looks he was distinctly Caucasian and it was not until he was 16 that he discovered his Aboriginal ancestry. Darren had essentially assumed the role of a 'loner'. Institutionalised for most of his life, he had been struggling with the traumatic process of self-realisation. His personality had been permanently scarred as a result of numerous episodes of interpersonal rejections. On the night of his death Darren was alone in his cell for less than an hour; he had shown obvious signs of being upset at the time of his incarceration; and he was quite clearly affected by liquor.

While the words 'LIFE SUX' may have expressed Darren's despair, his determination to end his life is confirmed by the manner in which he went about it. First, he fashioned a rope out of torn bed sheeting which he tied to a piece of electrical conduit attached to the ceiling of his cell. When that rope broke he fashioned another one out of stronger blanket material which he tied to the same piece of Conduit and then hanged himself.

The intention of 17 year old Patrick Thomas Booth who died in Rockhampton Prison exactly one year after Darren is not so easy to discern. Patrick was not affected by liquor at all and in the note he wrote before he died he implied that he might not die. His words were, 'This is to say that if I die it is because of the fucked up cheif [sic] of this place'. Patrick died before 9.00 am in the morning when other prisoners were about and were able to approach his cell. There was every chance that another prisoner might see what he was doing and raise the alarm. As it turned out a prisoner who did see him hanging called on him twice to 'stop mucking about' before he realised that something was wrong and raised the alarm.

It was obvious that Patrick had stood on the toilet pedestal to tie the rope made of sheet material to the cell window. When he was found, one of his feet was inside the bowl and the other on the outside. He may have well have slipped into that position and not been able to recover his footing; on the other hand he may not have tried to recover.

The remaining eight self-inflicted deaths occurred in watchhouses on Aboriginal communities. All of the deceased were at the time considerably affected by liquor and each one of them would have been feeling angry and/or rejected.

The first death was that of 30 year old Gregory Michael Dunrobin in the Cherbourg Watchhouse on 2 August 1984. He had been afflicted with alcoholism for some years. On four occasions in the seven weeks before his death Dunrobin had been admitted to the Cherbourg Hospital for alcohol related illnesses. Each time he discharged himself against medical advice before treatment was complete. Early on the night he died he was drunk and sought to be re-admitted to the hospital but was tamed away. When he refused to leave the police were called. He was found walking along a street and was arrested for being drunk. Locked alone in his cell he later hanged himself with his belt.

The next death was that of 20 year old Perry Daniel Noble in the Yarrabah Watchhouse two and a quarter years later, on 4 December 1986. Within less than eight months another six Aboriginal men killed themselves in watchhouses in Aboriginal communities; the last being 18 year old Edward Stanley West who died in the Cherbourg Watchhouse. With the exception of West, the others had been locked up in one case, with the approval of, and in four cases at the actual request of, close family members.

In the search for intention in the actions of these deceased it is too simplistic to consider, in isolation from cultural and social circumstances, only the natural and probable consequences of what each did and draw conclusions from that. The individual purposes of the deceased cannot be known. In the circumstances the ultimate outcome of their actions may have been neither appreciated nor desired by any of the deceased.

In my report of my inquiries into the deaths that occurred at Yarrabah and Doomadgee, I have referred to what has been called the 'copy cat' syndrome and its possible operation in the light of the 'clustering' of the deaths in time and place. There is a body of psychiatric opinion to support the existence of this syndrome with respect to suicides by Whites. Assuming both the validity of the theory and its cross-cultural application to Aboriginals, as I pointed out in my report into my inquiries into the three deaths at Yarrabah, it is of limited usefulness in explaining suicidal behaviour. The causes of a self-inflicted death cannot be located within the framework of the factors of suggestion, imitation or modelling; these are best regarded as mediating the causal process. While not discounting the possibility

that the deaths of Hyde, Koowoortha and Riversleigh and later the two deaths at Aurukun and Wujal Wujal, were influenced by the earlier death and deaths, respectively, the actual predisposing and causal factors must be sought in their psychological and social circumstances.

1.2 THE AVOIDABILITY OF DEATH

in some of my reports of my inquiries into particular deaths that occurred in Queensland I discussed the issue of the preventability of that death. In this part I shall discuss the notion of preventability in relation to all of the deaths investigated by me. In doing this I hope to discern in what has happened some useful guides which, if followed, should prevent the recurrence of such deaths.

1.2.1 Unavoidable Deaths

Eight of the deaths could not have been prevented although two of them should not have occurred in police custody. Of those eight, five died of a sudden heart attack; one died of a sudden haemorrhage in the lungs; and two died of pneumonia, one (Monty Salt) died while the police were doing all that they could be expected to do to get him medical treatment; the other (Charlie Kulla Kulla) died when the police were indifferent to his welfare.

Kulla Kulla was one of those who should not have died in custody. He was ill, in the advanced stages of septic shock and pneumonia, lying on a trolley in the Coen Hospital when he was arrested for being drunk in a public place. Had he been left there he would have died because his condition had not been correctly diagnosed and, being in Coen, he was too far from the specialist treatment he needed to have any chance of survival. Because the nursing sister thought that he was drunk she called the police. I place no blame on the sergeant for accepting the sister's assessment and for taking Kulla Kulla from the hospital. But there was an alternative to arrest and, as I said in my report, in the small township of Coen it would have been easier for the sergeant to find people who were prepared to look after Kulla Kulla than it would have been to take him to the watchhouse and do the necessary work associated with his incarceration.

Imprisonment, as the Interim Report 5 recommended, 'should be seen as a sanction of last resort'. So also should the exercise of the power of arrest be seen as a process of last resort. The decision to arrest should not be made simply because an opportunity presents itself.

The other person whose death was not preventable but who should not have died in police custody, was Deidre Short. She died of a heart attack while in the Lockhart River watchhouse. When Deidre first experienced chest pains there was no one supervising the watchhouse and her fellow inmates were unable to summon medical assistance. Had they been able to summon help Deidre would nevertheless have died because Lockhart River is too far from an intensive care unit where her only chance of survival lay.

1.2.2 Deaths that should be avoided now

In making Australia wide inquiries into Aboriginal deaths in custody, this Royal Commission has subjected the standards of custodial care that prevailed through the 1980s in watchhouses and prisons to intense critical analysis. The fact that such analysis took place and received considerable media attention has gone some way towards effecting beneficial change. The responsibility for ensuring that such changes are more than cosmetic will be a function of senior police and prison authorities. In the light of the inquiries made by this Commission many of the deaths that occurred in Queensland in the 1980s which were not preventable then should be regarded as avoidable now.

Judged by the standards of custodial care that were accepted as appropriate at the time, eight of the deaths which were self-inflicted were not preventable. I have some reservations about placing all of those deaths in that category for reasons that when Gregory Dunrobin hanged himself in Cherbourg on 2 August 1984, his sister wrote to the Commissioner for Community Relations, (Human Rights and Equal Opportunities Commission), in Canberra expressing deep concern that her brother had been locked up and left unattended while he was depressed. She alleged that he was neglected. Had her concerns received the attention they deserved deficiencies in the system of supervision of prisoners in watchhouse may have been detected before it became necessary to establish this Royal Commission. A copy of Dunrobin's sister's letter was sent to senior police officers who investigated the death but the issue of the adequacy of his supervision following his incarceration in the watchhouse was not addressed. Despite the intervention of the Police Commissioner who drew the Regional Superintendent's attention to the need to investigate 'the matter of the police properly attending to the prisoner confined in the watchhouse', the issue was not adequately investigated. No senior officer involved in the investigation of that death or in any of the investigations that were reviewed by me showed a full understanding of the duty that the General Instructions in the Queensland Policeman's Manual 6 imposed on police officers in relation to the supervision of prisoners.

In the report of my inquiry into the death of John Raymond Pilot I set out the duties that the General Instructions in the Manual imposed in relation to the care of prisoners on whoever is at any time in charge of a watchhouse in the following terms:

- 'Visit prisoners in cells frequently, at irregular intervals, by day and night, and in no case leave any prisoner without supervision for a longer interval than 1 hour.' (GI 9.464(a))
- Before taking over charge of a watchhouse 'carefully inspect all persons held therein and report immediately any untoward circumstances to the Officer in Charge of the station'. (GI 9.465(a))
- 'Ascertain if any person held in the watchhouse ... requires special attention for any reason, and ensure that any necessary attention is provided or obtained during his tour of duty.' (GI 9.465(13))

At page 48 of that report I made what I thought was a very obvious point when I said that the duty cast on a watchhouse keeper by GI 9.464(a) obliged him to observe each prisoner and reflect upon his condition and make a judgement as to the frequency with which he ought to visit that prisoner. The requirements of the General Instructions go beyond the mere assessment of the frequency of visits and include a requirement to assess what attention is needed and ensure that it is provided. When Dunrobin died the investigating police officers did not direct attention to the need to establish the screening procedures implied in the General Instructions as necessary for the identification of 'at risk' prisoners.

Following Dunrobin's death police watchhouse procedures, although expressed in the Manual in the terms referred to above, in practice remained narrowly focused on ensuring that prisoners were denied the mechanical means of hanging themselves by taking away their belts, ties and bootlaces. Attention was not directed to a study of the nature of the personal individual supervision that on occasions was required. The futility of this narrowing of focus was highlighted in the self-inflicted deaths that followed. Stripped of their belts and similar articles, if any, the deceased used sheets, mattress covers and other articles of clothing. Carried to its logical end the procedure of denying prisoners the mechanical means of inflicting harm on themselves would mean stripping them of all but the flimsiest of clothing and denying them bed sheets, blankets and a covered mattress. This was the course adopted by the senior sergeant in charge of the Murgon Watchhouse on 10 July 1987 when he caused two male Aboriginal children to be stripped to a pair of shorts and left in a cell overnight without sheets or blankets; and on the night of 15 August 1987 when he caused three Aboriginal girls aged 13, 14 and 16 respectively to be stripped of all their clothing with the exception of a bra and pants in two cases and a bra and short skirt in the case of the eldest girl and left in the cell with no bedding other than a mattress each.

When Perry Noble hanged himself with a sheet in the Yarrabah Watchhouse on 4 December 1986 concern was once more focused on the prevention of a recurrence by denying prisoners the mechanical means of inflicting death. Attention was given to the architecture of the cells but limited to the prevention of access to window bars. However, the work of fixing mesh over the exposed bars was not done until Charlie Hyde hanged himself in the same watchhouse exactly two weeks later using a mattress cover. The work was then so poorly done that two months later David Koowooha was able to lift one corner of the mesh and tie the sleeve of his jacket to an exposed bar to hang himself.

The clearest case of a self-inflicted death in an Aboriginal community watchhouse that, with the proper training of Aboriginal police, might have been avoided was that of Alistair Riversleigh at Doomadgee on 13 March 1987, less than a month after the third hanging in the Yarrabah Watchhouse. Before being arrested shortly before 5.15 pm that day Riversleigh had threatened to hang himself.

He had displayed an apparent intention to hang himself with a garden hose. When that was taken from him he climbed a tree and hung upside down by his legs from a branch still threatening to kill himself. The threats and the attempted hanging were witnessed by people, including members of the family, who regarded them so seriously that the police were called and asked to lock him up. The police were made aware of Riversleigh's threats and the attempted hanging and in their presence Riversleigh was crying and talking about his wife who had left him. Those who had witnessed Riversleigh's conduct asserted that he should be locked up for his own protection. The police accepted this, conveyed him to the watchhouse, charged him with 'being drunk and for protection' and then left him unsupervised in the watchhouse.

Two Aboriginal policemen who arrested and incarcerated Riversleigh had been policemen for 18 months and 12 months respectively. The more senior of the two had received no formal training during that period. He had never seen a copy of the Council's by-laws under which the police were purportedly acting when they made the arrests. His knowledge of what was an offence and what he could arrest people for came from what he had been told by the Council Chairman. The only formal training the more junior of the two had received was a course in first aid conducted by an ambulance officer. On occasions when he was working with members of the Queensland police who were rostered for duty at Doomadgee from Burketown he would be told how to do things as the police were going about their duties.

It should have been readily apparent to a trained police officer that a person in Riversleigh's emotional state who had already threatened to commit suicide was at risk of harming himself. The possibility of this potential being realised should have been even more apparent following the publicity given to three hangings in the Yarrabah Watchhouse in the three and half months immediately preceding Riversleigh's death. The fact that the two Aboriginal policemen did not appreciate that Riversleigh was at risk of harming himself can in no way be regarded as a personal criticism of them but rather as an indictment on the system which allowed untrained and unsupervised Aboriginal policemen to perform police duties. Had the police at Doomadgee been properly trained and supervised, Riversleigh's death should not have occurred.

While, according to the standards of the time, the deaths of the man who died in the Brisbane Prison on 4 December 1980 and Patrick Booth in Rockhampton Prison on 15 November 1988 may not have been avoided, lessons should be learned from those cases. I have briefly set out the facts and circumstances relating to the man who died in the Brisbane Prison earlier in this chapter. A more sensitive assessment and screening process at the time of his induction might have been able to detect the likely onset of depression in a man for whom the future looked so obviously bleak and allow for the intervention of counselling and close supervision.

Patrick Booth first exhibited possible suicidal behaviour in August 1986, when police took him to the Royal Canberra Hospital for treatment for an injured left wrist. Doctors noted that the injury was 'the result of a deliberate attempt with a deodorant bottle'. Suicidal tendencies were again noticed in August 1987 when he was held at the Westbrook Training Centre. He again displayed a suicidal inclination in the Rockhampton Watchhouse on 1 July 1988, when he threatened to kill himself if he could not have a shower.

If the prison authorities had been aware of the concerns held for Patrick by the Department of Children's Services officers when he was at Westbrook or if Rockhampton police had told them of Patrick's threat to kill himself in the watchhouse rather than dismissing it as trivial, it is possible that Patrick's death may have been averted. Moreover, as I noted in my report of my inquiries into his death, the confrontationalist approach of the prison officer to Patrick and his misbehaviour was completely destructive. Instead of responding as he did, the prison officer should have seen the need for immediate counselling. Further, in the mood he was manifesting, Patrick should never have been locked alone in his cell to brood on whatever emotional need he had or whatever injustice he felt had been done to him. With counselling, his anger may have subsided but locked alone in his cell it was left on the boil and his mood worsened. In that situation and in those circumstances he was unnecessarily at risk.

1.2.3 Preventable Deaths

Five of the deaths I investigated were preventable in that they would not have occurred if the custodial authorities had adequately attended to their responsibilities. In particular the failings were -

- a lack of a thorough understanding of the duty of care owed to a person in custody;
- a failure on the part of one or more individuals to perform their custodial duties;
- entrenched habits of non-compliance by police with General Instructions;
- inadequacies within the system of supervising people in custody;
- a failure to give sufficient attention or appropriate priority to the assessment of the condition of a detainee before placing that person in a particular cell;
- a failure to provide safe equipment or a safe custodial environment; and
- a failure to record information which was relevant to the performance of custodial duties.

Those deaths in which I found one or more of those failings to be demonstrated were -

Karen Lee O'Rourke - When Karen was placed in the security room at the Birralee Children's Home she had a box of matches with her. Had she been properly searched there would have been no fire.

Apart from the fact that a proper search would have prevented Karen's death, her death may have been prevented if suggestions made in a 1976 South Australian report which had been passed on to the Department of Children's Services had been complied with. Nearly four years before Karen's death a youth had been fatally burned at a training centre for young offenders in South Australia. A report following an investigation into his death suggested a number of preventative actions, three of which were:

- reduce the possibility of a fire being started (in Karen's case a proper search was all that was necessary);
- improved visual supervision;
- reduce the level of flammability of bedding and other material.

The matron at Birralee had drawn the Department's attention to the fact that the observation window in the security room door was too high for the average person to observe fully the activities of any inmate when attempting surveillance. She had also requested two fire resistant mattress as described in the South Australian report for use in the security room. Had the recommendations been adopted and put into effect, at least in the form of fire resistant bedding, Karen's death might have been avoided.

John Raymond Pilot - Pilot's body was found lying face down in a pool of blood in a cell in the Brisbane City Watchhouse at about 6.00 am on 25 January 1987. He had died of asphyxia following or during the course of an epileptic seizure when his airways became blocked by his tongue. Prior to his death Pilot had apparently injured himself and was bleeding from a laceration over the left eye. According to medical evidence he had been bleeding for 'some considerable time, perhaps hours before his death'. In the course of that period he moved about his cell and caused blood stains to be scattered around his cell over the floor, walls, door, bed, toilet bowl and hand basin. He used numerous lengths of toilet paper (no less than 12 could be seen in the police photographs of his cell) in attempting to stem the flow of blood or wipe it from his head and face. A bloodied liquid substance had flowed from the cell door along a drain outside the cell for some two or three metres.

Had someone capable of rendering first aid been present at the beginning or during the early stages when Pilot began to experience epileptic seizures, his death from asphyxia could have been prevented.

Four months prior to his death Pilot had suffered a fit in the watchhouse but there was no system for recording such information. Even at that time Pilot was known to the police at the watchhouse as an alcoholic and it was inevitable that at some time in the near future he would once again be in their custody and they would be responsible for his welfare. The information that was not recorded was important for his custodians to have because it was relevant to the questions of what was, for him, appropriate supervision and what was for them appropriate to do in compliance with the duty of care they owed him.

The prison hospital records also showed that on two previous occasions he had suffered fits while in prison. Unfortunately, the fact that Pilot had suffered a fit in the watchhouse on 7 September 1986 was not recorded anywhere where it might have been accessed by a member of the watchhouse staff. Furthermore, the watchhouse staff had no means whereby they could access information held by either the Police Department or the Prisons' Department concerning Pilot's medical condition.

Although the watchhouse lacked information about Pilot's medical condition, during a routine inspection of the cells about six hours before he was found dead, the watchhouse keeper and the duty inspector had seen him and observed blood on the floor, bed and door of his cell as well as a cut above his left eye. However, that did not alert either of them to the need for a careful watch to be kept on his condition. Furthermore, in the light of the information gained on that routine inspection, the watchhouse keeper failed to visit Pilot in his cell in accordance with General Instruction 9.464(a) 7 with the frequency that his condition required.

In addition, it was well known to police authorities that Pilot was an alcoholic and as such was at risk of experiencing an epileptic seizure during a period of withdrawal from alcohol.

Darren Steven Wouters - Shortly before 2.00 am on Sunday, 15 November 1987 Wouters was found hanging by a strip of blanket from an electrical conduit fixed to the ceiling of his cell in the Brisbane City Watchhouse. He had been placed in the cell shortly after 1.00 am and at the time was affected by alcohol and was visibly upset. His death should not have occurred for the following

- if General Instruction 9.464(a) in the Queensland Policeman's Manual had been followed his condition should have been checked very shortly after he was placed in the cell and at short intervals thereafter until it was apparent that he had settled down.
- Wouters could have been placed in the holding cell on the ground floor pending the return of the two constables who had been involved in his arrest and who had left to obtain warrants that they had discovered were outstanding for his arrest;
- if the electrical conduit had not been exposed (as it no longer is) the means by which Wouters took his life would not have been available;
- if there had been permanent watchhouse staff placed on the first floor whose duty it was actively to patrol the cells, Wouters' death would have been prevented. The need for such supervision of prisoners in the cells on the first floor of the Brisbane City Watchhouse should have been apparent following the death there of John Raymond Pilot, 11 months earlier as a result of an epileptic seizure.

Fay Lena Yarrie - Fay Yarrie was taken unconscious to the Royal Brisbane Hospital from cell 11 of the Brisbane City Watchhouse at about 4.40 pm on 15 December 1988. She died at 7.00 pm that evening of injuries she had received in a murderous assault upon her by a fellow inmate while they were both being held in the cell usually used to hold women charged with drunkenness.

In conforming with the duty of care her custodians owed her, relevant watchhouse staff should have observed the aggressive conduct of Fay Yarrie's assailant when they, with other people who had been arrested for drunkenness, were held together in a holding cell within view of the watchhouse staff while they were being processed before being taken to cell 11. The aggressive action of Yarrie's assailant should have resulted in that person's being held separately from the others. Had that been done Fay Yarrie's death would not have

Muriel Gwenda Catheryn Binks - Muriel Binks was transferred from the Innisfail Watchhouse to the Innisfail Hospital at about 5.00 pm on 23 February 1989; then, eventually, to the Intensive Care Unit of the Townsville General Hospital where she died on 11 March 1989 of multiple organ failure due to systemic sepsis due in turn to pneumonia. She had been taken into custody by the Innisfail police at about 7.25 pm on 22 February 1989 when she was found drunk in a public place. The pneumonia which was ultimately to cause her death was contracted either shortly before her arrest or later on that same evening. She received no medical attention until 4.40 pm the next day. In relation to her time in custody in the Innisfail Watchhouse I found:

- that there were no adequate screening and reception procedures for the identification of 'at risk' prisoners at the Innisfail Watchhouse, notwithstanding the prior identification of the need for such procedures in this Commission's Report in December 1988.
- that the supervision of Mrs Binks in the watchhouse was infrequent, neglectful and insensitive, notwithstanding the emphasis given to supervision in this Commission's Interim Report.

- that the Police Commissioner's general instructions in respect of the supervision of prisoners were never observed at Innisfail in respect of Mrs Binks and that in all probability this failure was not unique to her case.
- that inadequate training of police officers contributed to but does not excuse the inadequacy of Mrs Binks' supervision.
- that even allowing for her intoxication the previous evening, Mrs Binks' need for such urgent medical assessment was manifest from at least breakfast time (7.30 am) on 23 February 1989.
- that, given her degree of intoxication, Mrs Binks should have received a medical assessment prior to any detention.
- that had Mrs Binks received medical treatment either at the time of her arrest or as late as breakfast time on 23 February 1989 it is more likely than not that she would not have died.

Two other deaths, those of Barbara Denise Yarrie and Barbara Ruth Tiers shared some of the characteristics of preventable deaths.

Barbara Denise Yarrie - Barbara, after being apprehended by police charged with being drunk in a public place, was lodged in a cell in the Brisbane City Watchhouse at about 1.20 pm on 31 January 1986. She was then in a state of near unconsciousness, unable to walk, communicate or comprehend her environment. She was placed in a cell where at some time during the afternoon she lapsed into unconsciousness. She would have been deeply unconscious by at least 4.00pm. Despite allegedly frequent checks made by the watchhouse staff and the possibility that earlier in the afternoon certain officers had attempted to rouse her without success, Barbara's serious condition was not brought to the attention of any medically trained person until after 7.18 pm when an ambulance was called and she was taken to the Royal Brisbane Hospital where she was diagnosed as suffering from profound hypoglycaemia, probably induced by alcohol. Barbara did not regain consciousness and died in hospital some ten weeks later.

Had the watchhouse staff realised before 4.00 pm that Barbara's condition was not the result of acute alcohol intoxication and had they then sought treatment for her, death would not have occurred.

Barbara Ruth Tiers - Barbara died from a combination of a ruptured ovarian cyst and the effects of alcohol abuse including alcohol cirrhosis and acute intoxication. At about 6.55 am on the day that she died Barbara was found sitting on a footpath in South Rockhampton and was arrested for being drunk in a public place. Her condition at the time was such that her knees buckled as she was being put in the police car and she fell down and had to be carried to the car. She was so incapable of walking that she had to be carried from the police car to a watchhouse cell where she was laid on a blanket. She was mumbling incoherently when the police left her there. During the course of the day when the police looked at her from time to time she was seen to be lying on the floor apparently asleep. Once she was heard to be mumbling incoherently in what the police officers regarded as a typical drunken fashion. At approximately 11.30 am it was noticed that she was incontinent and had defecated on her blanket. The police say that she declined a cup of tea and lunch shortly after 12.30pm. She was found dead two hours later. Her blood alcohol concentration then was 0.31%. It is probable that her intoxication at the time of her arrest masked the pain which the ruptured cyst would otherwise have caused. The police officers responsible for Barbara's supervision in the Rockhampton watchhouse did not have the training to enable them to distinguish intoxication from more threatening conditions and in their supervision of Barbara acted in accordance with established practices. Their failure to detect that she was gravely ill does not reflect on them individually but reflects adversely on the system that required untrained police officers to assess the

condition of people like Barbara in order to determine the nature and quality of the supervision she should receive. Had Barbara been taken to a facility suitable for the treatment of intoxicated persons her medical condition should have been recognised and death may have been prevented.

The cases of Muriel Binks and Barbara Tiers are of special significance in that they present as illustrations of the inertia that will confront reformers eking to effect changes in Queensland watchhouse practices and procedures.

The Royal Commission into Aboriginal Deaths in Custody was established in October 1987 with the Honourable J. H. Muirhead as the sole Commissioner. In April 1988, the year before Binks and Tiers died, the Criminology Research Unit within the Commission at the request of Commissioner Muirhead published a paper entitled Draft Guidelines for the Prevention of Aboriginal Deaths in Custody. The purpose of the paper was to:

... identify the basic principles that are to be addressed in the development of detailed policy directives which should guide police and prison officers in fulfilling their duties without significant risk of death or serious injury occurring to persons in their care, Aboriginal or not.

Six of the 19 deaths that occurred either in police watchhouses, or shortly after removal to a hospital, occurred in consequence of an illness when the need for medical attention was not recognised by the police or not recognised in sufficient time to allow for survival. Draft Guideline No. 6 was directed toward the prevention of such deaths. It advised that:

... all persons who are received into custody should be assessed by an officer with appropriate training as a routine part of the reception process. Documented evidence of such assessment is to be retained.

The Draft Guidelines were circulated to various State Government departments which were asked to make comments on their applicability and relevance to existing procedures. The response of the Queensland Police Department made on 5 August 1988 in relation to Guideline No. 6 in particular, was:

Although officers are not yet specifically trained for this purpose, that is the detection of persons at risk, all officers are expected to consider this question and following General Instructions are applicable.

General Instruction 9.467(h):

A member of the Force required to perform the duties of a watchhouse keeper, in addition to complying with all other General Instructions relating to such duties, will-

When any person in his custody is apparently seriously ill, whether from indulgence in alcoholic liquor or from any other cause, or is otherwise apparently in need of medical attention, report the matter at once to the Officer in Charge of the Station or other officer supervising the watchhouse.

Particular care must always be taken to distinguish between drunkenness and the symptoms of some other disease or state, such as diabetes, epilepsy, bodily injury, stroke, high blood pressure, and the like, and if it is suspected that a prisoner's condition may be due, wholly or in part, to anything of that nature, medical aid must be obtained without delay (See also G.I.I.101).

In December 1988 the Interim Report of the Royal Commission was published. That report made a number of recommendations relating to the assessment of the medical condition of detainees. The recommendations were largely an expansion of the principles expressed in the Draft Guidelines. Recommendation No. 12 was:

In no case should a person be transported by police to a lock-up or watchhouse when that person is either unconscious or not easily roused. Such persons must, if found on a patrol, be immediately taken to a hospital or medical practitioner or, if neither facility is available, to a nurse or other person qualified to assess their health.

How then did it come to pass that on 1 February 1989 Barbara Tiers, who had to be carried to her cell, was left to lie in the Rockhampton Watchhouse, and, that three weeks later Muriel Binks should be locked up in the Innisfail Watchhouse when her condition was such that she could not give her name when first arrested?

There are two answers each of which raises questions which demand constructive responses.

The first lies in our society's attitude to people who drink alcohol to excess. The point was well made by pathologist, Dr Gwynne, when giving evidence before me during the course of my inquiries into the death of Muriel Binks. He said:

... if this person was thought by the police to be under the influence of phenobarbitone or a tricyclic antidepressant because they'd taken an overdose, they would no more take them to the watch-house than fly. They'd take them to a hospital and yet we treat alcohol which is just as dangerous and just as poisonous and just as damaging to the person's brain - we put them in a watchhouse because we think it's alcohol and not some drug. I mean if you thought that she was under the influence of heroin, for example, or any other agent that does this to a person and makes them stagger around the place, the police would not take them to the watch-house, would they? They would take them to a hospital and the hospital would accept them as an acute medical emergency.

The second is to be found in the Police Department's response to the Draft Guidelines. There it is made plain that police officers 'are not yet specifically trained for this purpose, that is the detection of persons at risk'. Yet as General Instruction 9.467(h) states police officers are expected to be able to 'distinguish between drunkenness and the symptoms of some other disease or state'.

What more signs of apparent serious illness can a person display than an inability to walk or speak? How is an untrained police officer expected to distinguish between gross intoxication through the consumption of liquor and 'the symptoms of some other disease or state'?

It is apparent that the Police Department's response to the Draft Guidelines was inadequate. What was required was an amendment to the General Instructions to ensure that the responsibility for making the distinction that General Instruction 9.467(h) casts upon untrained police officers is made by someone with the necessary medical training and skill to make the distinction.

CHAPTER 2: GENERAL SUMMATION OF PERSONAL AND SOCIAL CHARACTERISTICS OF THE DECEASED

The previous section seeks to provide an overview of the circumstances in which the 27 Aboriginal and Torres Strait Island people who have been the subject of my inquiries died in custody, As I stated in the

introduction to this report, at the first public hearing of the Commission at which my Letters Patent were read I made it clear that an examination of relevant deaths that was restricted to a consideration of how the deceased died in custody would be superficial and inadequate and that it was necessary to examine also why those people died. An adequate examination of why those people died in custody demanded an understanding and consideration of both:

- the individual life experience, personal background and upbringing of each of the deceased; and,
- the experience of the whole Aboriginal and Islander community in terms of both their historical experience and contemporary circumstances.

Thereafter in the course of my inquiries into the individual deaths it was my practice to investigate and to report generally on the personal history, background and lifestyle of the deceased in the context of the impact of various historical and social forces on Aboriginal and Torres Strait Island people in Queensland.

This section seeks to provide a summation of those characteristics as described in some detail in my individual reports and seeks to identify two crucial links which must be appreciated if a thorough understanding of deaths in custody in Queensland is to be achieved. First, there is a connection between the history of relations between Aboriginal and Torres Strait Island people and White people and the present social condition and predicament of Aboriginal and Torres Strait Islander people. The history of relations since White contact in Queensland is not merely of academic interest but has a continuing relevance to the understanding of Aboriginal and Torres Strait Islander behaviour and White behaviour. Second, there is an important connection between the general social conditions under which Aboriginal and Torres Strait Island people live and their disproportionate representation and death in custody. Numerous social forces to which all Aboriginal and Torres Strait Island people are subject must be considered and ultimately confronted if the disproportionate incidence of conflict with the law, incarceration and death in custody is to be understood and reduced.

This section therefore summarises the personal and environmental characteristics of the deceased collectively, identifies the contribution of historical forces to shaping those characteristics and identifies the relation of contemporary social forces to those characteristics. To report on those historical and social factors is not my present purpose here. Those factors, to the extent that they may be considered social, cultural and legal factors having a bearing on deaths in custody or issues underlying deaths in custody are the subject of the National Report. Rather my purpose here is to briefly identify certain historical and social connections in the overview of the characteristics of those whose deaths I investigated on the basis of my experience gained in the course of my inquiries and to indicate the need for sustained research into the nature and implication of those particular connections. The need for such research is, particularly in the Queensland context, very great indeed. I have commissioned certain research projects which have resulted in the production of discussion papers which have been distributed to interested parties for their consideration and comment. Those discussion papers together with any responses might provide a useful starting point for the thorough and systematic investigation of the range of social and historical factors which have contributed to the complex phenomenon of deaths in custody. This report could not await the outcome of that discussion which may be reflected in the National Report.

2.1 PERSONAL CHARACTERISTICS AND SOCIAL ENVIRONMENTS OF THE DECEASED

It was my practice in my reports of my inquiries into the deaths that occurred in Queensland to describe and comment at some length upon the social environment in which each of the deceased lived and, in many cases, died. This was done in the belief that the presence of the deceased in custody, in the psychological or physical condition in which they were, could not be explained without reference to their

personal and social background and lifestyle. Similarly, the disproportionate representation of Aboriginal people in custody throughout Queensland cannot be explained without reference to the social conditions in which Aboriginal people in Queensland live.

It is not suggested that the 27 Aboriginal and Torres Strait Islander people who died in custody in the period subject to inquiry constitute a representative sample of Aboriginal and Torres Strait Island people. It may well be invalid to draw too many deductions even from a careful consideration of their cases alone. Nevertheless, those people were very clearly subject to, among other things, the social conditions and historical forces that characterise the lives of Aboriginal people generally. This section seeks to specify the most significant of those social conditions and historical forces as revealed by the characteristics of the lifestyles of those who died so that an assessment of the status and predicament of all Aboriginal people in Queensland (which this report recommends and through its distribution of certain discussion papers goes some way towards commencing) might be constructively informed by the lessons of deaths in custody.

2.1.1 The Communities in which the Deceased Lived

As I have observed above, a thorough understanding of why the deceased died in custody requires a consideration of the social environment into which each was born, grew up and lived. This section attempts to provide a brief characterisation of the different types of communities in which the deceased lived or to which they had a significant and influential attachment.

The most important single social environment responsible for the socialisation of those who died in custody in Queensland has been the ex-reserve Aboriginal community. These communities, whether established as missions by religious organisations or as settlements by the Queensland Government on reserves specifically set aside for Aboriginal and Torres Strait Island people, are now defined and regulated pursuant to the *Community Services (Aborigines) Act 1984-1986* or the *Community Services (Torres Strait) Act 1984-1986*.⁸ The creation and regulation of Aboriginal and Torres Strait Islander communities in Queensland was originally provided for in the *Aboriginals Protection and Restriction of the Sale of Opium Act 1897* and has continued through a series of acts and amendments. The effects and implications of that history of legislative regulation is referred to at the end of this section.

Of the 27 people whose deaths have been the subject of my inquiries in Queensland no less than 16 were born on the ex-reserve communities of Queensland. All but one of those people, Barbara Yarrie, were raised on those communities. Another, John Pilot, although born in Western Queensland spent his formative years at Cherbourg. Only one of the deceased, Nikira Mau, was born in a Torres Strait Islander community, although Patrine Misi who identified as a Torres Strait Islander was born on Thursday Island. Two others, Monty Salt and Charlie Kulla Kulla, although not born on former reserves were born and lived out their lives on the Cape York Peninsula. Each had strong attachments and connections with certain ex-reserve communities. Two of the Aboriginal women who died in custody, Fay Yarrie and Muriel Binks, had immediate family who had lived on ex-reserve communities and it is highly probable that their socialisation was influenced by those attachments.

It can be seen then that of the 25 people who were born in Queensland⁹ and who are the subject of my inquiries no less than 22 were born on an ex-reserve community, were raised on such a community or maintained a significant attachment to an ex-reserve community. The historical and contemporary social conditions and structures prevailing on the ex-reserve communities are clearly directly relevant in the consideration of the social environments in which the deceased lived. Before turning to an examination of those conditions and structures certain qualifications must be made. On the basis of this brief analysis it might be observed that people with a significant life experience of ex-reserve communities are disproportionately represented amongst those who died in custody in Queensland given that, as at the 1986 census, Aboriginal and Torres Strait Islander ex-reserve community residents constituted only 23.8% of the total Aboriginal and Torres Strait Islander population of Queensland. The assertion of such a

disproportion can only be accepted with two important qualifications in mind: first, the proportion of Aboriginal and Torres Strait Islander people resident on ex-reserve communities has declined, at least since the 1981 census; and, second, it is likely that a high proportion of Aboriginal and Torres Strait Islander people not resident on ex-reserve communities retain significant and influential attachments to those communities.

Notwithstanding those qualifications it is notable that only three of the deceased, the man who died at Brisbane Prison, Darren Wouters and Daniel Lorroway, had no significant experience of ex-reserve community life.

While a majority of the deceased were long time residents of an ex-reserve community many of their life experiences exhibit a rate of mobility which would be assessed according to White criteria as being very high. In general terms, those patterns of mobility are typically of three kinds: first, some of the deceased, such as Vincent Ryan, moved between different ex-reserve communities; second, some, such as Daniel Lacey, moved quite regularly between an ex-reserve community and a relatively nearby town or city; and third, many, such as Barbara Tiers, moved throughout a particular district.

A further and most significant qualification, which must be made prior to any consideration of the social conditions and structures characteristic of Queensland's ex-reserve communities, concerns the diversity of those communities. Although they do share certain common features which must be recognised each has a unique history and a particular contemporary form. This diversity is further complicated by the patterns of mobility noted above.

As a consequence of my recognition of the central importance of the social conditions and environment of the ex-reserve communities as places in which a considerable number of the deceased were socialised and in recognition of the complexity and qualifications referred to briefly here, I commissioned a specialist anthropologist, Dr Paul Memmott, to conduct research into these and related matters. Because of the complexity of these matters my observations below should be considered only in the light of his and related research. 10

A thorough and systematic analysis and consideration of the social conditions characteristic of the ex-reserve communities in Queensland is beyond the scope of this report. However, some observations as to the connections between those social conditions and the life circumstances of those who died in custody is necessary.

The essence of the social conditions which have been prevalent on ex-reserve communities in Queensland is derived from the fact that those communities were established and, in many senses, continue to operate as artificial social environments, and the fact that throughout their history those communities have been administered principally by non-Aboriginal people in an authoritarian and paternalistic fashion.

The Artificiality of the Ex-reserve Communities

Consistent with the prevailing philosophy, Aboriginal settlements and missions in Queensland were established on reserves by or with the express consent of the Queensland Government in order to isolate and segregate Aboriginals from the exploitation of White settlers, to protect them from exposure to vice and corruption, to prevent miscegenation and to allow them to die out with some 'dignity'. Although the land on which the reserves were established was gazetted pursuant to section 190 of the *Lands Act 1897*, reserves and missions were administered according to the provisions of the *Aboriginals Protection and Restriction of the Sale of Opium Act of 1897* and subsequent legislation. Whilst it is apparent that at certain places and at certain times Aboriginal people 'moved in' to the reserves and missions voluntarily, whether under their own desire or under the inducements of the missionaries or government appointed

protectors, a systematic and ruthless practice of enforced removal was responsible for the establishment and growth of many reserve and mission populations. The power of enforced removal was used by Queensland Governments both for the relocation of large groups of Aboriginal people and the enforcement of punitive rules and regulations to which reserve settlement and mission residents were subject. The processes of enforced removal to which very many Aboriginal people in Queensland were subjected are detailed in the commissioned history papers reproduced in [Appendix 1](#).

The result of the policy of removal was the settlement of different and often traditionally antagonistic Aboriginal groups in the one place. For example, by 1934 members of 28 different linguistic groups were living on the Cherbourg Aboriginal settlement. In my report of my inquiry into the death of Eddie West I noted that:

Such a policy is testimony to the Government's insensitivity to the differences between Aboriginal people and its ignorance of crucial kinship, family, language and territorial ties, and the role those factors play in the maintenance of a cohesive society. 11

Similarly, at Wujal Wujal the mission centralised disparate groups such that people with different territorial, language, clan, kinship and old camp residence ties were brought together in close proximity for the first time. The artificiality of the ex-reserve communities and the incompatibility of the groups settled there contributes in many cases to the levels of contemporary conflict and violence experienced on those communities.

The design, layout and provision of infrastructure in the communities also contributes to their artificiality. Aurukun for example has been designed and constructed as if it were any country town in Queensland, with houses designed and positioned according to White concepts of suburban living. The close settlement of people in such places has further exacerbated conflict by reducing the extent to which people may resort to a traditional device of defusing conflict, by moving away from the scene of conflict.

The ex-reserve community environments are also artificial in the sense that the vast majority of residents are not living on their traditional country and, for various reasons their access to their traditional country is often severely restricted. For example, at Wujal Wujal it was submitted to me that a fundamental ingredient of the frustrations felt by many of the residents was that they lived in a confined and enclosed environment without access to or effective control over traditional lands to which many of them have a deep spiritual attachment. These issues, of tremendous significance to very many Aboriginal people of Far North Queensland, are considered in greater detail at the end of this section.

Authoritarian and Paternalistic Administration

The manner in which Aboriginal and Torres Strait Islander people who have lived on the communities in Queensland have been directed and regulated by White governments can only be described as authoritarian and paternalistic. Whilst the development of the administration of Aboriginal people both on and off the communities is considered in some detail in the history papers in [Appendix 1](#), the extent to which the everyday activities of community residents were controlled by non-Aboriginal authority must be recognised. Under the legislation the superintendent of a settlement on a reserve exercised enormous powers derivative of the ultimate authority of the Director of Native Affairs. Residents were forced to comply with the strictest codes of behaviour, could be forced to perform work at the direction of the superintendent; and were compelled to seek the permission of the superintendent to exercise even the most basic rights. Obedience was enforced under threat of punishment, committal to the infamous dormitory system or, on occasion, forced removal to another community. Discipline and indoctrination in non-Aboriginal values was further effected through the education system.

The authoritarianism and paternalism which characterised the communities is not simply of historical interest. Elements of paternalism persist in the present legislation which governs the administration of the contemporary communities. Moreover, the persistence of the paternalistic authority of reserve superintendents and managers has affected the development of individual initiative and self esteem in many Aboriginal people and their families. In my report of my inquiry into the death of Eddie West I noted that:

The reserve system bred generations of people poorly equipped to deal with life and its demands and that was the legacy that was passed on to their children. 12

The deaths which I have investigated indicate, however, that paternalistic administration has not been the only significant social force which has conditioned the family environments in which many of the deceased were raised.

2.1.2 Domestic Environment and Family Structure

In the cases investigated by me the family background and environment of many of the deceased was clearly an important issue. A significant number of the deceased endured a family environment and early socialisation experience characterised by considerable disruption and intervention. Before those factors are considered and briefly assessed the need for considerable care in the interpretation of these phenomena in Aboriginal and Torres Strait Island settings must be recognised.

Evidence of disruption or intervention, particularly when that evidence is derived from government files and reports, must be evaluated in the light of important cultural differences between Aboriginal and non-Aboriginal family structures, practices and expectations. For example, while in a White setting the regular movement of a family unit might be considered necessarily disruptive, the potentially positive function of a high rate of family mobility in Aboriginal settings must be appreciated. Further, evidence that an Aboriginal or Torres Strait Island child grew up with guardians other than their actual parents and siblings must be considered in light of the strong, complex and extensive kinship structures and concomitant obligations which are often central to Aboriginal and Torres Strait Island families and child rearing practices. The importance of family environments, and of the historical and contemporary role of the child welfare and juvenile justice systems in Queensland, combined with the complexity and sensitivity of the qualifications referred to above caused me to commission the research of a specialist in the field. The following observations should be read in conjunction with that research undertaken by Dr Ian O'Connor.

The results of that research have been released by me in the form of a discussion paper. 13

In each of the cases subject to my investigations I inquired into the family history, background and upbringing as far as was possible. Much of that evidence was difficult to acquire and all of it was difficult to evaluate. The cases reveal that significant family intervention or disruption was a *characteristic* of many of the early life experiences of the deceased and that that disruption or intervention was caused by a number of different factors:

- the enforced removal of a family group from traditional country to another place, often a settlement or mission;
- the enforced or voluntary removal of particular members of a family to another place, often a settlement or mission, leading to the separation of children from either or both parents or one, some or all siblings;

- the committal of a child or youth to a dormitory established on either their home or another settlement or mission;
- the committal of a child to an institution away from a settlement, mission or their community consequential upon the intervention of a government department placing the child under what is now known as a care and control or care and protection order.

Those factors do not, of course, exhaust the causes of family disruption and intervention. However, they appear particularly significant in many of the lives under my investigation, and, as the result of deliberate government policy at various times, have been and should continue to be amenable to committed government reform.

Of the 27 people whose deaths in custody in Queensland were investigated by me no less than 12 appeared to be the subject of significant family disruption or intervention caused by agencies outside the family or immediate community. The lives of six of the deceased were touched in a very direct way by the exercise of the government's removal power. The families of at least two of those, Charlie Kulla Kulla and John Pilot, were removed from their traditional country to a settlement or mission. The family of two of the deceased, Barbara and Fay Yarrie, experienced removal to an Aboriginal settlement. Further, at least another two of the deceased, Vincent Ryan and Barbara Tiers, were compulsorily removed to an Aboriginal settlement as a punitive measure.

A number of the deceased while resident as children or juveniles on a community were committed to a dormitory. While evidence was submitted to me that Daniel Lacey, John Pilot and Vincent Ryan were all at various times committed to the dormitory system, I am confident that a number of the other deceased suffered a similar fate during their early lives.

At least ten of the deceased - the young man who died at Aurukun, Patrick Booth, Daniel Lacey, Perry Noble, Karen O'Rourke, Vincent Ryan, Barbara Tiers, Eddie West and Barbara and Fay Yarrie - were subject to the direct intervention of the State Children's Department by way of being placed under care and protection, care and control or equivalent orders. The vast majority of those people were committed for varying periods of time to juvenile welfare or correctional institutions. Some such as Daniel Lacey, Vincent Ryan and Eddie West had a considerable history of juvenile institutionalisation.

The effects of disruption, intervention and institutionalisation on Aboriginal and Torres Strait Island children and families demand critical consideration at some length. Not only has disruption, intervention and institutionalisation contributed to the setting of many of the deceased on a course which was to end in further institutionalisation as adults, but it has, over time, seriously affected the capacities and the functioning of a most valuable and essential Aboriginal resource - the family and kinship structures.

I have referred in a number of cases to the severe problems associated with the care and control of children and juvenile justice on the communities. In my report of my inquiry into the death of Eddie West I noted the very strong expression of concern by senior members of the Cherbourg community as to the care and control of community children. I noted there the undeniable virtue in placing a child who, for whatever reason, cannot remain with his/her natural parents, within the extended kinship structure of the community. I observed that such structures must receive adequate support so as not to become over-stressed and that in the alternative the development of well resourced, Aboriginal administered and community based extended homes must be pursued.

In a number of cases I have noted the prevalence and severity of the problem of juvenile justice particularly on the communities. Evidence presented to me at Aurukun indicated severe problems associated with juvenile crime, the apparent lack of respect among young people for their elders and the persistent difficulties encountered by parents and elder kin attempting to control their children. As that

evidence indicated, juvenile offending must be appreciated in the broader context of the prevailing social conditions on communities. I have observed that in particular communities those social conditions have greatly marginalised young people, particularly, it would seem, young men, and rendered their status and role problematic.

In my report of my inquiries into the deaths at Yarrabah I recognised the difficult plight of juveniles and noted that the juvenile justice system and White child care agencies have, to date, featured prominently in responses to the juvenile justice problem and that that system and those agencies have performed poorly. By contrast, the initiatives inspired by the communities at Cherbourg and Yarrabah provide a constructive, meaningful and *culturally* sensitive response to the problems. Community based programs organised, designed and administered by Aboriginal people in the community clearly provide the most promising long term solutions. Those programs and initiatives must be respected and supported by government.

The history of disruption, intervention and institutionalisation to which Aboriginal and Torres Strait Island families and children have been subject has left many of those families confronting severe difficulties in securing the adequate care and control of their children; has seen juvenile crime develop into a major social problem; and has seen Aboriginal and Torres Strait Island juveniles grossly over represented at all levels of the child welfare and juvenile justice systems in Queensland. The experiences of those who have died in custody is testimony to the tragedy of that historical legacy and is illustrative of processes and problems throughout Aboriginal and Torres Strait Island Queensland. As the research of Dr Ian O'Connor suggests, if those problems are to be constructively confronted, Aboriginal and Torres Strait Island families, kinship structures and communities must be given the power and the opportunity to control and assist their own families and children and governments must not only respect those ambitions but ensure their realisation.

2.1.3 Education and Employment Opportunities and Achievements

In the course of my inquiries into the 27 Queensland deaths I received evidence as to the educational attendance and attainment and, where possible the employment participation of each of the deceased. Formal educational participation can clearly be important in a young person's personal development as well as providing the opportunity to develop skills by which employment in later life might be gained. Again, the evaluation of educational achievement and employment status according to White assumptions and standards raises many complex issues and requires careful qualification at the outset.

Education

Formal White educational curricula, institutions and opportunities which have historically been imposed on the Aboriginal and Torres Strait Island people of Queensland are, in many senses, spectacularly inappropriate given the cultural realities of the lifestyles of many Aboriginal and Torres Strait Island people. This is particularly so with respect to people living on Aboriginal communities in relatively remote settings. High rates of non-attendance at many community schools is, at one level, a reflection of the fundamental inappropriateness and irrelevance of both the form and content of orthodox non-Aboriginal schooling. Evidence placed before me at Aurukun, for example, indicates that on occasions attendance at the school there can be as low as 1/4 of those enrolled. At Lockhart River I also received evidence that at the time of my hearings there the estimated attendance rate was only 50%. The development, in recent times, of more flexible and culturally appropriate curricula and educational methods has been slow and difficult. Such progress which is not just informed by Aboriginal community consultation, but which is directed by and involves the direct participation of Aboriginal community members, must be encouraged.

On the other hand, the desire of Aboriginal people that their children also receive the full benefits of a formal education equivalent to that received by non-Aboriginal children must be recognised and

accommodated. Presently, the opportunity for children living on remote communities to receive formal secondary education is itself conditioned by special difficulties. In my report of my inquiry into the death of the young man at Wujal Wujal, for example, I noted that:

The option of leaving the community and travelling to schools far away to the south is a particularly unattractive one for many. The development of practical and satisfying vocational skills and opportunities within the community must be a foremost priority. 14

Ultimately, the great diversity of Aboriginal and Torres Strait Island cultures and circumstances throughout Queensland must be recognised in the consideration of these issues. What is appropriate and desired by Aboriginal people in a remote northern community will, in all likelihood, differ greatly from that which might be appropriate and desired by people in urban Brisbane. Nevertheless, these debates and evaluations must always recognise the enormous actual and potential contribution to the education of Aboriginal children and juveniles made by very many profoundly knowledgeable Aboriginal people. The importance of that knowledge, particularly that possessed by the elders of many communities must never be underestimated.

Notwithstanding these qualifications and recognitions of complexity certain generalisations as to the educational attendance and achievement of those who died in custody may be made.

Generally, the level of educational achievement of the deceased in Queensland measured according to formal White criteria was very low. Of the 27 people who died in custody only two, Charlie Kulla Kulla and Monty Salt, received no formal education whatsoever. The other 25 received at least some primary education through their lives and it appears that 11 of those people went on to some secondary education. Only one, Muriel Binks, completed any non-manual tertiary training.

This very superficial examination of the educational profiles of the deceased must be qualified by reference to the unreliability of certain records and the absence of others. Moreover, evidence was presented to me to suggest that in very many cases the school attendance of the deceased was very poor. In some cases, for example those of Patrick Booth and Perry Noble, it appears that an early identification with and commitment to schooling gave way in later years to poor attendance. These and other cases suggest, amongst other things, that White educational curricula may be failing; not only failing to be initially attractive and engaging for many Aboriginal and Torres Strait Island children, but failing also in its capacity to encourage those who might be positively predisposed to educational achievement.

While the educational attainment of the deceased under investigation can be seen to be low, the standard of educational attainment of Aboriginal and Torres Strait Island people generally throughout Queensland should be considered. For example, whereas in 1986 17.4% of Aboriginal people aged 15-24 years were still participating in education, 45.2% of the total Queensland population in that age group were still participating. As a result only 6.4% of Aboriginal people had achieved post-secondary qualifications compared with 33.9% of non-Aboriginal people. The low level of educational achievement of those who died in custody may be seen as illustrative of the comparatively low level of educational achievement recorded by Aboriginal and Torres Strait Island people generally.

Employment

The task of evaluating the employment status of those who died in custody in Queensland also needs to be undertaken with great care. White concepts of permanent employment and White assumptions as to the virtues of permanent participation in the formal labour market may not always be meaningful for Aboriginal and Torres Strait Island people. For example, participation in formal paid employment will normally require rigorous adherence to the established routine of the working day. In cultural conditions where specific Aboriginal obligations (particularly to kin) are expected to prevail over other obligations,

tensions and difficulties will inevitably arise. Involvement in the status hierarchies which accompany most formal employment can also place Aboriginal and Torres Strait Island people in conflict with other obligations they owe to their people.

Again, recognition of the diversity of Aboriginal social settings demands that approaches to problems concerning training, employment and economic development must be developed according to the specific cultural and social conditions of the community.

With those qualifications in mind, certain observations as to the employment status of those who died in custody can be made. Of the 27 deceased only seven, Muriel Binks, Bernard Johnson, Patrine Misi, John Pilot, Monty Salt, the young man who died at Wujal Wujal and Darren Wouters, could be regarded as having enjoyed what could be regarded as relatively lengthy periods of steady employment throughout their working lives. All, with the exception of Binks who worked for extended periods as a clerk, were employed in manual jobs either as labourers or stockmen. A number of others of the deceased enjoyed periods of employment before lapsing into chronic unemployment. There is evidence that a further three of the deceased, the young man who died at Aurukun, Alistair Riversleigh and Deidre Short, were employed for significant periods of time under the Community Development Employment Projects scheme operating in various Aboriginal communities. Given the menial nature of work performed by these people under that scheme such employment cannot readily be characterised as especially gainful. In any event, for at least 16 of those who died in custody unemployment was or became the most striking feature of their status.

While it might be asserted that many of those deceased who were chronically unemployed had little interest in ever gaining employment the paucity of employment opportunities available to those people in the conditions under which they lived must be emphasised. In particular the lack of employment opportunities for people living on the remote communities is a most critical factor which, as I recognised in my report of my inquiry into the death of the young man at Wujal Wujal, impinges on young men to make them especially vulnerable. In a number of cases the deceased faced the difficult dilemma of accepting a life of dependence on government welfare and family assistance or facing the necessity of leaving kin and community to seek outside employment. The evidence presented to me in the cases suggests that the pursuit of either option is accompanied by significant stresses. The cases demonstrate that the consequences of the lack of meaningful employment opportunities on the communities are often disastrous. Deprived of *such opportunities* it appears that young people, particularly young males, often become involved in a cycle of drinking and criminal offending. In some cases this can be seen to compound the low self esteem which may be felt as a consequence of such a marginalised employment status. For example, both Perry Noble and, to a lesser extent, David Koowootha became preoccupied with their lack of work and prior to their deaths both were trying to come to terms with the prospect of leaving their community to find work and, in Noble's case, to change his lifestyle.

Evidence placed before me suggests that the problem of employment is particularly pronounced on the remote Aboriginal communities and is exacerbated by the relative lack of significant economic opportunities in those places. The rate of practical unemployment on Queensland's Aboriginal communities is most alarming. For example at Lockhart River 15% of the people of employable age work either for the council or the Department of Family Services and Aboriginal and Island Affairs, 47% are employed under the CDEP scheme, 8% receive no income whatsoever and the remainder live on social security payments of one kind or another. The relatively high proportion of White employees on this and other communities understandably generates considerable frustration and disenchantment in community residents.

My observations here, which relate in the main to the employment prospects and circumstances on the remote communities in accordance with the bulk of the evidence presented to me and my own observations in the course of my inquiries, should not be taken to suggest that the employment predicament of Aboriginal and Torres Strait Island people in other parts of the state is not serious and

deserving of concerted attention and action. The employment status and labour market status of Aboriginal and Torres Strait Island people throughout Queensland as well as the special conditions which apply on the communities is a most complex issue deserving of detailed attention. I commissioned the work of a specialist in these matters, Dr Paul Boreham, and the results of his research have been released by me in the form of a Discussion Paper. 15

2.1.4 Conflict with the Criminal Justice System

In the course of my inquiries into the Queensland deaths it was necessary to examine the extent of each individual's interaction with the criminal justice system prior to his/her final apprehension and detention in custody. Such an examination revealed a diversity of experience. Criminal records had to be reconstructed from what were very often incomplete and imprecise records held by police and prison authorities. Very many of the deceased had on numerous occasions been detained for drunkenness under either State law or community by-laws and very often, even if records of those detentions had been made, they were, by the time of my investigations, unable to be found.

Despite these limitations, a picture was presented of the patterns of criminal offending by the deceased. While an overview of those criminal records reveals that the vast majority of the deceased had a history of extensive conflict with the law, in particular the police, relatively few had what might be termed a serious criminal record. Only five of the deceased, Patrick Booth, Bernard Johnson, Daniel Lacey, Vincent Ryan and Daniel Lorroway had ever been convicted of serious criminal offences. Two other young men who died in custody, Eddie West and the young man who died at Aurukun, had committed serious offences as juveniles. Darren Wouters and, it appears, Karen O'Rourke committed relatively minor offences as juveniles. Of the remaining 18 people who died in custody in Queensland only three, Muriel Binks, Charlie Kulla Kulla and the man who died at Brisbane Prison, avoided regular conflict with the law and contact with the police.

The most significant point is that the remaining 15 people who died in custody had extensive contact with the police and were regularly in conflict with the law yet only ever committed minor offences. Virtually all the offences committed by those 15 throughout their lives were alcohol related offences of a minor nature. Overwhelmingly, the most common offence committed was drunkenness. The available records indicate that while some such as David Koowootha and Deidre Short were relatively infrequently arrested for drunkenness or minor alcohol offences, others such as Walter Barney and Fay Yarrie, were arrested and detained for drunkenness on, literally, hundreds of occasions.

All of these 15 people and their addiction to alcohol were well known to police. With what, in many cases, can only be described as outrageous monotony these people were simply locked up.

Aside from the central fact that virtually all these people died while incarcerated for drunkenness or an alcohol related offence or offences, the frequency with which they were arrested and detained for such offences throughout their lives calls into question the wisdom of imprisoning people for drunkenness or for minor offences committed under the influence of alcohol. The Interim Report recommended, and I have supported, the decriminalisation of public drunkenness and the diversion of people presently regarded as offenders away from police and prison cells to more humane and constructive environments. Certainly, as an overview of the lives and deaths of those subject to my investigation reveals regular incarceration achieves very little for those subjected to it.

While drunkenness, arrest and incarceration is a relatively common experience for urban dwelling Aboriginal people as it was for John Pilot and Fay Yarrie and others, it borders on an almost inevitable experience for many residents of Aboriginal communities. In my report of my inquiry into the death of the young man at Aurukun I observed that alcohol consumption dominates life there and that as young men of the community mature there is a transition from occasional to regular and heavy drinking which is

almost universal. I also observed that of young men at Aurukun of similar age to that of the deceased in that case, almost half had come into conflict with the law. The cycle of unemployment, criminal activity and punishment to which the deceased in that case and many others like it fell victim is accompanied by the cycle of heavy drinking, fighting and incarceration which, tragically, has become such a regular, even institutionalised, part of life on Queensland Aboriginal communities.

I appreciate the complexities associated with an analysis of excessive alcohol use, alcohol related crime and violence and the associated social control problems which characterise the communities and to which I shall refer at the end of this section; however, I recognise here that the present practices of Queensland and Aboriginal police intervention, apprehension and incarceration have failed, must change and must be accompanied by fundamental reform of the administration of the communities.

In recognition of the complexity of the issues which I have touched on here, of the diversity of the experiences of the deceased in encountering conflict with the law and the need for the profound reform of the practices of police, the correctional services system and the entire criminal justice system in relation to Aboriginal crime and alcohol related behaviour I commissioned the research of a specialist in criminal justice, Dr Mark Finnane. Other research undertaken for the commission has identified the extent of the disproportionate representation of Aboriginal and Torres Strait Island people in police and prison custody throughout Australia; Dr Finnane's research details the extent and nature of that disproportionate representation in Queensland and identifies areas demanding of immediate attention and reform. The discussion paper which is the result of his research has been released by me to Government Departments and interested parties. 16

There are other matters which have emerged from my consideration of the conflict with the law experienced by those who died in custody in Queensland which I must note here. As I have suggested above in relation to the apparent frequency of the offence of drunkenness, the evidence placed before me suggests that present criminal justice practices do little to deter offenders from repeating offences. While there are numerous dimensions to the issue of recidivism, many of which are touched on by the research of Dr Finnane, I shall identify two which have emerged most strongly from my consideration of the lives of those who died in custody in Queensland.

First, the present juvenile justice system in Queensland, to which I have made critical reference above, appears to contribute to the reproduction of juvenile offenders as adult offenders. In my report of my inquiry into the death of Eddie West I noted that the State Children's Department made no significant effort to help or rehabilitate Eddie, but merely reacted to his misbehaviour from time to time. Such ineffective practices do nothing to avoid the graduation of those such as Daniel Lacey from serious juvenile crime to serious adult crime. The disproportionate representation of Aboriginal and Torres Strait Island children and youths in the juvenile justice system as identified by Dr O'Connor, is mirrored in the disproportionate representation of Aboriginal and Torres Strait Island adults in the criminal justice system identified by Dr Finnane and, in itself, points to an alarming growth rate in future candidates for custody.

Second, during the period effectively under my review the correctional services system in Queensland demonstrated an alarming inability to facilitate the social reintegration of the Aboriginal prisoners with whom it dealt. In my report of my inquiry into the death of Daniel Lacey I noted that failure and that the rudimentary opportunities for education and self-help available in the custodial institutions Lacey frequented and the limited range of non-custodial sentencing options available to the courts made little difference to Lacey.

While there is in Queensland now a spirit of reform in the criminal justice area associated with the establishment of the Queensland Corrective Services Commission and the Criminal Justice Commission, the research conducted by Dr Finnane indicates that there is much, particularly within the fields of responsibility of the Queensland Police Service, that still needs to be satisfactorily addressed.

2.1.5 Physical and Psychological Health

In [Table 1.2 of Chapter 1](#) of this report I listed the immediate cause of death of each of the 27 people who died in custody. In this section I recognise the connections between the health histories and standard of health of each of the deceased, the cause of their deaths and the standard of health of Aboriginal and Torres Strait Island people in Queensland generally.

Of the 27 who died in custody 14 died as a result of what might be termed an unnatural intervention. 11 of those deaths were as a result of hanging. I have dealt with the question of suicide and associated issues [Chapter 1](#). With respect to the other three deaths, Karen O'Rourke died as a result of burns sustained in a fire apparently started by herself, Daniel Lorroway died as a result of a gunshot wound sustained while attempting to escape from prison and Fay Yarrie died as a result of injuries inflicted by a fellow inmate while in police custody. Those 11 deaths which were self-inflicted, whether or not the fatal consequence was intended, raise many complex questions associated with the psychological health of each of the deceased and the stressful or depressing circumstance of their lives and predicaments.

Thirteen of those who died in custody died owing to what is sometimes referred to as 'natural causes'. Five of those people - Nikira Mau, Vincent Ryan, Bernard Johnson, Daniel Lacey and Deidre Short - died of a heart attack.

Four people - Muriel Binks, Charlie Kulla Kulla, Monty Salt and Patrine Misi -died as a result of developing some form of pneumonia. The other four - Walter Barney, Barbara Yarrie, John Pilot and Barbara Tiers - died as a result of illness or injury caused principally through a combination of their general poor health and chronic alcoholism.

Those 13 deaths might fairly be considered as occurring due to natural causes but with two important qualifications. First, it can be seen that a number were contributed to by the neglect demonstrated by others or the deceased themselves. This *fact* raises issues of avoidability and prevention which I have dealt with in [Chapter 1](#), and the degree of self-help exhibited by those who have become committed to difficult and/or depressing ,social circumstances. Second, in one sense, each of those 13 people died prematurely in that each died at an age younger, and often considerably younger than the age of average death for all people in Queensland. [17](#) This raises issues concerning the standard of health of Aboriginal and Torres Strait Island people generally throughout Queensland.

An overview of the medical histories of the 27 people who died in custody in Queensland suggests the relatively large number who had extensive medical histories. There is evidence that only eight of the deceased could be described as having enjoyed generally good health throughout their lives, and it must be noted that six of those people, David Koowootha, Patrick Booth, Darren Wouters, the young men who died at Wujal Wujal and Aurukun and Eddie West, all died very young men. It is of some significance that the remaining two, Charlie Kulla Kulla and Monty Salt, lived, at times in their lives, a comparatively traditional lifestyle. Evidence as to the medical histories of the deceased indicate that the health of no less than 16 of them was significantly affected by their excessive alcohol use. For some, such as Charlie Hyde their excessive alcohol use led to injury and illness while, for others such as John Pilot, increasing excessive alcohol use substantially contributed to a severe decline in their general health. In certain other cases alcohol use appears to be implicated in the mental health of the individual. For Perry Noble, for example, who died as a result of hanging, excessive alcohol use appears to be associated with his propensity for self-mutilation. Research conducted by Dr Joseph Reser [18](#) has indicated what appears to be a significant correlation between heavy alcohol use and a propensity to attempt suicide. [19](#)

The evidence presented to me in the investigation of the Queensland deaths indicates the complexity and importance of the relations between social conditions, particularly those prevailing on the Aboriginal

communities, excessive alcohol use, violence, depression and low self-esteem and the propensity for self-harm and self-inflicted death. If support be needed for the preliminary findings of Dr Reser and his associates then it may be found in the fact that the majority of those who died in custody by their own hand were heavy drinkers. 20

In my report of the inquiry into the death of the young man at Aurukun I noted that the intoxication of the deceased was a crucial factor accounting for the depressed emotional state he experienced while in the lock-up. I have also noted that while intoxication can exacerbate social conflict and impair the capacity of protagonists and others to deal with that conflict it can also have serious emotional and psychological consequences, and alcohol dependence can have serious health implications. Evidence presented by Senior Psychiatrist John Spencer noted that alcohol contributes to depression and suicidal behaviour in two ways:

In the first way, the effect of persistent alcohol use on neuro-chemical systems can lead to feelings of misery, pessimism and depression which may lead to suicidal thinking and urges. In the second way, a dependent drinker placed in isolation may in a very short period of time, experience a 'frightening psychotic delirium state... from which the only escape is to kill oneself. 21

In my report of my inquiries into the deaths of the young men at Yarrabah I noted the potential role of alcoholism in predisposing a person to suicide as well as the disinhibiting effect of alcohol which might be said to 'facilitate' a suicide. 22

The evidence presented to me in the course of my inquiries indicates something as to the causes as well as the consequences of excessive alcohol use. It appears that depression, frustration, boredom and a perception of powerlessness are at the heart of explanations as to why so many people living in Aboriginal communities resort to alcohol abuse.

Those feelings are most clearly related to the social conditions under which many Aboriginal people live. In hearings held by me in Coen Anthropologist, Professor Bruce Rigsby highlighted the role of those conditions in contributing to excessive alcohol use:

I think the reason why Aboriginals drink in settings such as the institutional settlements ... is they drink out of a sense of powerlessness, frustration with their life, a recognition that their lives really are out of their control. They can't hope to have employment, in many cases they can't get out of the communities to fish and hunt and when they want to they're frustrated, and to be quite blunt about it, these places are shitty places to live in and they are just boring as can be. There's not much to do, short of sitting and talking with other people, and if you can do it with grog, it makes it that much more pleasant and takes you away from the harsh realities of the daily life. 23

In considering the health status of those who died in custody the connections between social conditions, feelings of powerlessness, excessive drinking and poor physical and/or psychological health must be recognised. The relatively poor standard of health of many of those who died in custody in Queensland is both illustrative of the poor standard of health of the Aboriginal and Torres Strait Island population in general and can be directly related to the health and social conditions that prevail on the Aboriginal communities.

Research conducted for the Commission by Dr Nell Thomson of the Australian Institute of Health reveals that the overall health status of Queensland's Aboriginal and Torres Strait Island population is well below that of other Queenslanders. Health conditions appear to be worst on the Queensland ex-reserve communities. Based on data collected from those communities from 1987 to 1989 Dr Thomson observes that the death rate of males was about 3 times that of the total Australian male population and that of

females was more than 4 times that of all Australian females. For Aboriginal males living in the Queensland ex-reserve communities the expectation of life at birth was 56.8 years, about 17 years less than that of the total male population of Queensland in 1988, 73.9 years. For Aboriginal females, the expectation of life at birth was 60.0 years, almost 20 years less than that of the total female population of Queensland in 1988, 79.5 years. Although the infant mortality rate on Aboriginal communities in Queensland declined significantly throughout the 1970s there has apparently been much less improvement in the 1980s such that from 1986 to 1988 the rate for Aboriginal people living in Queensland's ex-reserve communities was still almost 2.5 times that of the total Australian population.

In my report of my inquiry into the death of Deidre Short I received evidence as to the prevailing health conditions at the Lockhart River community. I reported that in Lockhart River one is 288 times more likely to suffer from diabetes than the average Queensland, six times more likely to die of cardiac disease, and ten times more likely to die of respiratory problems. It will be recalled that Deidre Short died of a heart attack in the Lockhart River watchhouse in March 1989 at just 30 years of age. The detailed submission of the Aboriginal Co-ordinating Council (ACC) provides further data as to health conditions on Queensland Aboriginal communities. That data confirms very high morbidity and mortality rates and identifies violence as a most alarming and relatively common cause of death on the communities.

The question of the widespread incidence of violence on the ex-reserve communities in Queensland is clearly a most complex and sensitive one. While I note that the issue will be dealt with in the National Report, brief reference to certain of the evidence which has come to my attention must be made here.

The submission of the ACC emphasises the historical dimension of contemporary violence. They have submitted that the 'pain and bitterness' of memories of frontier violence and the institutionalised violence of twentieth century Queensland combined with feelings of powerlessness 'leads Aboriginal people to turn their violence against other Aborigines rather than against White Australia'.²⁴ Further, the submission recognises that this violence is very often turned inwards in the form of self-mutilation and suicide or family violence. Other evidence before me suggests connections between this history of marginalisation, contemporary social conditions and the general health, and physical and mental well-being of Queensland's Aboriginal and Torres Strait Island people.

Social conditions characterised by overcrowding, restriction of access to traditional country, economic and financial marginalisation and widespread violence contribute to stress related illness, disease and death in many communities.

I have also received evidence as to the possible effects of distinctively non-Aboriginal diets on Aboriginal people. Evidence provided to me by Dr Bett and Dr Buchanan during my hearing into the death of Daniel Lacey indicate that premature deaths of Aboriginal people such as Daniel Lacey may be linked to specific vulnerabilities associated with the detrimental effects of western diets and may lead prematurely and disproportionately to the narrowing of the arteries, atheroma and diabetes.

In his analysis of Queensland health, Dr Thomson refers to the conclusion of the Health Targets and Implementation (Health for All) Committee that the social and economic disadvantages experienced by Aboriginal people were of central importance in the explanation of poor general health. Dr Thomson argues that these social and economic disadvantages are directly related to Aboriginal dispossession and are characterised by poverty and powerlessness, and are reflected in measures of education, employment, income and housing.

While this section of the report has assessed the evidence of the impact of those measures on the lives of those who died in custody, it is to links between Aboriginal dispossession and powerlessness to which I now turn.

2.2 SUMMARY: HISTORY, MARGINALISATION AND DISEMPOWERMENT

As the evidence reviewed in this section of the report demonstrates the phenomenon of deaths in custody in Queensland is very closely related to the social conditions under which Aboriginal and Torres Strait Island people in Queensland live generally and the prevailing social conditions on the Aboriginal communities in particular.

While the issue of the social conditions prevailing on the ex-reserve communities is of major concern, the relationship between social conditions and Aboriginal death in custody in settings outside ex-reserve communities must also be recognised. I recognised at the outset of this section that these social conditions, in the context of deaths in custody, have both historical as well as social dimensions. In their examination of the background social factors impacting on the lives of Barbara and Fay Yarrie, Turrell, Western and Williams observed that the Yarrie's:

Social trajectory, which was characterised by drunkenness, domestic violence, itinerancy, criminal activity and subsequent death, was in part a consequence of the historical and social forces which preceded and impacted upon their life-course. 25

The social conditions that characterise life on the communities reveal a profound problem of social control. The evidence before me indicates that the ex-reserve communities in Queensland are marked by alarming and escalating levels of uncontrolled violence and social disorder. Aboriginal people are experiencing extreme difficulties in attempting to effectively improve their social conditions and, more importantly, control the apparent behavioural consequences of those conditions.

The Legacy of History

While a systematic analysis of the historical development of relations between Aboriginal and White people in Queensland is left to the papers reproduced at [Appendix 1](#), certain connections between contemporary social conditions and significant historical forces must be noted here.

Since first contact Aboriginal and Torres Strait Island people in Queensland have been subjected to White violence, authority and management. The research paper provided by Professor Reynolds details the violence and exploitation which accompanied the extension of the White frontier, the annihilation of Aboriginal people and the dispossession of their land as well as certain of the philosophies which underpinned this violent expansionism. The paper provided by Dr May details the isolation and 'protection' of Aboriginal people through their forced removal and confinement on artificial communities and the development of ideas and practices of assimilation which sought to destroy Aboriginal culture and identity and replace it with White authoritarianism, discipline and extreme paternalism.

In my report of my inquiry into the death of John Pilot [26](#) I referred to this history when I recognised that until very recently Aboriginal people were 'managed' in a total sense by government. I identified one of the most significant legacies of that history when in my report of my inquiries into the deaths at Yarrabah when I noted that:

The underlying causes of the uncontrolled violence on Aboriginal communities today must be understood in the context of the historical forces and structural violence against Aboriginals which have shaped existing social conditions. 27

The relevance of history in the construction of the present is not, of course, restricted to the life experience of only Aboriginal ex-reserve community residents. In my investigations into the deaths of Barbara and Fay Yarrie I commissioned the research of a number of sociologists and anthropologists who in an examination of the background factors having a bearing on those deaths identified particularly

relevant historical and social forces. Those researchers identified European expansionism, the decimation of the Aboriginal population, ethnocentrism and racial stereotyping, dependence and powerlessness and segregation and institutionalisation as significant historical forces. 28

While certain historical forces such as the practice of removal to confinement on artificial communities and the rigorous control over the personal freedom of those resident on such communities have directly touched the lives of many of those who died in custody in Queensland, reference must also be made to broader and less direct historical forces. The evidence before me indicates that a most significant consequence of Queensland's history has been the generation of dependence amongst Aboriginal people which has inhibited their capacity to exercise control over their own lives and the lives of their families and communities. This must not be taken to suggest that the majority of Aboriginal people in Queensland have ever been able to gain access to sufficient resources and power to exercise effective control over their lives. As the research of Turrell, Western and Williams demonstrates dependence has always been accompanied by powerlessness. Nevertheless the development of dependence is a most significant historical legacy. In my inquiry into the death of Deidre Short I received evidence from anthropologist Dr Athol Chase as to the contemporary social consequences of Queensland's paternalist and assimilationist policies and practices. In Dr Chase's words:

One can see structured dependence emerging from a situation where people are institutionalised under direct and heavy administration by people who have a pre-ordained idea of what should happen to Aboriginal people. If you disempower Aboriginal people by making decisions for them and by preventing them, even the mechanisms for starting to develop their own ideas about their future, what you end up with are the classic systems of alcoholism, violence and all the rest of it.

29

I have noted that those policies and practices were still operating on the ex-reserve communities as recently as last year.

In my report of my inquiry into the death at Wujal Wujal I observed that the paternalism and authoritarianism which characterised the administration of that community since the establishment of the mission in 1957 had the effect of leaving people, such as the deceased in that case, inordinately dependent upon the direction and supervision of non-Aboriginal administrators and managers.

In my consideration of the contemporary social circumstance of Aurukun I noted the connection between dependence and powerlessness; the historical process has been one of enforcing dependence on White structures of administration, White resources and White ideas while simultaneously removing or marginalising Aboriginal structures of decision making, Aboriginal forms of social organisation and Aboriginal ideas. In my report in relation to Aurukun I stated that the history of the management and control of virtually all aspects of the lives of Aurukun Aboriginals has denied those people the full knowledge and experience of their own culture and its forms of social organisation and left them dependent on White administrators making decisions and taking initiatives on their behalf and that this combination of cultural denial and imposed dependence has left people poorly equipped to deal with social problems.

Social Forces and Contemporary Environments

More generally, the weight of evidence presented to me in the course of my inquiries indicates that the legacy of history has been the marginalisation of Aboriginal and Torres Strait Island people in depressed and disadvantaged social conditions. Aboriginal life in Queensland is conditioned by poverty and deprivation. Although the cross-cultural limitations associated with evaluating the standard of Aboriginal social life according to White social indicators must be recognised, those measures demonstrate systemic and structural disadvantage of an appalling magnitude. Turrell, Western and Williams have identified

socio-economic status as one of the principal social forces impacting on Aboriginal people today. They have specified the extreme marginalisation of Aboriginal people in terms of access to fundamental socio-economic resources such as housing, income, employment and education. Along with the marginalised health status of Aboriginal and Torres Strait Island people to which I have referred above, these factors have been instrumental in what the authors refer to as 'the ongoing process of Aboriginal oppression'. 30

The marginalised social conditions under which very many Aboriginal people labour impacts directly on their standard of health contributing significantly to the chances of premature death; constitute conditions conducive to the emergence of higher rates of crime and violence; inhibits the capacity of communities to deal effectively with social conflict; and, most importantly, renders Aboriginal people powerless. In the previous section I have indicated certain connections between prevailing social conditions and poor health. In my report into my inquiry into the death of Eddie West I observed the relation between impoverished social circumstances and crime, in particular juvenile offending. In my report concerning the deaths at Yarrabah I observed that certain dimensions of social conditions prevailing there, particularly health status and housing provision, make the difficult task of coping with conflict and disputation so much harder. Much of the evidence presented to me also indicates that the limited access of very many Aboriginal people to social resources contributes to their systemic powerlessness. On many occasions widespread feelings of powerlessness felt by very many Aboriginal and Torres Strait Island people, particularly those resident on the ex-reserve communities, have been brought to my attention and have been identified as an explanation for the stresses with which very many Aboriginal people have great difficulty in coping, widespread excessive alcohol use, social disorder, violence and criminal offending.

In one sense the history of violence, dispossession and management to which Aboriginal people have been subject and which has led to their marginalised social status today has also been a history of the disempowerment of Aboriginal people. It is to recent attempts to re-empower Aboriginal people that I now turn by way of conclusion.

Self-Management and Re-empowerment

In 1978 and again in 1984 the Queensland Government passed legislation purporting to enable the self-management of Queensland Aboriginal and Torres Strait Island communities. 31 That legislation was passed only after years of pressure from Aboriginal and Torres Strait Island people, many of their supporters and the Federal Government. The essence of that legislation has been the establishment of community councils in the form of local government councils, and the granting to them of the power to pass by-laws with respect to designated areas of land usually corresponding to the boundaries of pre-existing reserves or settlements and the granting of a limited form of tenure over that land to those councils. 32 Thus, the legislation purports to provide for self-management through a local government structure.

In much evidence presented to me through the course of my inquiries it is obvious that the extent to which this legislative scheme has facilitated the genuine re-empowerment of Aboriginal and Torres Strait Island people resident on communities has been very limited indeed. I have on many occasions expressed reservations as to the provisions, administration and implications of the legislation.

In the course of my inquiries at Wujal Wujal, for example, it became obvious that the extent to which an imposed local government structure could reflect or accommodate traditional decision making practices and operate effectively was limited. I suggested that a more representative council based on traditional structures and which reflect the complex constituency of the many different mobs there might be more successful in attracting broad based community input and might invite greater confidence. This observation calls into question, however, the more fundamental issue of the artificiality of the community itself and the legitimacy of any structure which seeks to be representative.

Even if the structure provided for in the legislation is accorded legitimacy I have received evidence that serious problems exist in relation to its administration. As a result of my inquiries at Aurukun I observed that the local government structure, imposed by the State Government without due consideration or consultation is complex, unwieldy and totally incompatible with the authority and decision making structures of traditional or contemporary Aboriginal society. I have also noted that the confusion and inefficiency generated by the lack of co-operation and co-ordination between State and Commonwealth agencies further contributes to administrative problems. Fundamentally, Aboriginal communities have never been given the resources, the training or the opportunity to make this albeit limited form of self-government function effectively. I have witnessed the continuing role of White administrators and have heard and seen evidence of the deleterious consequences of constant and obtrusive government intervention. If the envisaged form of self-management is to function effectively Aboriginal people need to be provided with not only the freedom but the skills and resources to make it work. To date, the pace at which Aboriginal community residents have been trained and empowered to assume the responsibilities of self-management has been unsatisfactory.

The form of self-management embodied in the legislation is currently undergoing comprehensive review by a committee formed under the auspices of the Department of Family Services and Aboriginal and Island Affairs 33. The involvement of Aboriginal people and meaningful negotiations with Aboriginal people in that process is encouraged.

However, at a more fundamental level, the evidence before me indicates the inadequacy of any structure which purports to offer self-government that is imposed by government rather than one that is designed, constructed and administered by Aboriginal community people themselves. Again, not only must Aboriginal people be finally given the *freedom* to create and operate such structures of their own determination but they must be given the power and resources to do so.

I have recognised the importance of this distinction in my report of the inquiry into the deaths at Yarrabah where again I recognised the community council's need for expertise, advice and skills training and their associated needs for permanent financial security and independence from political influence as pre-conditions for successful Aboriginal self-management. I noted there, however, that effective self-determination will require much more. The effective re-empowerment of Aboriginal people and communities requires no less than the granting of power over law, land and people. I shall deal with each of these dimensions of re-empowerment in turn.

I have observed in this section and in other parts of this report that the most common response to problems of social control on the communities has been the application of the White criminal justice system by White agents of law enforcement. In my report relating to Aurukun I queried whether a greater commitment to present law and order practices constituted a viable strategy in the context of continuing social control problems. In my report concerning the deaths at Yarrabah and Doomadgee I recognised the ineffective operation of the Aboriginal court system there, a system designed and imposed by White government. In another part of this present report I make critical comment with respect to the operation of the Aboriginal police system. I have received evidence to the effect that the present power for Aboriginal councils to pass laws in the form of by-laws is too restrictive. The by-laws which have until very recently been imposed on the ex-reserve communities, and continue to operate on many of them, have been based on a set of uniform by-laws developed for non-Aboriginal local government authorities. Central to the re-empowerment of Aboriginal people is the power to make, vary and enforce culturally appropriate and locally relevant and meaningful laws regardless of their correspondence to the expectations of White bureaucracies.

In my report in relation to the death at Wujal Wujal I noted the prominence of the issue of the community's access to and control over land in the explanation of contemporary social problems there. I noted that matters of land access and control are of immense spiritual and practical significance to Aboriginal people. I suggested that there appears no alternative but to ensure the permanent and unconditional

acquisition of traditional land estates by each of the Aboriginal groups which constitute the present community. The same principles must apply to Aboriginal groups with historical, as well as traditional, attachments to country.

While the systematic consideration of this most fundamental and crucial question is left to the National Report of this Royal Commission, it is necessary, on the basis of evidence presented to me in the course of my investigations to make certain observations here which are specific to the Queensland situation.

The evidence before me indicates that the present form of land tenure granted to Aboriginal communities under Deeds of Grant in Trust is unsatisfactory for a number of reasons. First, for communities and groups such as those presently resident at Wujal Wujal there is simply not enough land. Some mechanism for the acquisition of traditional and historical estates by Aboriginal groups should be established. Second, the form of tenure provided is too insecure. Nothing short of title equivalent to freehold title should be guaranteed for Aboriginal groups and communities. Third, and related to those two issues, the outstation or homelands movement apparent in a number of communities should receive the financial commitment and practical support of government. In my report in relation to the death at Lockhart River I commented favourably with respect to the movement there and noted the direct relevance of the movement as a potential strategy for reducing the prevalence of alcoholism, violence and poor health. Fourthly, the securing of effective control over land necessitates that the effective participation of Aboriginal people in decisions affecting that land also be secured. Again, the evidence I received at Lockhart River indicated that the people of that community are presently unable to adequately control the multiple pressures on their traditional relationships with land arising from development proposals for tourism, mining, space base development, freeholding and from already established restrictions on their hunting and gathering on and other use of National Parks.

My inquiries in Queensland revealed that at least these four issues should be considered in the establishment of some mechanism whereby Aboriginal people, groups and communities can acquire land to which they have some traditional or historical attachment. Reference must also be had to apparent community concerns regarding rights to royalties or their equivalent, the protection of sacred sites and compensation for loss of land.

Ultimately, the re-empowerment of Aboriginal people is conditional upon the power of Aboriginal people to control their own lives. While that power is fundamentally related to the power of Aboriginal people to make their own laws with respect to their own lands, it also requires the re-establishment of conditions under which Aboriginal people themselves can develop their own ideas regarding their own future. In my report in relation to the death at Lockhart River I observed that the process of re-empowerment is a process of re-education in which Aboriginals must be both the educators and the learners and that the White contribution must be restricted to the pool of ideas (which may be accepted or rejected) and resources to enable the process to develop. My inquiries in Queensland and my findings as to the social environments in which the deceased lived and, on occasion, died suggest that the key to avoiding deaths in custody in the future is the commencement, continuation and completion of a process of genuine re-empowerment of Aboriginal and Torres Strait Island people.

The evidence placed before me in the course of my inquiries as to the connections between the history of systemic disempowerment of Aboriginal and Torres Strait Island people, to which I have referred, and the contemporary social control and social disorder problems that characterise community life today suggests, at a deeper level, two important points which must be appreciated if the process of re-empowerment is to be understood and commenced. First, it is apparent that the accommodation of Aboriginal rights and claims within the assertion of White rights and claims can, in certain circumstances, succeed in empowering Aboriginal people. For example, the provision of Crown Land to people at places such as Wujal Wujal can be accommodated by Government and can lead to the significant empowerment of those people. Second however, it must be recognised that, on occasions, there is a direct conflict and

essential incompatibility between Aboriginal rights and claims and White rights and claims and, on those occasions, a choice must be made as to which of those rights and claims should prevail.

On the evidence before me it is apparent that historically those choices made by government have resulted in the systematic ascendancy of White rights and claims over Aboriginal rights and claims. The consequence of those choices has been, of course, the disempowerment of Aboriginal people and communities. With reference to the recent political history of Queensland it can be seen that those choices have been made for Aboriginal people not through a process of legitimate negotiation under which claims are balanced, but through a process of political domination (and some have suggested political violence) which has owed more to the consideration of the interests of White economic development and the competing interests of State and Commonwealth Governments than to a consideration of Aboriginal interests.

The effects of the defeat of Aboriginal interests on many occasions have been clearly illustrated to me. Many community people, particularly young men have been left with feelings of disenchantment, hopelessness, frustration and a resignation to the belief that rights and power can never be won. Particularly in the Queensland circumstance, the lesson of an examination of the social environments in which deaths in custody have occurred is that the cost associated with that political process has been the social destruction of very many communities and the disproportionate occurrence of Aboriginals in custody.

CHAPTER 3: POST-DEATH INVESTIGATIONS

3.1 In the course of my inquiries into individual deaths in custody I have endeavoured to conceptualise models of the ideal investigation, post-mortem and coronial inquiry. These models incorporate certain features which seem to me to be essential for the proper conduct of such investigations. It is not my intention here to make specific recommendations since this will be the function of the National Report, and, to that end, the experience of all the Commissioners will be drawn upon. Rather, it is my purpose to highlight deficiencies in the current Queensland models which were revealed by my inquiries.

3.1.1 The Ideal Investigation

It is imperative that the public have confidence in the ability, impartiality, independence and accountability of officers conducting an investigation into a death particularly where that death has occurred in custody. Only if the investigation is thorough and meticulous will it serve to allay any suspicion or doubt in the minds of next-of-kin and the public of foul play or maltreatment by the custodians of the deceased. The State and its agents must and be seen to be, beyond reproach. Hence, the ideal investigation of a death in custody should be characterised by these features:

- The investigators should be independent of the Police Service to overcome the inherent difficulty of police officers investigating fellow police officers. The investigators should comprise an independent unit reporting to the coroner.
- The investigation should proceed on the assumption that the death has occurred in suspicious circumstances and be conducted with the same degree of thoroughness as a homicide investigation. The investigators should draw no premature conclusions as to the cause of death. This will avoid the investigation being directed towards substantiating such a conclusion and becoming no more than an administrative process of gathering the minimum information necessary for the coroner.
- Investigators should be experienced and the senior investigator in charge of co-ordinating the overall investigation should oversee the completion of relevant forms. He must take an overall responsibility

for the investigation, accountable ultimately to the coroner. Investigators should liaise with the coroner and the pathologist performing the post-mortem. They should demonstrate cultural sensitivity in their dealings with the next-of-kin, particularly where the next-of-kin seek to conduct funerary rituals.

- The investigator's brief should require full inquiries not only into issues that bear on criminal responsibility but also those that bear on the conduct generally of those charged with the supervision of the deceased, including whether there has been compliance with general instructions, standing orders and other rules of conduct. They should also inquire into any systemic problems in relation to the arrest, detention and supervision in custody of the deceased. The investigation should be conducted with a broad focus so that any systemic problems or failures identified can be brought to the attention of the coroner with a view to his making remedial recommendations to prevent further deaths in similar circumstances.
- Accurate and detailed notes should be kept. The officer first in attendance must secure the integrity of the death scene and the body. Officers undertaking the investigation should make all notes in a permanent form, for example by entering them directly into a bound notebook with numbered pages. Each such notebook should have its own number and be on individual issue to each investigator who will be accountable for that notebook and for each page in it. The body should be carefully observed and any injuries or marks found noted by the investigator. Measurements should be taken of any significant objects or distances at the death scene.

As far as practicable the death scene should be left undisturbed until photographs can be taken. These should be of good quality, preferably in colour, and of sufficient number to enable one to form a clear view of all relevant features of the death scene.

All witnesses should be interviewed promptly and separately by investigators. Statements should be prepared on the basis of such interviews and signed as soon as possible to avoid any suspicion of collusion, collaboration or fabrication. The witnesses interviewed should include all persons involved in the arrest, detention or supervision of the deceased, and should include all prisoners detained in custody in the vicinity of, or who had relevant contact with, the deceased.

Forms required under the relevant legislation should be completed by investigators who express no concluded opinion to avoid influencing the pathologist or coroner. These forms should provide an adequate factual basis upon which the pathologist and the coroner can make their independent findings as to the cause of death.

An investigator should attend the post-mortem and discuss with the forensic pathologist how the injuries could have been caused, keeping detailed notes of discussions.

- Investigators should prepare a brief for the coroner which contains the signed statements from all relevant witnesses, observations by the investigators as to any discrepancies between statements, references to any issues that may not have been investigated but should have been, and observations on systemic problems identified. As mentioned, the brief should not pre-empt the coroner's findings.
- Investigators should afford the next-of-kin every consideration and respect since they have a legitimate personal interest in the outcome of the investigation. The next-of-kin should be entitled to view the body at an early stage to see if it bears any marks of violence or other signs of maltreatment.

3.1.2 Police Investigations in Queensland

- General instructions contained in the Queensland Policeman's Manual and Police Commissioner's Circulars as issued from time to time govern the approach adopted by members of the Police Service upon discovery or notification of a death in custody. However, the workability of this system depends upon the proper implementation of such guidelines and at the same time the important safeguard that it is being appropriately monitored.

As a result of recent public scrutiny and examination of Queensland police and prisons practice in the form of the Fitzgerald Inquiry, the Kennedy Commission and this Royal Commission these instructions have been subject to much debate and review. At present specific General Instructions address deaths in police custody and deaths in Queensland Correctional Centres separately. Deaths in other forms of State detention fall under the more general provisions of the Manual.

Circular No. 40/90 from the Police Commissioner dated 3 May 1990 stipulates that an officer of rank no less than Detective Sergeant 2/c or higher must carry out the initial investigation and have had no involvement in the incident and be senior to any police officer involved. As well, he must not be stationed in the complex where the incident occurred. However, the circular is silent as to the full scale of the investigation he is required to make.

- The External Investigations Unit (E.I.U.) is a police unit attached to the Queensland Corrective Services Commission as from 1 February 1989. The Unit reports directly to the Director-General of the Queensland Corrective Services Commission (Q.C.S.C.) and to the Assistant Commissioner (Crime and Services) of the Queensland Police Service. Pursuant to Police Commissioner's Circular No. 4/89 dated 29 March 1990, the E.I.U. will investigate all deaths in correctional centres in the Brisbane/Ipswich area. In relation to deaths occurring in Correctional Centres outside the Brisbane/Ipswich area the E.I.U. will be notified and will determine after consultation with the Director-General Q.C.S.C. or his representative whether its officers will attend or not. If not, the Detective Inspector of the E.I.U. will advise the District Officer involved who will take appropriate action.
- The General Instructions require police to complete and dispatch to the coroner a Report Concerning Death by a Member of the Police Force (Form 4 in Schedule 1 of the *Coroners Rules 1959*) where the death is such as to come within the scope of s.7 of *The Coroners Act of 1958*.³⁴ It is clear that the Form 4 plays a significant role in any post-death investigation. It not only provides the basis for the coroner's decision whether or not to issue an order for a post-mortem examination but also provides the medical practitioner conducting the examination with a context in which to assess the findings of the examination. Equally it is clear that the Form 4 should not state whether or not in the opinion of its maker there exists or does not exist 'suspicious circumstances' -this being a matter for determination of both the pathologist and the coroner in each case.
- Officers involved in the apprehension, arrest and detention of the deceased upon discovery of the death are required to secure the scene, notify the Officer in Charge or their District Officer and record these steps. Of course, an officer's first duty is the preservation of life and it may be necessary to interfere with the death scene to ascertain if anything can be done to resuscitate the deceased. As one can foresee, problems will arise where deaths occur in watchhouses on remote communities and single officer stations where the officer discovering the death is invariably the arresting or supervising officer and independent senior officers may be many hours away. This occurred in the Wujal Wujal case where the body of the deceased remained hanging for some seven hours in the watchhouse cell until the arrival of the State police. In the circumstances this was understandable because no one at the scene was sufficiently trained to cope with the situation. Nevertheless, this caused much concern among the family of the deceased and the general community.

- As I observed in my report of my inquiry into the death of Barbara Tiers, it is obvious that members of the Queensland Police Service are sensitive to their relations with fellow members and that entrenched assumptions founded on that relationship severely inhibit the capacity of officers to investigate the conduct of their fellow police officers. There is no novelty about the observation that in the investigation of police conduct one of the difficulties is selection and training of the investigators.
- The Commissioner's Circular No. 40/90 dated 3 May 1990 to which I referred earlier requires that the scope of investigations into deaths in custody must go beyond the question of criminal responsibility and examine possible official misconduct or breaches of discipline and that any breaches discovered be dealt with according to law and procedures. It further obliges a Regional Superintendent or Commissioned Officer in Charge to satisfy himself that the investigation has been performed thoroughly and fairly and, if so, to endorse the file to that effect.

3.1.3 What I Found

All of the 27 deaths the subject of inquiry by me were investigated with varying degrees of thoroughness by the police. Of these I found only five of the police investigations to be adequate in the circumstances and even in relation to each of these, I had occasion to draw attention to some minor points where the investigation could have been improved.

Criticism of the police investigation in the remaining 22 cases canvassed a number of deficiencies and problem areas:

- By far the most significant matter was the police perception of such investigations as being confined to a determination of whether death occurred as a result of criminal misconduct or not. In many cases this question was answered very early in the investigation with the conclusion that there were 'no suspicious circumstances' i.e. that there was no criminal misconduct causally linked to the death. Thereafter the investigation was little more than an administrative process of gathering the minimum information necessary for the coroner, which consisted of the obtaining of statements from witnesses and the compilation of forms setting out brief details of circumstances surrounding the death. Thus, after a cursory inspection of the body in the place of death and a conversation with the deceased's custodians there was no further actual investigation; rather there was a compilation of scant details to support the investigating officer's initial, and at times premature, conclusion of either self-inflicted death or death from natural causes.
- Three specific areas of inquiry were repeatedly ignored or avoided by investigating police because the focus of their attention was narrowed to a search for criminal misconduct. When that was negated, the conclusion 'no suspicious circumstances' brought an end to the inquiry. Those areas of inquiry that I feel were ignored or avoided were:
 - (i) Whether or not there was compliance with General Instructions in the Manual and Standing Orders relating to the detention of prisoners in police watchhouses.

The practice of police, as enunciated by many of them before the Commission, was to treat General Instructions as guidelines only and to be followed at the individual officer's discretion or judgement. This general perception was identified by the Commission in numerous cases before it. The Police Commissioner has acknowledged the problem and has sought to rectify it with the recent Executive Direction of 5 November 1990.

- (ii) In no case before the Commission did investigating police address the issue of whether the deceased's custodians had satisfactorily discharged their duty of care toward the prisoner prior to his death. A proper starting point for all these investigations should be a scrutiny of the conduct of the deceased's custodians with a view to determining if they had contributed in any way to the death whether by act or omission.
- (iii) Failure to investigate police practices and procedures with a view to identifying systemic failures which could be rectified to prevent further deaths in similar circumstances.

It is frequently argued that resources and manpower constraints are the operative causes of these shortcomings. Police do not see their role as investigators as extending to the identification of deficiencies or systemic problems that should be rectified to prevent further deaths of a similar nature. The police examined before the Commission in the cases referred to considered that their job was limited to the narrow focus of determining whether criminal charges should be laid in respect of the death.

- Another major problem I found was that the investigation was often conducted by, or with the assistance of, officers involved in the initial apprehension and/or custody of the deceased. It is imperative that only police officers independent of the incident should partake in the investigation.
- In many of the cases officers were not required to submit statements until the file was forwarded to their station with the investigator's report. They were thus in a position where they could ensure that their statement did not conflict with other evidence on the file. In other cases officers consulted with each other and prepared their statements in concert with the result that almost identical statements were prepared.

Such collaboration and, dare it be said, collusion, is highly unsatisfactory as it encourages the fabrication of evidence or raises the suspicion of fabrication, thereby diminishing the evidentiary value of the statements and the general integrity of the investigation. Furthermore, the collaboration of witnesses can lead to the observations of one witness being overlooked if not shared by others. Conversely, a witness may adopt certain occurrences because they were observed by other witnesses. Such practices conflict with the basic rules of evidence-gathering and have a damaging effect on the success and independence of an investigation.

Rather than upgrade the current style of police investigation an alternative may be to extend the role of the External Investigations Unit to cover deaths occurring in police custody as well as in correctional institutions. One justification for such a course is that officers of the E.I. Unit could be expected to develop a specialist expertise in this area of inquiry. Further, the E.I. Unit officers would form a separate unit significantly removed from the police force and could be expected as such to develop their own *esprit de corps*.

- Another deficiency I noted frequently in the cases I inquired into was a failure to take statements from all persons present during the apprehension and detention in custody of the deceased. This investigative shortcoming is usually rationalised by the officer concerned on the basis that the witness in question could not have added anything useful to the evidence already obtained. Even assuming that the officer has interviewed the witness at length and reached this conclusion as a matter of sound judgment, a statement should be obtained to evidence that fact. If not, the investigation is incomplete and open to accusations of shoddiness and cover-up and superior officers are denied the opportunity of reviewing the investigation.

- At present there is no requirement that any particular officer complete the Form 4. It may be completed by a junior constable if his superiors give him the task and this in fact occurred in several of the cases reviewed by the Commission. Ideally, the Form 4 should be completed by the senior officer, being a Detective of rank no lower than Sergeant 2/c.
- Photographs were not taken in a number of cases inquired into by the Commission, and, in others, photographs were taken after the scene had been disturbed. It is obvious that in the absence of a Scenes of Crime Technical Officer to take photographs, other officers should be trained to take the necessary forensic photographs.

It is to be hoped that the system of police investigation of deaths in custody, which has been upgraded under the direction of the Commissioner of Police in recent months, will be subject to further revision. In my view the ideals discussed earlier should be incorporated in any reformed system, and the specific deficiencies I observed in my inquiries into individual deaths addressed.

3.2 POST-MORTEM EXAMINATIONS

3.2.1 The Ideal Forensic Pathology System

A necessary feature of an ideal coronial system is an organisation of Government forensic pathologists sufficiently staffed and resourced to enable them to be directly involved in the investigation of all deaths occurring in State custody.

- A specialist forensic pathologist should be one of the people routinely notified immediately upon the discovery of a death in custody.
- The pathologist should then liaise with the investigative staff attached to the coroner to ensure that, if he cannot personally attend the death scene before it is disturbed, the appropriate photographs and observations will be made by the investigative staff.
- Ideally the pathologist should attend the death scene in person, though, as a matter of practicality, this may not always be possible especially where the death occurs in a more remote area of Queensland.
- The aim of a post-mortem examination should be not only to identify the cause of death but also to assist in the reconstruction of the events preceding the death. The results of the post-mortem examination will usually be the major component of the evidence against which the testimony of the deceased's custodians may be evaluated.
- The actual examination must be conducted in a comprehensive and thorough manner. While the history of the deceased's incarceration and the circumstances of death as conveyed by the deceased's custodians is relevant background information for the medical practitioner, he must not allow this information to dictate or pre-empt his independent findings.

3.2.2 The Forensic Pathology System in Queensland

- At present the Laboratory of Microbiology and Pathology (State Health Laboratory) has an informal arrangement with the Queensland Police Service to the effect that all contentious autopsies are to be performed by Government forensic pathologists. Included in contentious deaths are all custodial

deaths. The Queensland Police Commissioner in Circular No. 48/90 dated 5 June 1990 drew the attention of all police officers to this arrangement.

3.2.3 What I Found

Post-mortem examinations were conducted in all of the cases reviewed by the Commission. However, in only nine of the 27 cases were these examinations undertaken by specialist forensic pathologists. On each of the other occasions the examinations occurred in regional centres throughout Queensland and were conducted by a government medical officer from the region. Each of these government medical officers was a general practitioner without any recognised qualifications in the field of pathology or forensic pathology. This is unsatisfactory considering the acknowledged fact that the conduct of an autopsy is a specialised medical procedure. Although no adverse findings were made by me in relation to these examinations, in only two cases (Johnson, Ryan) were extensive special examinations made of body specimens. In three recent contentious cases staff from the State Health Laboratory were flown to Rockhampton (Tiers, Booth) and Cairns (Short) to conduct the examinations. Only one case (Pilot) involved participation by a government forensic pathologist to the extent described above in relation to the ideal system.

Recent debate has centred on the desirability of a protocol for the conduct of post- 1940s examinations in relation to deaths in custody. Dr A.J. Ansford, Director of the Laboratory of Microbiology and Pathology, has advised this Commission in correspondence that he agrees with Professor Cordner, the Director of the Victorian Institute of Forensic Pathology, who has stated that a detailed protocol is not necessary, assuming qualified and experienced forensic pathologists conduct or oversee all such examinations. Procedures such as extensive photography, routine histology and toxicology examinations and specimen retention should be adopted as standard practice within the State Health Laboratory.

3.3 CORONIAL INVESTIGATIONS

3.3.1 The Ideal Coronial System

In an ideal coronial system a mandatory inquest should be held where death occurs in any institutional situation. A succinct statement of this view appears in K.M. Waller Coronial Law and Practice in NSW. Second Edition, at p.24, which I quoted in my report of my inquiry into the death of John Raymond Pilot:

It is very desirable that no suspicion should arise in the public mind that deaths in Government Institutions such as gaols are made the subject merely of investigation by Government Officers, and that therefore, when deaths occur, it is not likely that everything which reflects on the management of the institution will be allowed to come into the public view. The public should be satisfied that the prisoner or confinee came to his death by the common course of nature, and not by some unlawful violence or unreasonable hardship put upon him by those under whose power he was while confined. There should not be given an opportunity for asserting that matters with regard to deaths in public institutions are 'hushed up'.

I note that on 8 February 1990 as a direct consequence of my recommendation in that report, the Honourable the Minister for Justice and Corrective Services issued a directive to coroners, as he is empowered to do under the Coroners Act to the effect that it is mandatory to hold an inquest into all cases of deaths in police or prison custody. I take the view that this administrative directive is an effective interim measure until such time as the legislation can be amended.

My inquiries have indicated to me that the proposed overhaul of the Queensland coronial system should incorporate at least the following concepts:

- The coroner should be a person of appropriate training and experience with judicial status;
- The coroner should be able to call upon the assistance of a specialist investigatory unit to work directly under his direction and be directly accountable to him;
- The coroner should be assisted at the inquest by counsel or by an independent person with appropriate qualifications who is not a police officer,;
- The inquest should be conducted by one coroner sitting at one appointed venue and seek to avoid any lengthy adjournments; but in circumstances where an adjournment to another place is unavoidable the coroner and the staff assisting him should move to that place;
- The coroner should fully investigate such issues as:
 - (a) whether the death occurred in suspicious circumstances (whether by negligent act or omission or otherwise); and
 - (b) whether there was any systemic failure of any relevant prison/watchhouse supervision procedure or of police arrest/detention procedures.
- There should be only minimal delay between the date of death and the opening of the inquest, and between the date of the opening of the inquest and its conclusion;
- The coroner should be required, in appropriate cases, to make investigations with a view to recommendations designed to prevent further deaths in similar circumstances;
- The coroner should monitor the handling by police and medical practitioners of the body of the deceased and issue appropriate directions to ensure access by the next of kin and to facilitate the conduct of funerary rites.

It will be clear from the foregoing that I am in substantial agreement with recommendations numbers 44-48 in the Interim Report.

Section 45(3) of the Act authorises a coroner to extend his inquiries beyond the fact of the death, the identity of the deceased, the circumstances of death and whether any person should be charged in relation to the death and to make a recommendation designed to prevent the recurrence of similar deaths.

The subsection was presumably intended by the legislature to highlight any deficiencies in the system in which the deceased met his or her death. It provides the coroner with a discretion as to whether or not to add a rider. The real difficulty however is that the coronial system, as it presently functions, does not provide the coroner with the material upon which he may legitimately or fruitfully make recommendations. If this discretion is to be properly exercised by coroners, more extensive evidentiary material must be placed before them to enable them to make recommendations. In order that such recommendations be valid and useful, the coroner needs to have material before him that addresses the issue whether such reforms he might contemplate are feasible and cost effective.

There are a number of other features which have been thought in recent times to characterise an ideal coronial system, some of which have been embodied in legislation in other Australian States. They are outside the Terms of Reference of my inquiry and this report. However, I note that in the foreshadowed review of the Coroners Act there are many other interests to be considered. A thorough inquiry into reform of the coronial system in Queensland should be preceded by an invitation for submissions from all interested parties and followed by public discussion prior to any major revision.

3.3.2 What I Found

My inquiries revealed that the Queensland coronial system presently falls far short of the ideal in a number of respects:

- Inquests into deaths in custody are not mandatory under the Act; although this deficiency has for all practical purposes been remedied by the Ministerial direction to which I have referred.
- Coroners have no investigatory staff of their own, and are entirely dependent upon the police to conduct investigations over which they have no direct control.

Section 50 of the Act provides that it is the duty of all members of the Police Service to assist coroners in their inquiries and in the exercise and performance of their other powers and duties under the Act and to comply with all lawful directions, requests, and orders of any coroners and to assist at all inquests and other proceedings under the Act. However, in practice police officers, in the main, exercise complete autonomy in determining the nature of the investigation to be conducted into a particular death. The quality of that investigation, which in my experience was often perfunctory and deficient, will almost invariably influence the decision whether or not an inquest is to take place, and, if one does, the effectiveness of that inquest. The most frequently found source of deficiency in coronial inquiries investigated by me was that coroners depended largely upon the police investigation. Almost invariably, the deficiencies in the police investigation were reflected in the coronial investigation. I should mention that in some cases investigated by me, the coroner did cause further inquiries to be made by police but even then the total investigation usually proved to be inadequate.

- In the coronial system as it presently operates in Queensland there is frequently gross delay between a death in custody and the opening of the inquest. Furthermore, in a number of cases I inquired into there was a further extensive delay between the opening of the inquest and the delivery of the coroner's findings. Such delays inhibit one of the perceived functions of a proper inquest, which is to identify the circumstances and cause of death in a timely fashion with a view to making recommendations designed to prevent similar occurrences in the future.
- Section 27 of the Act provides, inter alia, that where any inquest is adjourned from place to place, the inquest may be continued or completed by some other coroner who may act upon any evidence already given at the inquest in all respects as if it were given before him.

The practical upshot of the operation of s.27 is that inquests in Queensland have frequently been conducted in a piecemeal fashion, which significantly undermines confidence in the thoroughness of the inquiry and diminishes their effectiveness in relation to the hearing of evidence and the sifting of facts.

I have set out below in Table 3.1 the data relating to each inquest held in relation to a death investigated by me, showing the name of the deceased, the number of coroners in total who conducted the inquest, the number of venues at which the inquest was held and the number of occasions including the original

hearing date(s) and any subsequent adjournment beyond the next court sitting day on which the coroner sat on the inquest.

I am of course cognisant of the fact that coroners in Queensland investigate numerous deaths apart from those of Aboriginal and Torres Strait Islanders which occur in custody. However, no suggestion was advanced in the inquires conducted before me that the inquests in question were in any way uncharacteristic of inquests customarily conducted in Queensland.

Table 3.1

NAME	NUMBER OF CORONERS	NUMBER OF VENUES	NUMBER OF OCCASIONS
Pilot	3	1	5
The Man who died at Aurukun	2	3	4
The Young Man who died at Wujal Wujal	1	1	1
Riversleigh	3	3	4
Dunrobin	2	2	3
Lacey	1	1	2
O'Rourke	2	1	3
Binks	2	2	2
Kulla Kulla	4	3	4
Salt	2	2	4
Wouters	1	1	2
Noble	1	1	1
Hyde	1	1	2
Koowoatha	2	2	3
West	4	4	9
Booth	1	1	1
Tiers	1	1	1
Short	1	1	1
Yarrie B.	2	1	2
Lawton	1	1	1
Lorroway	1	1	2

There was invariably some considerable delay between the date of death and the date on which the inquest opened. In Lacey's case there was a delay of 17 months, due mainly to the fact that on 22 January 1988, on the recommendation of the coroner, the Under-Secretary of the Department of Justice certified that the holding of an inquest was unnecessary. Following the receipt of a letter from the solicitors for the relatives advising him that this Commission would be investigating the death, the Under-Secretary changed his mind and recommended that an inquest be held. Three days later this recommendation was accepted by the Minister for Justice who directed the holding of an inquest. Nevertheless the inquest was not convened for another seven months. In the cases of Salt (14 months), Binks (13 months), Lorroway (10 months) and Tiers (9 months) the delays were also extreme. The delay of 27 months in Kulla Kulla's case is unpardonable. What is remarkable about the delay in Lorroway's case is that it occurred despite a show of concern by two Ministers of the Crown. In most cases where

delays occurred they could be attributed to dilatoriness in the police investigations into the death. Frequently there was further considerable delay between the opening of the inquest and the delivery of the coroner's findings. I have set out below in tabular form the data in relation to these matters from the cases I have investigated where an inquest was held.

Table 3.2

NAME	DATE OF DEATH	DATE INQUEST OPENED	DATE INQUEST CONCLUDED
Pilot	25 January 1987	7 April 1987	28 September 1987
The Young Man who died at Aurukun	11 April 1987	20 July 1987	8 December 1987
The Young Man who died at Wujal Wujal	29 March 1987	7 September 1987	8 September 1987
Riversleigh	13 March 1987	12 October 1987	2 June 1988
Dunrobin	2 August 1984	5 November 1984	20 February 1985
Lacey	11 June 1987	19 October 1988	24 October 1988
O'Rourke	11 February 1980	6 May 1980	27 June 1980
Binks	11 March 1989	23 April 1990	Not concluded as at 30 November 1990
Kulla Kulla	2 September 1984	20 March 1985	3 December 1986
Salt	21 June 1987	9 August 1988	10 December 1988
Wouters	15 November 1987	11 February 1988	25 February 1988
Noble	4 December 1986	29 May 1987	1 June 1987
Hyde	18 December 1986	29 May 1987	5 June 1987
Koowoatha	18 February 1987	10 September 1987	16 January 1988
West	9 July 1987	28 October 1987	16 December 1988
Booth	15 November 1988	13 December 1988	21 December 1988
Tiers	1 February 1989	1 November 1989	1 November 1989
Short	24 March 1989	16 August 1989	18 August 1989
Yarrie B.	14 April 1986	22 January 1987	18 February 1987
Lawton	4 December 1980	17 June 1981	17 June 1981
Lorroway	16 May 1981	10 March 1982	7 April 1982

On 13 April 1987, following six Aboriginal deaths in custody in four North Queensland Aboriginal communities between December 1986 and April 1987, the Queensland Government appointed Mr Eric Law, an officer of the Department of Community Services, and Mr Pearce Powder, a councillor with the Woorabinda Aboriginal Council, to 'investigate and report on the apparent rising incidence of suicides by Aborigines on Queensland communities whilst in custody'.

The stated objectives of the investigative team were:

1. *To consult with local communities on the security and supervision procedures recently introduced to the Communities to prevent suicide attempts.*

2. *To consult with officials and Community members regarding the reasons which are causing the current problems.*
3. *Through the consultative process to suggest ways of eliminating both the suicide problems and the underlying causes, if any, of it.*

The brief for the team contained guidelines suggesting issues upon which investigations might focus:

- *The safety precautions taken at jails to prevent suicides*
- *The observation system instituted or to be instituted on each Community to prevent suicides*
- *The use of Community based medical facilities as a viable alternative to jails*
- *Community perception as to the need to establish rehabilitation services on the Community*
- *Types and level of Community support for the preceding programmes*
- *Data collection re number of suicides, incidence of alcoholism and drunkenness, trends in these areas as perceived by Community members. (In conjunction with Aboriginal Health Team interviews)*
- *Reasons for incidents of suicides and levels of drunkenness. (These can cover both immediate and deep seated long term reasons)*
- *What further can be done to overcome the problems. (This should involve both immediate and medium term programmes)*
- *It may be possible to ascertain whether other types of drugs are being introduced into Communities.*

It is significant to note that in so defining the 'terms of reference', the investigative team was clearly given a brief to conduct research into not simply immediate causes and phenomena properly regarded merely as symptomatic of underlying causes, but also to examine 'deep seated' causes underlying suicides occurring in custody. It was expected that the team would, and it in fact did, visit each mainland Aboriginal community as well as Mornington Island and Palm Island.

On 2 July 1987, they submitted a report to the Minister which has become known as 'The Powder-Law Report'. Their investigations took them to 14 Aboriginal communities in Queensland and their report after referring to possible causes for suicides and suggested solutions sets out in detail the results of their investigations into each community. Messrs Powder and Law's 'Major Recommendations' listed on page 6 of the report are:

1. *Effective training and career paths for Community Police*
2. *Appointment of Watchhouse Keepers on all Communities*
3. *New Police Stations at Ayton and Hope Vale*

4. *Improve the Housing situation on Communities*
5. *Community education programs relating to Government Acts and Regulations*
6. *Alcohol Rehabilitation Centre on all Communities*
7. *Alcohol and Drug Education Programs in Schools*
8. *CDEP offered to all Communities*
9. *Strengthening, maintaining and resurrection of Aboriginal Culture on Communities*
10. *Improved Health facilities*
11. *Consistent co-ordination between agencies on Communities*
12. *New Watchhouses at Wujal Wujal, Hope Vale and Yarrabah.*

In my report of my inquiry into the death of Alistair Albert Riversleigh I stated that my Letters Patent obliged me to conduct an inquiry into the Powder-Law Report and the action, if any, generated by that report. I considered doing this on a community by community basis. However, as I indicated in my report in relation to the death of Riversleigh, upon reflection and bearing in mind that the Powder-Law Report covers many communities where a death within my Terms of Reference has not occurred and also deals extensively with underlying issues, I concluded that it would be more appropriate to address the Report and any subsequent action taken as a consequence of it after I had completed my inquiries into individual deaths and when the various underlying issues that may have had a bearing on those deaths had become more clearly identified.

In 1989, after the publication of the Interim Report, the Queensland Government requested Messrs Powder and Law to undertake a review of their Report for the purpose of reporting on the extent of the implementation of their recommendations and also to report generally on the situation on communities as it then was. That review was duly undertaken and presented to Cabinet on 30 October 1989.

The change of government that followed the Queensland State election in December 1989, was followed by departmental restructuring and a noticeable policy shift in the administration of Aboriginal and Torres Strait Islander Affairs. On 14 August 1990 the Queensland Cabinet established a Committee of Review to inquire into legislation relating to the management of Aboriginal and Torres Strait Islander communities in Queensland. It became apparent that no good purpose would be served by a detailed analysis by me of any action taken by the previous Government subsequent to the presentation of the Powder-Law Report in 1987 and its review in 1989 and I discontinued my inquiries into that Report.

APPENDICES

Appendix I(a): THE ABORIGINALS IN COLONIAL SOCIETY, 1840-1897

by

Professor Henry Reynolds

Recent archaeological work in North Queensland has established that Aboriginal occupation goes back at least 30,000 years. Earlier sites are likely to be discovered in the future although many of the most heavily populated areas were probably on or near the Ice-Age coastline which ran along the outer-edge of the Barrier Reef and were drowned as a result of rising sea levels between 15,000 and 6,000 years ago. Over hundreds of generations of Aboriginal society adapted to and in turn altered its physical environment, creating a way of life responsive to a wide range of habitats hot, dry savannah, dense tropical rainforest, mangrove, dune and coastal wetland, cool southern forests. Along the North Coast resident clans had long term contact with Torres Strait Islanders and traded artifacts and ideas with Papuan society on the far shore of the Strait.

Macassan seamen fished the waters of the Gulf of Carpentaria and cured beche-de-mer in camps established on the coast. The date of their first appearance is unknown but it may have coincided with the first visits by Dutch and Spanish expeditions in the C17th. By the early C19th the sea-lane - the so called inner-route - inside the Barrier Reef and through Torres Strait was being regularly used by ships sailing between ports on the eastern seaboard and those in South and East Asia. Clans living on the off shore islands had frequent contact with passing ships which normally anchored every night while in dangerous reef waters.

Castaways like Eliza Frazer, James Morrell and Barbara Thompson lived with coastal clans for varying periods of time. The major land expeditions -those of Mitchell, Leichhardt and Gregory - had far less impact on Aboriginal society than the constant maritime traffic along the coast while the influence of convict settlement at Moreton Bay was confined to its immediate hinterland.

But once the pastoralists pushed into Queensland from 1840 onwards their occupation of runs was extremely rapid. Between 1840 and 1870 most of the easily accessible grazing land was stocked with sheep or cattle. In the 1880's the Queensland squatters drove their herds across the Northern Territory and took up land in the East Kimberley. The discovery, exploitation and in many cases the abandonment of goldfields took place at an equally frenetic pace. During the 1870s and 1880s diggers rushed to the Gilbert, Etheridge, Mulgrave, Palmer and many other lesser known fields. From 1856 this rapid expansion of settlement took place under the aegis of colonial governments (New South Wales until 1859 and then Queensland) which displayed far less concern for the Aborigines than had the Imperial Government during the 1830s and 1840s. What is more Queensland inherited the harsh racial attitudes which had developed on the expanding frontier during the 1820s and 1830s.

New South Wales since the first years of settlement, with marked intensification of conflict on the Hawkesbury in the 1790s, on the Bathurst plains and along the Hunter in the 1820s. Conflict was even more severe in the valleys of the Macintyre, Gwydir and Namoi in the late 1830s and early 1840s. Fierce Aboriginal resistance provoked a series of massacres culminating in the murder of 28 men, women and children at Myall Creek on 10th June 1838. ³⁵ Edward Day, the Police Magistrate at Muswellbrook reported to a Legislative Council Select Committee in 1839 that the district was 'in a state of warfare'. The Europeans, he noted, 'seem to feel that they [are] in an enemy's country'. His colleague, Edward Mayne, the local Commissioner for Crown Lands, told the Committee that 'such was the want of confidence subsisting between the Whites and the Blacks, that whenever they encountered each other, the Whites expected themselves or their cattle to be speared, and the Blacks expected to be fired at'. ³⁶ A settler on the Gwydir wrote to the Sydney paper The Colonist in February 1839 explaining that 'you must either shoot a few of them by way of example or you must abandon the country'. ³⁷

The pioneer pastoralists moved up onto the Darling Downs expecting trouble and ready to use their guns to shoot their way out of it. Many of them had already had experience on the frontier and had absorbed its ethos of violence. In letters to their parents the Leslie brothers reported that, on their expedition to the north, they were 'taking plenty of firearms for fear of the blacks'. And they used them. Eighteen months later they explained that they 'never allow them [the Aborigines] to come about the station or old any

communication with them except it be with a gun or a sword'. Three years later the message was even more sinister, Walter Leslie writing 'Our shooting here is mostly confined to the rifle and pistol used in defence of our men's lives and property'. Despite their weapons the Leslie's were chronically insecure. Patrick Leslie regretted taking his wife to Canning Downs, explaining their, 'I would not take her again into such a situation for the fortune of a Peer. The constant dread of the Blacks and the fearful risks one runs so far from civilised life is enough to deter anyone from such a step'. 38

While reminiscing about the early years of settlement on the Condamine G.S. Lang noted that he and his companions lived with their guns on hand for 'nearly three years'. When they bathed in the river 'carbines and ammunition had to be on the water's edge'. 39

In 1848 the distant government responded to the continuing conflict on the northern frontier by establishing a small native police force under the command of Frederick Walker who recruited fourteen young Aboriginal men from the Riverina and after a brief training period they rode north. 40 They had an immediate effect on conflict along the Condamine and Macintyre. The troopers were particularly suited to the task in hand combining the skills of both white and black - the ability to hide and shoot and the capacity to live off the land, find water and track their opponents even in the most difficult country. Walker saw his role not as a participant in frontier conflict on the side of the Europeans but as the agent of an impartial state who would maintain law and order. He did not intend to carry 'war into an enemy country' but to put the law 'into effect against both white and black without distinction'. The blacks were not to be treated as enemies but as 'British subjects who like armed Bushrangers were defying the law'. But this was certainly not the way that frontier settlers viewed the matter. Walker quickly discovered that they believed that 'a system of warfare ought to be authorised by Government'. 41 It was a conflict of opinion which was resolved decisively in favour of the settlers, a decision made more likely by the grant of responsible government to New South Wales in 1856 and to Queensland on separation three years later. Each shift of power - from Downing Street to Sydney and from Sydney to Brisbane brought government closer to the frontier - politically, intellectually and morally.

In 1859 there were just over 30,000 settlers in the colony. The Aboriginal population cannot be determined but it may have been more than 100,000. 42. The Europeans occupied the south-east corner of the colony - a triangular slice of territory bounded by the coast, the New South Wales border and a line drawn from Rockhampton to St George. In area it was certainly no more than 20% of the total land surface. 43

The existence of such a large area of 'unsettled' land promoted a sense both of boundless opportunity and of mission to engage in 'the great. work of reclaiming the wilderness'. 44 The editor of the North Australian wrote in 1861:

Our mission is to populate and develop the resources of the country...and that mission must be fulfilled. 45

A 'Working Man' wrote to the same paper a few months earlier explaining that 'we are as yet but as the pioneers that precede the army in its march, clearing the forest, marking out the roads for the main body of our countrymen to advance'. 46 The pastoral industry was the backbone of the economy providing 90% of the colony's exports. Many members of the first parliament were squatters or had direct financial interests in the industry.

Unlike the colonists elsewhere in Eastern Australia before 1866, and in Western Australia until 1900, the Queenslanders were released from the restraint which had been exercised - albeit fitfully and often ineffectually - by the Imperial Government and its local representatives. Despite many complaints sent to England during the nineteenth century about the treatment of the Aboriginals the Colonial Office regarded the matter as an internal issue. Humanitarian opinion had some influence in Brisbane - a Moreton Bay

Aborigines Friendship Society was established in the 1850s - but it was weaker there than in the southern cities. The two early attempts at missionary endeavour - the Roman Catholics on Stradbroke Island and the Lutherans on the outskirts of Brisbane - had both failed by 1859. There was little further missionary activity for thirty years. It was rare to find anyone at the time who spoke out in favour of Aboriginal rights to land - even to the usufructuary rights which the Imperial Government had recognised in 1848 and which were incorporated in Queensland pastoral leases after that date. 47

The violence which accompanied the settlement of the Darling Downs and the Brisbane Valley continued on into the 1850s as settlers pushed into central Queensland. The Aboriginal attacks on Hornet Bank Station in 1857 and on Cullinlaringoe in 1861, resulting in the deaths of 30 men, women and children shocked and angered the sealers and evoked demands for indiscriminate revenge. 48 The New South Wales Select Committee set up to enquire into the Hornet Bank affair reported that the members were satisfied that there is no alternative but to carry matters through with a strong hand, and punish with necessary severity all future outrages upon life and property. 49

Public opinion was even more inflamed. When news of the deaths at Hornet Bank reached Ipswich 'even those habitually calm and merciful [were] often heard to advocate vengeance and extermination'. 50 A correspondent who wrote to the Queensland Guardian after hearing of the deaths at Cullinlaringoe argued that the tribe must be punished. Whether it number scores or hundreds ... the deadly bullet must do the work of the more legitimate executioner - justice must triumph over law. 51

When the punitive expeditions - both official and private - rode across large areas of central Queensland with guns blazing revenge clearly did triumph over law and the legal doctrine - honoured more in the breach than in the observance - that the Aborigines were British subjects protected by the law. The tragic events of 1857-61 ensured the future of the Native Police force which continued to ride the frontier until the first decade of the twentieth century. When news of the deaths of the Wills family at Cullinlaringoe reached Brisbane a correspondent writing in the Queensland Guardian argued 'and now we can understand and appreciate the value of [the Native Police] we thank Providence for it and commend it to its work'. 52

Any pretence of strict legality or of even-handedness in the activities of the Native Police was dispensed with. In January 1858 the Commandant E.V. Morisset issued instructions to the officers of the force which reflected the harsh new outlook. 'It is the duty of the Officers', the tenth paragraph read, 'at all times and opportunities to disperse any large assemblage of blacks; such meetings if not prevented, invariably lead to depredations or murder ...'. 53

The instruction to disperse large gatherings at all times and opportunities was not rescinded until 1896, thirty-eight years later. If there was ever any doubt about what 'to disperse' meant it was dispelled by the colony 's Attorney-General who told parliament in 1861 that it was 'idle to dispute', that the term 'meant nothing but firing at them'. 54 The frontier settlers had got the kind of force they had wanted all along. A prominent squatter-member of the 1861 Select Committee on the Native Police declared that 'the natives must be regarded in the same light as inhabitants of a country under martial law'. He believed that 'from the natives knowing no law, [nor] entertaining any fears but those of the carbine, there was no other means of ruling them .. 55

The activities of the Native Police force did not obviate the need for individual involvement in frontier conflict or preclude the widespread carrying of guns. On the frontier men were armed, often with rifle and revolver, while travelling, while working and loaded guns were kept ready in the home. 56 How many individuals were personally involved in frontier violence is hard to say. But individual participation aside there clearly was widespread acceptance of the use of brutal means both in gaining control of the land and in 'keeping the blacks in their place' when that was done. The editor of the Rockhampton Bulletin remarked in April 1876 that a 'reckless disregard of the common rights of humanity was far too often exhibited by men whose moral sensibilities' had been blunted 'by too great familiarity with deeds of blood

in skirmishes which take place on our frontier settlement'. 57 Writing after a massacre by Native Police on the outskirts of the mining town of Morinish a local resident wrote with deep concern to the Rockhampton paper.

One inevitable effect of these massacres continuing unpunished and unrepressed will be, that the youth of the colony will grow up with a reckless disregard of human life, which, in due time will yield congenial fruit. Already the evil leaven has begun to work. I have frequently felt grieved and indignant at the levity, with which many of the colonial youth speak of those outrages on the blacks. 58

Clearly there was a high degree of tolerance of violence and atrocity in colonial Queensland. It often caught the attention of observant visitors. This was clearly the case with the distinguished British colonial official Sir Arthur Gordon who visited the colony in 1883. In a letter to his friend the British Prime Minister William Gladstone he confided that while in Queensland he had heard men of culture and refinement, of the greatest humanity and kindness to their fellow whites, and who when you meet them at home you would pronounce to be incapable of such deeds, talk, not only of the wholesale butchery ... but of individual murder of natives, exactly as they would talk of a day's sport, or of having to kill some troublesome animal. 59

One of the most disturbing examples of this callousness is illustrated in the diary of Caroline Creaghe written during a visit to north-west Queensland in 1883 a month or two before Gordon was writing of his concern to Gladstone. She was twenty-two at the time and a child of the Australian elite - daughter of Major General George Robinson and niece of two colonial governors. She had recently married H.A. Creaghe a member of the English aristocracy. While staying on frontier cattle stations she made several references in her diary to the local Aboriginals. On 8 February 1883 she noted that on Lorne Hill station the manager had '40 pairs of black's ears nailed round the walls, collected during raids after losses of many cattle speared by the blacks'. A fortnight later on Carl Creek station she observed that when the men returned from the run:

They brought a new black gin with them; she cannot speak a word of English. Mr. Shadforth [the manager] put a rope round the girl's neck and dragged her along on foot. He was riding. This seems to be the usual method.

The following day she recorded that the woman was chained up to a tree a few yards from the house. She was 'not to be loosed until they think she is tamed'. 60 These incidents are recorded in a matter of fact way without any indication of shock or disapproval.

People who took a stand against racial violence were often decried and abused. The squatter Ernest Thorn attempted to frustrate a party bent on attacking an Aboriginal camp near his property. As a result he got 'a bad name' which followed him for many years and 'rose up in judgement' against him for many years. He was, he recalled, branded as 'a dangerous man'. 61 The journalist A.J. Vogan had a similar experience. Having exposed the activities of the Native Police in a novel called The Black Police he found that he had acquired powerful enemies. Writing to the Anti-Slavery Society in London he explained that as a consequence his profession was closed to him, 'marked man as I now am'. 62 The Catholic priest Duncan McNab informed a parliamentary committee that in his experience he had found 'too generally prevailing a certain disposition to regard and treat as a fanatic, anyone who shows an inclination to advocate [the cause] of the Aboriginals or to benefit them'. 63

Both government policy and individual behaviour towards the Aboriginals were shaped by racial ideas which the settlers brought into the colony with them and which in turn were influenced by local developments. Belief in racial equality, which in the early years of Australian settlement had drawn strength from both Enlightenment philosophy and traditional Christianity, had faltered by the time that

Queensland was separated from New South Wales. Assorted schools of 'scientific' racism which flourished in Europe and North America in the first half of the century were finding favour in the Australian colonies in the 1840s and 1850s. The establishment of responsible government in Queensland in 1859 coincided with the publication of Charles Darwin's seminal work The Origin of the Species which was ultimately to have a major influence on racial thought as a consequence of the work of his many followers who adapted the concept of evolution to explain the development of human societies. 64

The common view throughout the second half of the nineteenth century was that Aboriginals were 'savages' who shared common characteristics with 'savages' in other parts of the world. This belief was deeply rooted in European thought influencing at one and the same time those who advocated amelioration and those who promoted much harsher policies. Settlers hostile to the Aboriginal cause spoke and wrote of 'the wretched characteristics of our black population -their fearful superstitions, their bestial tastes, their undisguised squalor and filth, their indolent habits and their nomadic disposition'. 65 But the views of the missionary William Ridley, a so-called 'friend' of the blacks, appear to modern eyes to be little better. He wrote in 1856, when a leading figure in the short-lived Moreton Bay Aborigines Friendship Society, that:

It had been remarked that they [the Aborigines] were the most degraded and lowest race in the world. It must be admitted, so far as he knew, that in some points they were singularly, and also uniquely defective, as if some features of human nature were wanting, or else they were much demented. 66

From the very beginning of settlement it was widely accepted that the Aboriginals were doomed to extinction, a view bolstered by experience in New South Wales and Tasmania and by generally available knowledge of earlier demographic disasters which befell the Indian populations in the Americas. A writer in the Moreton Bay Free Press argued in 1852 that the whole history of colonisation proved that when a 'country inhabited by savages' was occupied by a 'superior race' the fate of 'its original inhabitants is from that moment sealed'. 67 'The native race', a correspondent in the Brisbane Courier explained in 1865, 'will perish before our advance as does the autumnal grass before a bush fire'. 68

Darwinian ideas gave strength to many pre-existing racial ideas, linking them with the greatest scientific achievement of the age. The concept of race was further embedded in colonial thought, the various races being equated with the species in the natural world. 69 Increasingly the Aboriginals were seen as members of a less evolved, earlier race, a biological and cultural fossil preserved by the isolation of the continent. The laws of evolution, it was confidently assumed, were pushing to race to the brink of extinction. There was little that could be done about it. Conflict attending the expansion of the frontier could be seen, in this light, as a regrettable but inevitable conflict of races out of which the fitter would survive prepared for further evolutionary advance. A settler who professed strong sympathy for the Aboriginals told the visiting Norwegian scientist Carl Lumholtz that he would do anything he could to 'ameliorate their present wretched condition' but nothing could be achieved 'for it is an immutable law of nature that the strong will prey upon the weak'. 70 A writer in the Queenslander similarly believed that the callousness towards the Aboriginals arose not from a lack of sympathy but from a 'firm conviction that their stage of civilisation is too many hundreds and perhaps thousands of years behind our own to allow their race to thrive side by side with ours'. 71 An even more significant statement of social Darwinism was that of Archibald Meston in a report to the government in 1889 a few years before he was to exert a profound influence on the protectionist policies adopted after 1897. 'The Australian blacks', he insisted,

... are moving rapidly on into eternal darkness in which all savage and inferior races are surely destined to disappear. All effort to preserve them, though creditable to our humanity, is a poor compliment to our knowledge of those inexorable laws whose operations are as apparent as our own existence. Their epoch of time is near its termination, the shadows deepening towards everlasting night. It is a mournful picture, that of the old inhabitants who for unknown ages have

roamed the primeval forests of this mighty continent, now moving off silent and swift-footed into oblivion before the presence of the white strangers. 72

It is *much* more difficult to describe what happened on the 'other side of the frontier', given the large number of Aboriginal tribes involved and the general lack of evidence available to us. However a composite picture can be pieced together which conveys the overall situation while not necessarily being true to every clan in the colony. 73 Knowledge of the Europeans undoubtedly preceded the advancing tide of settlement. News about the mysterious powers of guns and the propensity of white men to use them was spread far and wide. Many clans had seen and even hunted wild cattle well before the settler's herds and flocks came over the horizon. Iron, glass and even tobacco were often in use well beyond the outer fringe of European settlement. Even so the arrival of the first permanent settlers was an awesome experience. Violence was not instantaneous, or even inevitable. Contact often began peacefully and in a few districts that situation was maintained. Many clans attempted to avoid contact as long as possible; others sought to establish amiable relations with the powerful newcomers and absorb them within their networks of obligation. But the situation was fraught with danger. So many things could go wrong. Both white and black were stretched taut with anxiety. Mutual misunderstanding abounded. Conflict over women, access to water, use of land was endemic. Once violence began it usually spiralled out of control and continued for months and in some places for years where the terrain gave the tribesman the advantage over mounted white stockmen and native troopers. Recurrent skirmishing persisted for 50 years and took many lives. At least 1000 Europeans died and perhaps 10,000 Aboriginals although we will never know the true figure. Many were wounded on both sides of the frontier. 74

The fighting came to an uneasy end everywhere sooner or later. The pressures on tribal society were enormous. People had lived for long periods gripped with chronic anxiety. They had seen their kin gunned down. It became increasingly difficult to sustain the lifestyle of the hunter and gatherer as the Aboriginals were forced away from the river valleys and other surface water into mountainous, arid or other marginal country. In his official report on the condition of the Aboriginals in North Queensland Archibald Meston described one group who came to meet him 'like hunted wild beasts, having lived for years in a state of absolute terror'. 75 Individuals and small groups gradually 'went in' and attempted to come to terms with the white men, eventually living more or less permanently in camps on pastoral stations or on the outskirts of the pioneer townships.

The Europeans welcomed the end of hostilities both because they had been costly financially and psychologically and because in most frontier districts there were chronic shortages of labour. In a short space of time young men and women were absorbed into the white economy. In the north and west of the colony black stockmen and women were the mainstays of the pastoral industry while on the coast Aboriginal workers were of vital importance for the pearling and beche-de-mer industries. Until the government forced the issue in the early twentieth century Aboriginal workers rarely received wages but were paid in kind with varying quantities of food, clothing, tobacco, alcohol or opium. Their working conditions were usually very poor and the use of violence - of fists, boots and stockwhips - was commonplace and fully supported by public opinion in communities obsessed by the need to 'keep the niggers in their place'. When the local clans were first 'let in' to Bowen the editor of the local paper warned his fellow townspeople:

... we must not cease to be firm and must take especial care to show our black neighbours that whilst we are willing, nay anxious, to hold our hands from slaughter, we are at the same time determined to enforce at all hazards and by any means submission to our laws and that any infraction of them will be met by retribution prompt and severe. 76

Aboriginals living on the fringes of white society were almost completely powerless and received little protection from violence and exploitation. Neither the law nor public opinion shielded them from the ill-disposed, a writer in the Queenslander observing in 1884 that 'everyman seems to consider himself as quite justified in carrying out the utmost vigour of the law towards an aboriginal, often for some very trivial

and insignificant offence , .77 In all parts of the colony men were bashed, women raped and children stolen from their families.

The fear engendered during Queensland's 'border wars' continued to determine Aboriginal behaviour for a long time after the shooting stopped. The local blacks, a settler noted in 1889, 'have learnt in their terror to submit to anything that the conquering race may choose to do'. 78 While visiting sheep and cattle stations in the south-west Archibald Meston informed the Colonial Secretary of the situation he found:

Never before had I seen aboriginal men living under such extraordinary terrorism, many of them fine athletic fellows who could in case of a row have settled with their terrorisers in a very summary fashion. But many of them had long been treated as the dogs are treated and were scared into the belief that their employers wielded the power of life and death. 79

By the late nineteenth century Aboriginals had established fringe camps on the outskirts of practically every town in the colony. The larger towns had two or three such settlements with a total population of several hundred. The camps were characteristically located a mile or two out of town - beyond the cemetery, the Chinese gardens or the rubbish dump or on the other side of the river. They were composed of clusters of humpies constructed with an assortment of traditional building materials and cast-off European commodities.

Camp dwellers scraped together a precarious living from what could be gained by hunting and gathering in the immediate neighbourhood and with food received from the townspeople in return for work or sexual favours. The camp dwellers performed a wide variety of tasks for townspeople who couldn't afford or couldn't find white servants. Townspeople were always ambivalent about the camps. They benefited from the cheap labour but they were determined to keep the local blacks 'in their place'. Individual and vigilante violence was common, a Brisbane resident explaining that when the occasion demanded 'every private individual takes the liberty ... [to] administer a sound thrashing for offences against the decency and peace of the neighbourhood'. 80 It appears that a curfew was imposed in practically every town in the colony. Southern visitors were often shocked when they saw the police driving the local blacks out of town at sunset. Two sisters passing through Maryborough were 'deeply outraged at the way they were driven down the street, like so many sheep or dogs, to the water's edge, when they plunged in and swam to the opposite side [of the river]'. 81 The practice was, as the Gympie Police Magistrate admitted, 'doubtless illegal in itself' but the government usually turned a blind eye to action which had widespread popular support. 82 In 1896 the Colonial Secretary Horace Tozer declared his unqualified support for the police when they 'removed' the Aboriginals, arguing that 'no law is necessary to justify this save the law of necessity'. 83

The forced residential segregation in Queensland towns reflected the social and economic status of the Aboriginal community. In many parts of the colony settlement was, by the end of the century, a generation and more old. Though memories of a world without white people survived and traditional languages and customs were preserved many adult Aboriginals had grown up in or near European society. A substantial, if indeterminate number, had white fathers. Most Aboriginals in the older settled parts of Queensland spoke English with varying degrees of fluency and in many cases had mastered economically useful skills. Some were indispensable members of the rural workforce. But few had received any formal education and in most towns the local schools were closed to them. A minority of skilled and independent men worked for wages or made a living by commercial hunting and trapping. As far as can be determined no Aboriginal had received a land grant or had been able to purchase or lease property. Sexual relations between black women and white men were commonplace. But few men sought more than sex or wished to establish permanent relations with their Aboriginal lovers, nor did they take any responsibility for children they fathered. As far as we know there were few interracial marriages. Mixed race children normally grew up with their mothers and European society invariably treated them as Aboriginals. Both popular and scientific opinion concurred in regarding 'half-castes' as degenerates who inherited the worst qualities of both races. No matter what Aboriginals did -work industriously, acquire skills, seek to

purchase or lease land, sleep with white men, bear their children - nothing would enable them to break through the caste-barrier which kept them locked in the lowest strata of society.

Living standards were often desperately poor. Many Aboriginals suffered from poor nutrition, chronic disease and addiction to alcohol or opium. As a group they were almost completely powerless and were unable to improve their circumstances. The fear which came, carried on the tidal wave of settlement, lived on in Aboriginal society shaping attitudes to every aspect of life. The police as the most obvious agent of government were especially feared. While writing to the Commissioner in 1897 Inspector Lamond of the Cooktown region described the scene when he went forward to meet a group of Cape York Aboriginals who were 'quaking with timidity'.

The Inspector of Police with them is a 'big' man - the Commissioner is still very much greater - but the Government is that unknowable, all powerful something in their opinion which can do anything and everything and which they revere and fear with their whole being. 84

As far as the whites were concerned the general view was, by the end of the century, that there was a direct relationship between colonial progress - the fulfilment of their mission - and the destruction of Aboriginal society. It was in itself a proof of progress. The belief that the Aboriginals were 'dying off' was almost universal, supported alike by popular prejudice and scientific and medical opinion. There appeared to be no need - indeed no point - in making long term plans for the future. Darwinian theories, which were increasingly influential, emphasised that miscegenation was dangerous, that 'half-castes' were not only a social problem but were, more importantly, a biological threat to the white race. It appeared increasingly vital to discourage interracial sex and prohibit intermarriage. Half a century of violence had hardened public opinion and had led to the acceptance of personal brutality and authoritarian government controls which would have been considered highly inappropriate for Europeans. The concept of race was deeply ingrained and so too was a whole cluster of beliefs about Aboriginals - they were primitive, stone-age people who were less intelligent, with smaller and under-developed brains. They were closer to the animals and were therefore more instinctive and had more highly developed senses. Above all they could not be 'civilised', nor could they become amalgamated with white society. Many of these views continued to influence popular opinion until well into the present century. In this as in all other aspect of white-Aboriginal relations the colonial past weighs heavily on the present.

Appendix I(b): RACE RELATIONS IN QUEENSLAND 1897-1971

by

Dr DAWN MAY

Introduction

This study of race relations in Queensland between 1897 and 1971 will be divided into three periods roughly coinciding with the introduction of new legislation. The first covers the years 1897 to 1939. At the beginning of this period the policy towards Aboriginal people was one of protection but the emphasis soon changed to segregation and social engineering. With the realisation in the 1930s that the Aboriginal population was increasing, new legislation was enacted in 1939. During this second period the stated government policy was protection and preservation but it could be more appropriately described as an increasing commitment to the control of all aspects of Aboriginal lives, particularly those people living on reserves and settlements. Although there was a movement towards assimilation in the 1950s, this was not reflected in legislation until 1965 when all Aborigines were given the right to vote in state elections, had access to liquor off the reserves and could marry without the permission of the Director of Native

Affairs. For Aboriginal people the overall effect of this 'protective' legislation has been an almost total loss of power over their own lives and it is only recently that there has been some reversal of this situation.

Aboriginals Protection and Restrictions of the Sale of Opium Act 1897-1934

By the end of the nineteenth century, with the Aboriginal population decimated as a result of 'dispersal', malnutrition, opium and diseases, it was widely believed in Queensland that Aborigines were members of a 'dying race'. The survivors had been pushed into fringe camps located on the periphery of country towns where they eked out an existence; those whose services were in demand on cattle stations found a refuge there. Pressure from some quarters of the community saw the Queensland government commission Archibald Meston to look at the plight of these dispossessed people. He was well known for his interest in Queensland Aborigines and knowledge of the bush and in 1891 had led a government-sponsored expedition to the Bellenden-Ker Range. Meston carried out an extensive survey throughout the state and made a number of recommendations. Some of these became the basis of the *Aboriginal Protection and Restriction of the Sale of Opium Act* which was passed in 1897. The creators of this Act really saw it as a solution to a short term problem. The administrators of the legislation however had a different idea and from the beginning, used it as a device for social engineering and control. It became the instrument with which Aboriginal people could be stripped of the most basic human rights. The Act was the first measure of separate legal control over the Aboriginal people and as Reynolds has pointed out it 'was far more restrictive than any [contemporary] legislation operating in New South Wales or Victoria, and implemented a system of tight controls and closed reserves'.

Administrators were able to gain control of Aboriginal affairs through the extensive use of Regulations which could be made lawful simply through proclamation by the Governor-in-Council. In this manner decision making passed from politicians to the public servants most ministers acquiescing with the arrangement. The welfare of Aborigines was after all, only one small part of a busy member's portfolio. But not only did public servants have responsibility for a huge amount of delegated legislation, individual protectors had extensive autonomy in administering the Act and Regulations.

Protectors

The concept of a protective force to safeguard Aboriginal rights was first raised by Dr Challinor in the select committee inquiry into the Native Police Force in 1861. He advocated that in every district a 'competent person of known sympathy for the aborigines should be appointed their Protector'. This suggestion was incorporated into the 1897 Act with protectors being required to inquire into cases of ill-treatment of blacks and to generally supervise employment. While this may well have been desirable, it did legally sanction state paternalism. Although concerned about their plight, it is clear that Meston had an ambivalent attitude to Aboriginal people. He recognised the need for a protective force but also desired to instil fear. He was quite definite about the type of person who should be appointed to the position of protector. With a penchant for physical fitness and strength Meston believed that protectors should possess similar qualities arguing that no 'white man can command the fear and respect of the Australian black without an unmistakable manifestation of superior physical and intellectual force allied to a liberal disposition and evidence of some importance'.

While Meston did not stipulate that police should act as protectors, he considered it necessary that a person filling this role should be invested with the powers of a magistrate. In this manner he could legally deal with the injustices committed against Aborigines. Initially it was decided to appoint police to the position but in presenting the bill to parliament, the minister made it quite clear that this was to be only a temporary measure and hoped that his successor would 'make the system more perfect'. He noted that for the present:

We intend to appoint their protectors and I think if we make the police their protectors they will be much more inclined to do their duty, when they know they have a trust imposed upon them. That may be only a sentiment but I think it will have a good effect.

Accordingly in 1898 Police Commissioner Parry-Okeden was made responsible for the general administration of the Act assisted by Walter Roth in the north and Meston in the south. In addition 13 police officers were assigned as protectors in various petty session districts. By 1907 this number had increased to 24 including a female officer who dealt primarily with those Aboriginal women placed in domestic service. Although Parry-Okeden's duties were to be mainly inspectorial, by 1904 it had become necessary to form a separate administrative sub-department of the Home Secretary's Office with its own clerical staff. At this time, Roth was appointed the first Chief Protector of Aborigines in Queensland.

Reserves

It had been decided that the degradation of the Aboriginal population was a result of contact with white society and removal from the worst aspects was deemed necessary. The 1897 Act accordingly made provision for the creation of a series of reserves where Aboriginal members of the 'dying race' could be 'entirely isolated from contact with other races'. In deciding on their locations, traditional Aboriginal land areas were ignored. The first of these reserves was on Fraser Island which became 'home' for 52 Aborigines removed from the Maryborough district in February. It was reported that all of these were in a 'deplorable state of mental and physical degradation caused by opium, drink, imperfect nutrition, exposure and disease'. A second reserve was started at Durundur, 15 miles from Caboolture and it was anticipated that it would accommodate some of the 'coast blacks, and also a number who will be brought down from the West, kept clear of opium and drink, restored to complete health and gradually initiated to industrious habits'. It was suggested that the third reserve, the largest in Australia and incorporating Yarrabah mission, would be extensive enough to accommodate all the Aborigines in North Queensland. Apart from having access to good fishing, water and agricultural land, it had the added advantage of being 'isolated from all white settlers by a lofty jungle-clad range'. The size of this reserve would have allowed residents to pursue hunting and gathering activities. From a European perspective this was highly desirable as it reduced the cost to the state of Aboriginal welfare.

In 1897 there were also six mission stations; one at Deebing Creek, 5 miles from Ipswich; one at Marie Yamba, 60 miles north of Mackay; Yarrabah near Cairns; one on the Bloomfield River, south of Cooktown; one at Cape Bedford, 14 miles from Cooktown by water; and Mapoon on the mouth of the Batavia River. Apart from these reserves and missions, there were fifteen stations for the distribution of food and tobacco. The policy of giving rations was aimed more at deterring Aboriginal people from killing cattle rather than a concern with improving their health. The Home Secretary believed that 'the plan of feeding the blacks, along with a general policy of kindness and forbearance, had done wonders in a brief period to inaugurate a reign of peace and terminate hostility between the two races'. In retrospect historians have judged the policy more harshly Noel Loos for one arguing that 'substituting beef for bullets was simply a more effective means of dispossessing Aborigines'.

In the more remote parts of the state Aborigines continued to share their land with pastoralists and protectors were given the task of trying to reconcile two completely different economic systems; that of the traditional owners along with cattle station operators. In the pastoralists' mind, they had paramount right to the land as they would use it more productively than Aborigines. Although Queensland law did allow Aborigines the right to hunt and cross any unfenced leased Crown land (which was the status of almost all cattle properties) it was a right that was rarely acknowledged by Europeans. In 1903 Roth reported that 'notwithstanding the efforts of myself and other protectors to combat it, the assumption continues to prevail that because a large area of land is held from the Crown on lease, licence or other tenure, the lessee has the legal right to prevent aborigines roaming or hunting over it; even living on it'. He argued that carrying the practice of 'might against right' to its logical conclusion 'it would simply mean that, were all the land in the north to be thus leased, all the blacks would be hunted into the sea'.

When there was a conflict of interest between blacks and whites, police, even though they were Aboriginal protectors, tended to favour the European interests. No longer able to disperse unwanted Aborigines, station operators enlisted the services of the police to move them from one location to another. Watson of Gregory Downs wrote to the Police Commissioner seeking assistance in having a dozen blacks who were 'always prowling about the homestation' removed to the Lawn Hill reserve. Murray of Morstone was another who requested police assistance in removing Aborigines to land not being used for stock. Objections were soon received from the manager of neighbouring Undilla who wanted the area for a large number of weak cattle. There were many complaints about Aborigines refusing to remain on the land designated by the police. Macintosh reported that after the police left, blacks roamed wherever they pleased defying instructions from Europeans. 'They must be taught to obey,' he implored, 'or otherwise there will be no living here with them'. Others complained about Aborigines camping on waterholes as it prevented cattle from drinking. Protector Galbraith was adamant that Aborigines should have access to waterholes:

To deprive them of this right simply means wiping them out or driving them into the smaller townships, where women must prostitute themselves in order to enable the men and children to live. Those that are myalls will naturally kill cattle, or even commit murder, if driven away from their hunting grounds. The station owner or manager claims that his stock have to go to water - so have the aboriginal's game - and the sight of the blacks disturbs his cattle. The result is that blacks are often dispersed by the station hands. Of course such dispersals are not reported to the police.

In the eyes of the Northern Protector and his contemporaries, the only practical solution was the creation of more reserves for Aborigines in the remote areas. It was argued that in:

... the extreme North, for instance, the formation of one large aboriginal reserve of the whole of the Peninsula north of the Coleman and Morehead Rivers ... would answer the purpose without any appreciable loss to the general revenues.

The new conciliatory approach had certainly made it more difficult for Europeans to engage in the old-time 'dispersal' tactics of the nineteenth century but the cost to the Aboriginal people was increasing containment on designated land not necessarily their own. Protector Galbraith of Normanton was only too aware that by 1904 the Act which had been intended to improve the lot of the blacks, was working more for the benefit of the Europeans in the district. He noted that cases of killing, cattle-stealing and so forth were rare. European settlers had 'benefited in security of human life, stock, but there [had] not been the same corresponding advantages to the aborigines. Country that a few years ago settlers would not take up, is now occupied with impunity. The blacks' hunting grounds are very much restricted especially country with water on it'.

In spite of this situation, employers were far from happy with the way the Act was administered. In 1904 and 1905 there was considerable public debate - at meetings, in newspapers and in parliament - concerning its operations. It is hardly surprising that in 1905 the main target for employers' attacks was Chief Protector of Aborigines, Walter Roth whom the editor of the North Queensland Register described as 'the best hated official in the Queensland Government service'. Moves were set in train in Cooktown to have the office of Chief Protector abolished. In Roth's eyes, the general opposition to his administration was mainly due to his interference with Aboriginal employment.

Agreements

The Act required employers of Aboriginal labour, from 1 January 1898, to enter into a written agreement in the presence of a justice of the peace or a member of the police force. Contracts were to contain

particulars of the names of the parties, nature of the service, periods of employment, wages or other remuneration and the type of accommodation to be provided. The aim of the legislation was to eliminate the serious abuses of Aboriginal labour, particularly in the maritime industry. It is clear that Police Commissioner Parry-Okeden wanted a deal of discretion exercised in implementing the provisions of the Act. In reporting on its operation in 1898 he noted that his:

... instructions to Dr. Roth and to the various Protectors under my direction, have been to work the Act in a conciliatory and generous spirit, causing as little friction as possible, to resort to its drastic provisions only where necessary to put down abuses and wrong doing, and in all cases where the blacks are kindly treated and their well-being assured not to disturb the status quo.

Roth however was intent on a much more rigorous application of the Act and set about ensuring that all employed, including those on cattle stations were properly signed on. It is likely that he saw the provisions of the Act and Regulations as an ideal device for 'civilising' what remained of the Aboriginal population. It was a way of introducing the western concept of work; by signing agreements, blacks could be tied to specific jobs for set periods which would eventually lead to the elimination of undesirable traits such as the Aboriginal propensity to go 'walkabout'. Moreover, several other goals could be simultaneously achieved by such an approach. Given the preoccupation with the 'yellow peril' and fears about being overrun from the north, it was believed to be in the national interest to have a white presence to indicate colonial settlement. Despite its uncertain financial condition, the cattle industry served this purpose well. By ensuring the continued supply of cheap Aboriginal labour, the state was able to play its part in making sure the industry survived. Located on remote cattle stations, there was also the added 'advantage' that Aborigines were effectively segregated from the bulk of the white population at minimal cost to the state. It was in such a climate that administrators saw only the benefits to be derived from tightly controlled Aboriginal employment.

Nevertheless it is clear that individual protectors had considerable discretion in whether or not to enforce the signing of agreements between employees and employers, what portion of their wages had to be banked and how they spent their money. Although the original intention of the Act may have been Aboriginal protection, within a short period its main thrust was the regulation of employment. By 1908 the stated aim of Chief Protector Howard was to obtain employment for 'each and every individual impressing upon them the desirableness of doing their best to satisfy their employer, and at the same time saving some of their earnings for a rainy day'. In addition, Aborigines were subjected to ever increasing control because of the government's desire to close loopholes which employers might otherwise. There was a failure to appreciate that such paternalistic actions ran counter to the original aim of shaping blacks into a modern industrial workforce. Although agreements proved to be relatively ineffectual as a method of social engineering, removal orders had a much more significant impact.

Removals

Aboriginal people have been continually moved around by Europeans and placed in locations where they would cause the least inconvenience.

Reserves were created on land considered not suitable for cattle raising and people were incarcerated on distance islands where they could be most effectively segregated from the white community. 'Half-caste' children, particularly females were early targets for removal to missions and reformatories. Roth argued that his chief aim was 'to ensure the future welfare and happiness of the children themselves'. Aboriginal people remember it differently. Jerry Hudson of Mapoon recalled that 'the government took our fathers and mothers away from our grand-parents. Some were six and seven years old. Well, you can guess how our dear grandparents felt about our mothers and fathers who they will never see anymore...that's one thing we will never forget until we die'. Norman Wheeler says the same of his parents, 'My mother come from Burketown and my father from Croydon, but the police shifted them away and brought them down to Mapoon. They were five years old then'. From the early twentieth century 'helpless aboriginal children and

young women' were sent to missions including Mapoon, Yarrabah and Cape Bedford for care and protection but protectors were always conscious of the fact, that in doing this, they were imposing additional expenses on the resource-starved missions.

The Act of 1901 made provision for the removal of people deemed to be 'incorrigibles'. Some of these were sent to Deebing Creek, Durundur and Fraser Island before the establishment of Barambah. However by the 1920s protectors were continually using removal orders to modify behaviour. For instance Jimmy was removed from Gunawarra station in 1922 for being 'bad tempered and abusive' and Aggie from Gregory Downs for 'poor conduct'. The Cardwell protector requested the removal of an Upper Murray man for causing discontent among Aborigines by advising them not to sign agreements. In another incident the Maytown protector threatened to send nine Wrotham Park Aborigines to Barambah if they did not renew their agreements. The Charters Towers protector recommended the removal of a man to Palm Island because he caused 'discontent amongst those blacks who were under agreement'. The threat of being removed to Palm Island caused a great deal of anxiety amongst the Aboriginal population and was just as pronounced in the western regions of Queensland. Jack Punch remembered that 'everybody was sort of frightened. They used to think they'd be sent to Palm Island. They didn't know what Palm Island was. They thought it was a sort of Gaol '.

It was so easy to defuse potential trouble by removing offenders to Palm Island. The fate of Albert Hippi in 1923 markedly illustrates this point. He was dissatisfied with the small amount of money he could withdraw from his bank account while on holidays in Richmond and organised a petition to the Minister for Justice. 'We do not ask that a big amount be paid to us in one sum but that we be permitted to draw at least one a day during our holidays.' As with most complaints, the matter was investigated but no further action taken. It was however somewhat disconcerting to discover Hippi's name amongst those being removed to Palm Island the following year. The reason given was that 'he frightens women and tries to get liquor'.

Once a removal order was obtained, Aborigines had no redress; the Chief Protector advised the Under Secretary in 1937 that there was no provision in 'the Aboriginal Protection Acts for an aboriginal to be brought before a Magistrate and given a hearing before being sent to a Settlement'. In many instances Aboriginal people were unaware of the reason for their deportation and it was not uncommon for people who were the victims of crimes to be removed. A former protector explained that he had sent blacks from the Gregory Downs district because they were a 'nuisance'. 'They were being worked without pay and were being bedded down' he said. In such instances the perpetrators of the crime went free while the victims were punished. On other occasions, removal orders were issued for people already residing on missions as a means of 'restraining them there'.

Notwithstanding the numerous accounts of protectors readily invoking removal orders, there are quite a few incidents of protectors objecting to this action. The Annual Report for 1938 notes that 48 Aborigines were removed from the Burketown camp to Doomadgee Mission because they were 'destitute and too old to maintain themselves in employment'. Correspondence from the local protector gives a totally different view. When the matter was raised with him in October 1937 he advised the Chief Protector that he did not favour the proposal as it was not in the 'best interests of the natives concerned'. He maintained that while some were aged and infirm, others were not. The local protector believed that his superior was more concerned with providing able-bodied workers for the mission rather than thinking of the welfare of the Aboriginal people in the district. The officer was duly reprimanded but this did not stop him once again objecting to the removal of people from the Burketown camp. Indeed the report on the collection of these people clearly indicates that they were not all destitute. Some of those named had to be collected from jobs to be taken to the mission. It was reported that:

Left hand George is away droving under Agreement to Mr. P.H. Gibson and on his return both he and his wife will be held in the camp at Burketown until Mr. Read [Doomadgee superintendent]

can remove them to the Mission. Charlie and Wife were employed under Agreement to Mr. DeLestang at Adels Grove and I removed him from his employment there.

Another woman listed on the removal order was living with her daughter and son-in-law in Camooweal and it was reported that the protector, under duress, would remove the woman to the mission 'at the first available opportunity'. In another incident the Normanton protector threatened to resign from the police force in the 1920s if he was forced to send to Palm Island, two orphaned Aboriginal children from a cattle station where they were well cared for by the manager's wife.

Often the decision about whether or not to remove Aborigines was made, not in terms of their welfare, but what was the cheapest for the department. It is unlikely that the Doomadgee missionary was influential in having the 48 Aborigines removed from the Burketown camps. A notation on the correspondence that 'relief of destitutes cost the government approximately 18 monthly' was probably the most significant consideration. In 1936 when the choice was between sending a Mornington Islander stranded in Cloncurry back home or to Palm Island, the department opted for the latter alternative as it was cheaper. Clearly Aboriginal people who came under the jurisdiction of the Act had no choice in where they lived.

Missions

Because missions were helping to implement the government policy of racial segregation, officials received some support from the state. Government officers assisted missionaries to locate suitable sites for their evangelical activities and the Queensland government did partially contribute to mission costs by paying subsidies for education and on occasions provided goods and services. The church was after all relieving the state of some of its welfare obligations. Roth noted in 1905 that 'the mission stations are year by year becoming of greater assistance to the State in dealing with the pauper aboriginal waifs and strays, adults and children, on the most economic lines'. There was however always some tension between the church and state. On leaving Queensland in 1916, members of the London Missionary Society recalled that relations with the government had not been easy because of increasing interference in mission administration. The missionary was of the opinion that the state's treatment of Aboriginal people would not only cause a 'feeling of inferiority' but also 'hostility towards the white man'.

There was some debate in the 1910s as to whether churches or the state should have control of Aboriginal missions and reserves. Governor MacGregor was far from happy with the state's handling of reserves in Queensland at the time and submitted a scathing report on management practices. He informed the minister that 'it was very desirable to place a Moravian in charge of Barambah'. The main objection to the church looking after Aboriginal welfare was that too much time was devoted to religion. Others such as the operators of cattle stations resented the missionaries' presence as they attempted to attract Aborigines into mission stations which made it more difficult to obtain labour to work cattle. Bowman of Rutland Plains drafted a letter complaining of the impact of the Mitchell River mission in his area. 'When it first started,' he wrote:

... the blacks about here were well behaved and respected a white man; now they seem to think they have a right to do what they like and go unscathed. In my opinion and I have a life's experience amongst outside blacks - there will be bloodshed before long.

As Loos has pointed out, all missionaries endeavoured to convert adults to Christianity but were forced to abandon their efforts and concentrate on children. The basic vehicle for the evangelising process was the provision of secular education. The founders of Doomadgee mission for instance, went around Burketown in an old horse and cart in 1932 collecting children whose parents wanted them taught to read and write. A northern protector reported to the Chief Protector that 'it seems a hopeless task to attempt anything in a spiritual or educational way with the older aboriginals and the only thing that can be achieved is the amelioration of their conditions. Efforts are being concentrated on inducing the fathers of children to allow

them to be taken away to the dormitories where regular hours, a systematic course of diet, educational facilities and discipline exist and have already worked wonders with other children who had been similarly situated'. Most missions and settlements instituted a dormitory system where contact between the sexes was rigidly controlled.

Dormitory life was highly regimented and spartan and David Martin writes that it formed a 'crucial part of a systematic attempt to socialise Aboriginal children into new modes of thought and behaviour'. Reflecting on the system, a former Aurukun missionary said that they believed they were acting wisely:

... and only a few Aborigines seem to have 'realised' that such a policy was undermining their social structure and dealing a heavy blow to their culture ... [Missionaries] saw the unhappy side of Aboriginal life, the dirt and the consequent bodily ills, the crippling sores, the blindness, the high infant mortality rate, things that most anthropologists failed to see.

On occasions medical reports endorsed missionary efforts. A patrol of Cape York Peninsula in 1934 and another two years later, both found that Aborigines living on Aurukun mission were healthier than those in the bush.

Dowling, medical officer with the Commonwealth Department of Health, was of the opinion that a large proportion of non-mission residents would go blind without systematic treatment. The superior health of those on missions was attributed to better housing, a more varied diet as a result of gardening activities and the availability of medical care. The opportunities to hunt for traditional food while resident on missions would also have been beneficial to Aboriginal people.

On some missions, attempts were made to keep adults in the vicinity by making them dependent on tobacco. In 1934 only a third of the Aboriginal population in the Aurukun district had a permanent attachment to the mission and it was imperative that 'as a first step to control, the supply of tobacco should be kept up to the aboriginal', a factor patently recognised by the superintendent. It was a different situation on the east coast of Cape York Peninsula where there were few Aborigines living in camps. In 1933 the Chief Protector reported that practically the only camps were at Stewart River and Cape Melville. Those at the latter site were about to be transferred to Lockhart River mission and it was hoped to 'secure' those from Port Stewart in the near future. The Thursday Island protector reported in 1935 that:

For some time now, the nomads have been gradually concentrating round the Missions and all of them, if not actually resident at the mission are under its control. The Missions have done good work for the natives and have relieved the Administration of a great burden of expenditure. Owing to the financial stringency their funds have been depleted and the question of increasing subsidies is being considered. The Aurukun Mission was recently granted an increase of 225 per annum in subsidy to ensure the retention of fifty boys in the Mission dormitory.

He could nevertheless foresee problems ahead in having the majority of Aborigines living on missions where there was 'limited scope for employment'. However those on missions experienced rigid, autocratic rule and many were happy to take up the opportunity of outside work on cattle stations where they experienced a greater degree of control over their own lives. These people fared little better when it came to making independent decisions about how to spend their wages.

Savings Account

When the 1897 legislation was first introduced the general feeling was that blacks should have 'the comforts of a home coupled with considerate treatment [rather] than ... pecuniary emoluments'. For this reason the matter of wages was open ended in the 1897 Act; details of 'wages or other remuneration'

were to be noted on agreements. In little more than a year legislators were arguing the need for a more formalised wage system for Aborigines and in 1899 an unsuccessful attempt was made to impose a minimum wage of 10 shillings a month for blacks. The issue of wages was raised in Parliament again in 1901 and on this occasion a minimum wage of 10 shillings a month was fixed for Aborigines employed on boats and 5 shillings for those employed elsewhere, food and clothing to be supplied. A protector could direct employers to pay wages to himself or some officer of the police named by him. Notwithstanding the introduction of this legislation, many Aboriginal workers remained unpaid or underpaid for their services. This was a matter of concern for some protectors such as Galbraith who reported in 1902 that:

The permit system is working very satisfactorily, though there are still a large number of nomadic Europeans who employ aboriginals without a permit. I think it should be imperative that all employers of aboriginal labour should pay their wages into the Savings Bank, and the money be drawn out only with the sanction of a Protector. This would ensure the aboriginal getting his wages, which in many cases he does not, and also provide for the money being properly laid out for his benefit. Such an arrangement would also protect the employer against false claims, and the wage-earner from being unjustly treated. What Bench, for instance, would take an aboriginal's word against an employer's in a matter of payment of wages?

As there were insufficient police to adequately enforce the payment of Aboriginal wages it was decided to begin with those due to Aboriginal women. At the beginning of 1904 all northern protectors were advised that they were to insist that wages of females in permanent employment be paid direct to protectors every three or six months. The suggested rates were: Aborigines up to 12 years, one shilling and three pence; 12-14 years two shillings and over 14 years from 2 shillings and six pence upwards depending on the work. This still allowed the protector a high degree of discretion in employment arrangements. All money collected was to be banked to the credit of the employee in the government savings bank with the protector as trustee. With the successful introduction of this system for women, the practice of having male wages paid through a protector was introduced in 1909. It was argued that this ensured that Aborigines not only got the full benefit of their labour but that it would be easier to instil the notion of thrift. Protector Sweetman of Charters Towers claimed to have considerable success in this regard as he had been ... trying to educate some of the boys up to a spirit of thrift and save their money by showing the Savings Bank Pass-Book of the gins wherein some have as much as 18: They express wonder and surprise at so much money being the property of one gin. I am opposed to aboriginals having much money to squander, except a few shillings as pocket money but the native should get the full benefit of his labour for a rainy day.

In directing part of the male wage be paid through the protector in 1909, nothing was laid down in the regulations about the proportion to be banked and what was to be retained by the employee as pocket money. Again this was left to the discretion of the individual protector. In most instances deductions ranged from 20 to 50 per cent 'according to intelligence'. However with the introduction of uniform rates of pay in 1915, banking deductions were also standardised. Two-thirds of the adult wage was to be banked if clothing was provided, one-third if not. For men and women with families to support, it was recommended that only one-fifth be paid to the bank.

Although the initial idea behind bank accounts was to ensure that Aborigines were properly paid, successive protectors viewed savings as a form of insurance to tide workers over periods of unemployment; this had the added advantage of reducing the cost of Aboriginal welfare to the state. Because of this, most Aborigines found it a frustrating experience to draw money from their personal savings accounts. The humiliation of having to wait outside the police station all day was vividly etched in the memory of Marnie Kennedy who said that she 'would sit there all day frightened to go away and get a feed for fear that you would miss out. Then at 5 o'clock the protector would come out and say, "Nothing today. Come back tomorrow" ... It was just like a big kick up the ribs when it was your own money anyway'. Marnie may or may not have been aware that this was a tactic used to keep Aboriginal people 'in their place'. The member for the western seat of Gregory told parliament in 1945 that he had:

... seen the treatment that policemen have given them, not because they desired to be cruel but because they wished to demonstrate to the native that they, the policemen, were their masters. If they had not done that, then the native would have assumed an air of equality or superiority.

Protectors had no hesitation in vetoing purchases deemed by them to be inappropriate. The Cardwell protector expressed 'shock' when a newly married Aboriginal woman applied for four pounds from her savings. His response, worth reproducing in its entirety, encapsulated the entrenched paternalism existing in the department and the expectation that Aboriginal society would replicate white patriarchal structures. He wrote:

Dear Lucy,

Your letter gave me quite a shock, fancy you wanting to draw four pounds to buy a brooch, ring, bangle, work basket, tea set etc etc. I am quite sure Mrs. Henry would expend the money carefully for you but I must tell you that no Aborigine can draw four fifths of their wages unless they are sick and in hospital and require the money to buy comforts.

Now that you are a married woman it is your husbands placed to buy you all the jewellery you may require. You must be more prudent with your pocket money that Mrs. Henry pays you for should you get sick your money will be handy to you then. However as it is Christmas I will let you have 1/5/- out of your Banking account to buy lollies with.

Apart from compulsory savings taken out of Aboriginal wages, a second deduction was made for the Aboriginal Provident Fund. From 1919, all workers not living on reserves were to contribute portion of their wages (five per cent for single men and two and a half per cent for married men) for the relief of 'indigent natives'. There seemed to be some confusion about the purpose of the Aboriginal Provident Fund. Was it for needy Aborigines generally or for the benefit of those temporarily unemployed who had contributed to the scheme? The Chief Protector of Aborigines explained in his 1921 report that it entitled contributors 'to relief for themselves and dependants when in want, out of employment, sickness etc'. This point was further clarified in a circular to all protectors in 1922. 'Benefits are limited to contributors to the fund and those actually dependent upon them in distress, including widows.' The department had consistently maintained that this was the purpose of the individual savings accounts. It therefore seems likely, particularly in view of later developments, that the CPA himself was confused about the purpose of the fund. With it largely untouched, from the early 1930s, money from the Provident Fund was used to subsidise the Aboriginal vote and later, to provide substantial relief to indigent country blacks. In reality the government was so committed to the control of Aboriginal money that it created a system of enforced sharing which meant as Rowley has argued 'the more enterprising workers under the Act [had to] contribute to the maintenance of others who exert[ed] less effort'. Some indication of the numerous accounts held in trust by the state for the Aboriginal population can be gleaned from Table 1. In 1935, these amounted to 293,549/4/11. It is small wonder that the prevailing belief in the 1930s was that Queensland would never surrender the management of Aboriginal affairs to the federal government because of the loss of control of Aboriginal savings.

Table 1: Aboriginal Savings Held in Trust by the State, 1935

	£	s	d
1. Current Balance in Savings Account	44,475	11	1
2. Settlement Natives' Savings Bank Funds, invested in Inscribed Stock	12,000	0	0
3. Country Natives' Savings Bank Accounts, invested in Commonwealth Stock at 33/4 per cent	200,000	0	0

4. Thursday Island District Natives' Savings Bank Funds, on loan to Aboriginal Industries	4,000	0	0
5. Aboriginal Protection Property Account, Balance in Current Account	2,880	18	7
6. Aboriginal Provident Fund, Balance in Current Account	1,125	19	10
7. Aboriginal Protection Property Accounts, Funds invested in Inscribed Stock at 4 per cent	14,000	0	0
8. Aboriginal Protection Property Account, Sundry Loans to Missions and Settlements	1,648	5	5
9. Aboriginal Provident Fund Investment at 4 per cent	2,060	0	0
10. Aboriginal Provident Fund held in Bonds at 4 per cent Aboriginal Provident Fund on Loan to Aboriginal Industries at 5 per cent	20 5,000	0 0	0 0
11. Island Funds and Boats Reserve Account, Current Balance	1,504	0	0
12. Island Fund and Boats Reserve Account, Loans to Boats	4,835	0	0
TOTAL	293,549	14	11

Source: Annual Report Chief Protector of Aboriginals Queensland Parliamentary Papers 1936, Vol. 1, p. 1025

Exemptions

The provisions of the 1897 Act were to apply to all Aboriginal people unless they were specifically exempted. 'Certain half-castes' who were 'intelligent', over the age of 16 years and not married to or habitually associating with Aborigines could apply for exemption but given these restrictions it was extremely difficult to achieve. In 1912 for instance, representation was made on behalf of 22 Aborigines employed on Cattle stations - 15 were full bloods and automatically disqualified. Only one of the remaining seven did not 'unnecessarily associate with Aborigines' and was therefore deemed suitable to handle his own affairs. If an exempted Aboriginal resumed contact with those under the Act, the exemption certificate could be revoked. The decision to turn their backs on family members and their culture to be accepted into mainstream society would have placed enormous psychological strains on those Aboriginal people who chose this course particularly as in many cases the suggestion that a person apply for exemption from the Act came from employers. Moreover even when Aborigines were granted exemption, it did not mean that they had the same rights as non-Aboriginal people. The 1934 Amendment to the Aboriginals Protection Act imposed conditions on exemption. It was noted that 'all money or property belonging to such half-caste and held in trust for such half-caste by a Protector shall remain subject to the control of a Protector'. Justifying this, the Chief Protector argued that 'experience in the past has frequently shown that such people, when given control of a large sum of money, are too easily victims of extravagance or imposition'. One well known North Queensland identity had a twelve months restriction imposed on his banking account when he was exempted in 1932. Expecting this to be raised at the end of the year, he entered into negotiations with a non-Aboriginal to purchase a truck. However he found himself in an embarrassing situation when the application for the release of his money was refused on the recommendation of the local protector. His European father-in-law was forced to appeal to the local branch of the Country Women's Association for help pointing out in a letter to them that as neighbours:

You all know Dick as a decent fellow sober and hardworking courteous in his dealings and meetings with all concerned. You all know him as a good horsebreaker and as a man who is very fond of his wife and children.

These were indeed the attributes desired in Aborigines and on the recommendation of the minister, the man was allowed 60 pounds to service his debt. His account however continued to be subjected to departmental control. Clearly exempted Aboriginal people did not have the same rights as white Australians. Even after they had escaped the provisions of the Act they remained very much in its shadows. They lived independently of the department only while they behaved in a manner deemed acceptable to administrators.

'Crossbreed Population'

Although in 1897 it was believed that the Aboriginal population would eventually disappear, there was a realisation in 1924 that this may not be the case. It was noted in the annual report to the Aboriginal Department that there were 3,505 full-blood Aboriginal children under the age of 12 years which 'hardly seems to bear out the commonly expressed opinion that the aboriginal race is dying out'. Of more concern was the increasing number of 'half-castes'. The number had increased from 3,869 in 1929 to 6,461 in 1938; from 1934 'quadroons and cross-breeds' were included in the Aboriginal census which accounted for some of the increase. At a conference held in 1930 regarding the payment of 'half-castes' in the Northern Territory, there was considerable criticism of Queensland's treatment of its part-Aboriginal population. It was pointed out that Bleakley's policy was 'to drive them back into the aboriginal camp'. This was in marked contrast to the Northern Territory where part-Aborigines were made 'white men ... at the age of 21 '. These comments were well founded as under the 1934 amendment Queensland 'half-castes' who previously could not legally be regarded as aboriginals' were to be brought under the provisions of the Act. It was noted in the 1934 Annual Report that:

The definition of 'half-caste' in the 1897 Act has been repealed to provide for the care of all cross-breed elements of aboriginal or Pacific Island extraction who live or associate with aboriginals, or as aboriginals, or who, in the opinion of the Chief Protector, are in need of control or protection. A large proportion of that coloured population resident principally in North Queensland, who previously have not been regarded as wards of the Aboriginal Department, are now, unless specifically exempt from the provisions of the Act, covered by it.

Only a small proportion of the increase in the part-Aboriginal was due to mixed black/white unions. Bleakley proudly told participants at the Aboriginal Welfare Conference in 1937 that every encouragement 'had been given to marriage of crossbreed aboriginals amongst their own race. The result is that 95 per cent of the crossbreed children born are the issue of purely native unions'.

This desire to bring all part-Aborigines under the Act in Queensland was often quite detrimental to self-esteem, especially if people had previously been treated as white. For instance, when it was discovered that a stockman working on Lorraine station was not signed on at the end of the 1920s, the Cloncurry protector attempted to redress the situation as quickly as possible. In spite of 'associating and working with white men since his infancy' and receiving 'the full wage of station hands as fixed by the various awards', the department was unwilling to exempt the Aboriginal stockman from the provisions of the Act. In due course he was brought into line with other blacks even though this meant a reduction in wages. From this point there was a marked deterioration in the man's ability to cope with the European system. In 1931 there were reports that he and his family were starving. Two years later he was before the courts in Cloncurry for an undisclosed crime. A former employer who came to his assistance expressed the view that ever since Patterson has been placed under the Act 'things have gone amiss with him. He is a good cattleman but under present conditions he has a hard row to hoe'. The following year he was again in trouble and on that occasion was sent to Palm Island. In just five years of Aboriginal 'protection' this man had degenerated from being 'intelligent and industrious' to 'a horse thief and unemployed'.

Indeed it took little time to realise that the 1934 Amendment was a total disaster. This became evident to Chief Protector Bleakley when he visited Gayndah, Eidsvold and Munduberra in 1935. He noted that:

Practically all the families seen by me were those of half-castes or quadroons, holding certificates of exemption, and I learned from the Teacher and local Protectors that these men had shown their ability to manage their own affairs as regards employment and the handling of their money and that there was a very great reluctance or objection on their part to be treated as aboriginals subject to the usual restrictions of a Settlement such as Cherbourg ... The recent amendments of the Aboriginal Protection Act would now make the Act apply to this type of half-caste, notwithstanding that the majority seem to already hold certificates of exemption ... However, the number of quadroons to be found amongst these people of the Burnett district, as well as the number also to be found on each of the Settlements, satisfies me that the time has arrived when the whole crossbreed question should receive further and careful consideration... I am satisfied that the type of crossbreed seen in my recent inspections, although now embraced by the new Amendment Act, should not have such Act rigidly applied to them in regard to their business affairs as though they had been returned to the aboriginal fold.

While conceding that these people were able to manage their own financial affairs he believed that they needed help to improve their living standards 'not only in their own interests as human beings, but in the interests of morals and health of the community generally'. One suggestion was that they be removed to Barambah but this was obviously out of the question given Bleakley's acknowledgement that they had the ability to handle their own business affairs. In his opinion the department should endeavour to secure a large area of land with reasonably good natural resources. He believed that these 'families should then be encouraged, rather than compelled, to take up their residence thereon and each family allotted a block of ground, up to say five acres, on the condition that the occupant fenced it in and profitably utilised it in the raising of food such as garden vegetables, fowls, pigs, bees etc '. Apparently nothing came of this proposal and the Aboriginal people were left squatting on the fringes of these country towns.

Nevertheless before the legislation was changed countless Aboriginal people experienced the 'heavy hand' of the department. A letter from George Saunders outlining the circumstances of his removal to Palm Island and the conditions on the settlement was published in the North Queensland Guardian in 1937. A resident of New South Wales, Saunders was sent to Palm Island for being 'an absconder and addicted to drink'. He maintained that he was sent there because he would not 'work under the Aborigines Act and pay into the settlement'. He pointed out that he:

... was transferred here to a penal settlement to remain here how long I don't know. I wish to get out of here as soon as possible. I did no wrong outside. The condition of living does not suit me at all. I don't get paid for the amount of work I do and have very bad food.

Acting Superintendent Julian advised the Chief Protector that:

Saunders was 'so little coloured and his bearing and intelligence is such that he cannot be thought of as anything but a white man'. He believed that Saunders 'would be better regarded as a white man and, if he offended against the law, dealt with in the ordinary way'. It was clearly a system out of control.

Aboriginals Preservation and Protection Acts, 1939 to 1946

A new Aboriginal Act was introduced in 1939 addressing the 'half-caste' issue. The Director of Native Affairs argued that the main feature of the legislation was 'the upliftment of the civilised half-castes by automatically conferring freedom and full citizen rights where their circumstances and associations qualified them for such privilege'. Persons with 50 per cent or less Aboriginal blood who did not live with,

or habitually associate with Aboriginals, were no longer subject to departmental control unless declared by a judge or magistrate to be in need of such care. It was estimated that the part-Aboriginal population was around 4,500 in 1939 and some 1,500 would have the same rights as non-Aboriginal people. The bulk of the 3,000 who would still be under the Act, were living on settlements. For these people, it was evident that there would be no improvement in the repressive conditions under which they lived. It had been written into the 1934 Amendment that the department could make regulations 'providing for the control and supervision of all aboriginals and half-castes in or upon any reserve' but the details were more precise in the 1939 Act. The department could make regulations with regard to the following:

(1) Defining the duties and powers of superintendents.

(2) Control and supervision. Providing for the preservation, detention, control and employment of aboriginals on reserves; discipline and good order upon and the inspection of reserves.

(3) Aboriginal courts. Providing for the establishment of aboriginal courts on reserves and the constitution and civil and/or criminal jurisdiction of such aboriginal courts and the procedure in respect of their jurisdiction, either civil or criminal:

Provided that the maximum pecuniary penalty which may be inflicted by any such court for any offence or breach of duty shall not exceed one pound and the maximum term of imprisonment which may be imposed by any such court (either in lieu of or on default in payment of a pecuniary penalty or on default in payment of a sum of money) shall not exceed three weeks.

(4) Police. Authorising the establishment of aboriginal police on reserves, and prescribing the powers and duties of such police.

(5) Gaols, etc. Providing for the establishment of aboriginal gaols on reserves, and the carrying-out therein of sentences of imprisonment imposed upon aboriginals by an aboriginal court.

Heather Wearne has pointed out that the tone of the debate in parliament was significantly different in 1939 from 1897. The earlier legislation grew *out* of a sense of guilt. This had clearly dissipated in 1939 with the debate more concerned with making the institution of reserves a success and 'preventing the Aboriginal population from disrupting white community standards'.

Government Settlements

The first government institution was established at Barambah in 1904 (named changed to Cherbourg in 1931) and Aborigines who had gathered at Durundur reserve near Caboolture were amongst the first transferred. From 1908 there was a steady increase in numbers as Aborigines were transferred from southern Queensland in line with Meston's proposal. The permanent population stood at 663 in 1933. A second settlement was established in 1911 near Taroom but in 1927 this was relocated 120 miles north and became Woorabinda. By 1938 there were 692 people living on this reserve west of Rockhampton. In 1914 Aboriginal people in the Cardwell/Tully districts were systematically rounded up and taken to the newly established Hull River mission. Inmates were shifted to Palm Island in 1918 after a cyclone demolished the premises. Even without the disaster at Hull River, it seems that Palm Island would have been established as it was discussed as a suitable site for a penitentiary in 1916. Since the early 1920s Palm Island has been the largest of the government settlements. It quickly gained a reputation amongst Aborigines as a penal settlement because people were sent there from all parts of the state for 'punishment'; in excess of half the Aboriginal removals between 1919 and 1937 were to Palm Island.

The dormitory system of the early missions where children were isolated from the influence of their parents, was adopted on settlements. Fred Clay recalled that when his family was removed to Palm

Island in the 1930s they were separated; his mother and two sisters were sent to the women's dormitory and the three sons to the boys' dormitory:

We saw each other only when permission was granted. There was a white person there they called a matron, you know. We had to get permission from her to visit the dormitory and see our mother. Pretty stiff when you've got to get permission to see your own mother.

Administrators found the location of Palm Island particularly attractive as Aboriginal people could be isolated, most effectively, from the white population. Nevertheless there were numerous accounts of Palm Islanders attempting to swim the 20 miles to the mainland using logs and pieces of wood. In 1925 two men escaped by swimming from island to island and made their way back to the Mitchell River on Cape York Peninsula. In 1932 nineteen people absconded but eleven were subsequently recaptured, 'punished with short terms of imprisonment', and returned to the settlement while some were transferred to other settlements. As a result of this incident, the increase in 'moral' offences and the general unrest owing to reduced employment opportunities away from the island, it was decided to reorganise and strengthen the Palm Island native police squad.

Aboriginal Police had been operating on reserves for many years prior to their formal recognition in the 1939 Act. For some Aboriginal officers it was work which yielded considerable job satisfaction. Isaac Gundy who went to Palm Island in 1933 became a policeman on the settlement. He recalled that the Aboriginal sergeant recruited suitable candidates:

You could work your way up from a constable to a senior sergeant. I was tough in those days - I didn't favour my brother, cousin, mother, sister - they would have to do the right thing. [I] treated everyone the same and I punished only those that did wrong. I took them to the court first - I didn't do the punishing myself of course. The superintendent did that.

A lot of our old fellows couldn't read or write but they never had trouble keeping law and order in this place ... They knew right from wrong. They were brought up on the old tribal laws and you couldn't break any tribal laws without being punished...the police used to drill like soldiers ... They would go on parade in the morning - down among the workers. I'd put on the parade there and break them off ... had to be spanking clean, starched uniforms, clean shaven, boots polished. You could see the uniform shine on us that' s how good we were...

Willie Thaiday who was sent to Palm Island around the same time as Isaac Gundy had a different perspective of the Aboriginal Police which he saw as little more than a tool of the Superintendent:

The policemen on Palm Island should not be called policeman ... They are only trackers from far away inland and they know nothing about law, not a scrap. They never been to school and all they do is what the superintendent tell them. 'Can you do this?'

'yes boss.' 'Can you do that?' 'Yes boss.' They never say no. Then they come to try to stand over us by the power of the superintendent.

We got to do everything what suit the superintendent, not us and every super that go there got the law in his own mouth. What he say is law and the state government allow them to make the rules.

We know it is wrong but still you can't say nothing because the moment you say something they throw you in gaol. If they say you go to gaol you can't say what for and you don't know when you come out. I saw some boys, two or three of them, who spent 18 months without court.

The overwhelming majority of incidents on the settlement were dealt with by the Aboriginal Police and Courts where there was no right to a defence lawyer and no provisions for appeals against rulings made arbitrarily by the superintendent. On Palm Island even children were gaoled for insignificant misdemeanours. Marnie Kennedy recalled her experiences as a child in the late 1920s:

I was singing this song 'Who Said I Was a Bum'. I didn't know that the matron was coming through the dormitory. Next thing I found myself in jail for the night because I was singing that song and using the word 'bum' ... Next time I went to jail we were hunting for stuff on the reef when we saw this big fish in the

lagoon. A big one. Of course we started chasing it. We had no sandals on but we were running over the coral chasing this

fish. The police were blowing the whistle for us to come in and we never heard it. We were too busy chasing the fish. Finally we caught it and the police caught us and marched us off the jail. We kicked that fish all the way back to the jail. We spent the night there.

Willie Thaiday believed that the Palm Island superintendent treated women harshly as well. He saw one person shoved in gaol for refusing to scrub the hospital floor. He explained that the woman was unable to do the work because she could not leave her children alone at home. Another girl was put in gaol because she ran away from the dormitory for one night.

There seemed to be little logic in the way that punishment was dispensed. One inmate reported that 'a married man cleared out with a single gift for a couple of days. They were sentenced to 14 days gaol. After this the man was appointed to the police force and the girl was sent to Fantome Island'. In 1937 Tommy Ryan was charged with disobeying the orders of the Superintendent and sentenced to seven days imprisonment; Ted Bosun, sergeant of Police was charged with trying to commit suicide, and allowed to carry on as Police Sergeant; Constable Ross was found ill-treating his wife and when he reported the matter to the Superintendent was told to go home and that it was all right.

A multitude of other practices compounded the sense of powerlessness experienced by those Aboriginal people unfortunate enough to be incarcerated on Queensland settlements. A lock hospital was erected on Fantome Island in 1926 to deal with the numerous cases of venereal disease but by the early 1930s all people being transferred to Palm Island had to pass through Fantome Island first. Usually a person who was free of venereal disease would only stay for two weeks but for others it could be months depending on when the medical superintendent decided to grant a free bill of health to enable the person to be transferred to Palm Island. New arrivals had to go straight to the superintendent's office and have their luggage inspected. The Chief Protector maintained that this was necessary 'in order to prevent the entrance of intoxicating liquor'. All inward and outward mail was also censored in much the same way as occurred for soldiers in a war zone. From the 1930s, Aborigines living on settlements had to obtain the permission of the superintendent before they could marry another Aboriginal. Under the provisions of the 1901 Act it had only been necessary to obtain 'permission, in writing of a Protector authorised by the Minister to give such permission' if an Aboriginal woman wanted to marry a non-Aboriginal. Even though most had committed no crime, they had to have the permission of the superintendent before they could leave the settlement. In addition all residents could be ordered to work for 32 hours a week without pay. For those sections of the Aboriginal community subjected to increasing controls and regulations it must have been extremely difficult to maintain a sense of self-worth.

Morale on Palm Island was particularly low in 1937. Director-General of Health, Sir Raphael Cilento reported that 'during the eighteen years that I have known this settlement, I have never seen it in worse condition, or with less evidence of active progress'. The previous year it had been decided to elect a local council which decided to take up the issue of wages with the government. Prior to this they had been paid in tobacco and rations including flour, rice, sugar and porridge. Apparently it was agreed that

residents would be paid four shillings a fortnight on the understanding that they did not gamble. Within days however they were caught and the wages stopped. When Cilento visited the Island the following year he reported that there was considerable resentment that the plans for an Aboriginal council had been reversed 'by studied neglect of this activity on the part of the Acting Superintendent'. The experiences of the Torres Strait Islanders were markedly different in this regard.

Torres Strait Islanders

The Queensland government consistently maintained that Torres Strait Islanders were a different type of people from their mainland counterparts. In 1897 when protective legislation was introduced it did not apply to those born in the Islands. However when it was discovered that European employers were taking advantage of these people, Torres Strait Islanders were brought under provisions of the Act in 1904. By the 1930s the department looked most favourably on the Islanders who owned the largest pearling fleet in the north and marketed their products through the Native Trading Station and Branch stores; when new Aboriginal legislation was being drawn up in 1939, it was decided that the people of Torres Strait should have a separate bill. This decision was no doubt influenced by events of 1936 when 70 per cent of the Islander workforce went on strike for nine months. Nonie Sharp has pointed out that the immediate cause of the dispute was the Islanders' insistence on the right to control their own wages. The wider issue was however to do with control of their own affairs including the lifting of evening curfews, removal of the permit system for inter-island travel, recruitment of island police for their home Islands, Islanders' right to recruit their own boat crews and the availability of Boat Returns to skippers and crews. Sharp argues that the strike was an:

... expression and a measure of a new interdependence on the one hand. On the other, its course and its outcome were to further consolidate inter-island bonds and to raise awareness as an Island people. Over the months of the strike officials noted privately the 'altered outlook' and changed mentality of the Islanders. Those administrators with some insight into the attitudes of Islanders sensed a new determination and self-confidence. Steps were quickly taken to grant some of their immediate demands. Administrators were forced to treat Islanders as one group of people.

Like the Aboriginal Act of 1939, provision was still maintained in the Torres Strait Act for protection and preservation. Unlike the Aboriginal Act however, a large part of the Torres Strait Islander Act dealt with local government. Following an inter-island councillors' conference in 1937 it was noted in a departmental report that:

... they have already proved themselves capable of carrying out the functions of local government, and their services in the past to their indigent by means of their own welfare or island funds, is evidence of their appreciation of the needs and obligations of such a system as also are their public buildings, churches, bridges, drainage and sanitary systems, and the like, while their attention to their person and dwellings is further evidence of their endeavours to achieve a decent standard of living.

This Bill had been introduced to give constitutional effect to a system of self-government which with sympathetic departmental assistance, has been evolved by these people, and to direct and assist them further towards perfecting such a system, at the same time fully preserving their racial entity and protecting their interests when such conflict with those of the European race.

It would be tempting to argue that because Torres Strait Islanders have been historically treated differently from mainland Aboriginals that this has been a contributing factor to fewer people dying while in custody. Before such a conclusion can be made there are several factors which should be borne in

mind. Firstly, Torres Strait communities have few provisions for people being held in watchhouses and secondly because the communities are smaller there is much more scope for residents to detect a contemplated suicide and to take appropriate intervention procedures. Even though many Islanders now live away from their homelands, they nevertheless have been able to retain more of their culture and this has had a marked effect on their state of mind.

In the 1946 Regulation some attempt was made to make the Aboriginal Act and the Torres Strait Islanders Act more uniform by introducing elected councils on mainland reserves and settlements. Some officials such as Sturgess on Palm Island encouraged Aboriginal involvement in some decision making. Neville Bonner remembered that the superintendent formed the Palm Island Social and Welfare Association which organised after-work activities from sport to the annual show, corroborees to the baby welfare scheme, fishing contests and so forth. With the superintendent controlling proceedings, these mainland councils did not however have the power of the Islanders' councils. The superintendent could for instance declare a candidate ineligible 'for any reason whatsoever'. There were some changes to the Torres Strait Islander and Aboriginals Preservation and Protection Acts in 1946 but these were minor compared with provisions of the new legislation introduced in 1965 which focused on assimilation.

Assimilation

Although Queensland had a reputation for being an 'expert on Aboriginal affairs' it lagged far behind other states in the adoption of assimilation as a policy. By 1951 all Australian governments claimed to have adopted a policy of assimilating Aborigines into the wider society, but it was to be another ten years before a common definition was adopted. It was agreed that:

The policy of assimilation means that all Aborigines and part-Aborigines are expected eventually to attain the same manner of living as other Australians and to live as members of a single Australian community enjoying the same rights and privileges, accepting the same responsibilities, observing the same customs and influenced by the same beliefs, as other Australians.

Rowley has pointed out that this definition could accommodate the extreme assimilationist view of eventual Aboriginal disappearance or the liberal view of promising no more than a general equality. Heather Wearne pinpoints 1957 as the year when the Queensland government officially adopted a policy of assimilation. She maintains that it was 'significant that the discovery of minerals on Aboriginal reserves during the 1950s coincided with the increased political interest in Aboriginal affairs'. The department on the other hand argued that it was the appropriate action as by 1956 'more people in Queensland possessing aboriginal blood [are] assimilated into the general community than are controlled and protected under the Acts' and that 'at least 20,000' people lived thus outside 'the Acts'. Nevertheless the 1961 census showed that no less than 40 per cent of Queensland Aborigines were still 'locked away in this system of settlements and controlled contract employment'. Subjected to discrimination and denied the most basic human rights for years, Aboriginal people played a significant part in forcing changes to official policy. In this they were aided by left wing unions.

In the 1950s there were more job opportunities even for those in remote areas. The main employment for Aboriginal labour until then had been on cattle stations where they were relatively isolated from the rest of the community and could be more easily controlled by protectors. In the fifties some found work in the mining industry. The 1958 annual report noted that 'the coming of the mining companies to the north has meant that the majority of younger men were able to find work fairly close at hand'.

Others were given opportunities at Mt Isa Mines. With the construction of the beef roads in the early 1960s, some found employment there. Hunter of Magowra station reported losing stockmen to the Main Roads jobs and regretted being unable to compete with the wages offered there. The effect of this was to

bring Aboriginal people into contact with more white workers and with members of the more militant unions including the Waterside Workers Federation and the Trades and Labour Council (TLC).

TLC official Find Thompson recalled that when he began visiting the bauxite location at Weipa from 1957 he spent as much time on Aboriginal matters as on his regular union duties. He was able to gain first hand knowledge of the problems encountered by Aborigines in the workforce. A delegation from the Cairns branch of the Trades and Labor Council paid a visit to Yarrabah on a fact finding mission and in 1961 the Queensland branch of the TLC was instrumental in having incidents of violence involving Aboriginal stockmen on Abindgon Downs and Oakey stations investigated by the police. During the same year the TLC also called for equal wages and full union rights for Aborigines in the cattle industry.

The treatment of Aborigines was brought to the attention of rank and file members from the early 1950s when some unions began organising members' conferences in north Queensland. It was at one of these that the position of Aboriginal workers was raised, particularly in relation to violence and restrictions on wages. As a result, the militant wing of the local trade union movement began to give close attention to the need for Aborigines to develop a political organisation of their own. The TLC, and particularly its state general secretary Alec Macdonald, threw their support firmly behind the moves to give Aborigines an identity of their own. Conferences were set up, mainly in Cairns, but also in other locations and Aboriginal people were encouraged to participate. The most significant of these was the first Conference of Aboriginal and Torres Strait Islanders Advancement League in Cairns in 1960. It was attended by over 100 Aborigines and Islanders, trade union officials including representatives from Cairns, Townsville and state branches of the TLC. At the conclusion of the conference a declaration of Rights of the Queensland Aborigines and Torres Islanders was drawn up. It addressed the issues of civil liberties, landownership, education, housing, unclaimed money and racial discrimination. This commitment to developing Aboriginal leadership was in marked contrast to the government's paternalism.

Black Protest

But even without the encouragement from left wing unions, resentment was mounting on missions and settlements in the 1950s. When Roy Bartlam took control of Palm Island in 1954 he was intent on enforcing the rules and regulations much more rigourously than his predecessor. Indignation at Bartlam's authoritarian style reached a peak in 1957; the catalyst was a disagreement between Len Croker, the white hygiene officer and Albie Geia, an Aboriginal foreman. Geia objected to the lack of control over basic aspects of his life and the fact that, despite having a superior understanding of the job, he was paid only a fraction of Crocker's wage. He was told that he could leave Palm Island and make his own way on the mainland and was placed in custody until he could be transported to Townsville. He escaped and others including Bill Congoo, Willie Thaiday, Eric Lymburne, Sonny Sibley and George Watson threw their support behind Geia. Eventually the whole island came to a standstill and with tension mounting, Bartlam called in 20 armed police from Townsville who arrested the six strike leaders. Without any charges being laid, these men were sent to three different settlements simply through the invocation of removal orders. Unrest at Doomadgee mission a couple of years later was handled in a different manner.

The Deputy Director of Native Affairs was sent to the mission to participate in a public meeting where residents were encouraged to air their grievances. These included the increased tensions which resulted when a large number of people returned from outside work to take up residence during the wet season; the separation of children in dormitories and inadequate housing. It was reported that as the meeting progressed the superintendent Alan Hockey:

... felt that some form of control was warranted in the village and it was agreed that a Native Advisory Committee would be formed at that meeting which Committee would be responsible for the control and management etc. of the village and hold periodic discussions with the Superintendent to improve general conditions. This Committee would also act as a liaison

between the Superintendent and the village in all matters and make appropriate recommendations to the Superintendent.

It was carefully explained to the meeting that this Committee in no way took over any of the powers or authority of the Superintendent but rather that he delegated certain of his power to the Committee.

It is highly unlikely that Hockey would have been prepared to transfer any real power in decision making to the Doomadgee residents in 1959. The fact that he was prepared to live for so many years in such isolation for no monetary reward clearly indicates a commitment to the welfare of Aboriginal people. The assistance which he dispensed to his wards however came with huge servings of paternalism.

Apart from the protest by residents on missions and settlements, those in towns who were less constrained by the Act were also becoming politically active. Two of the most powerful identities to emerge from Cairns were Gladys O'Shane and Joe McGinness the latter subsequently becoming the federal president of Federal Council for the Advancement of Aborigines and Torres Strait Islanders (FCAATSI). The leadership of this organisation was initially made up of non-Aboriginal people but as more blacks began attending meetings they gained the self-confidence to urge others to fight for their rights. Evelyn Scott told Faith Bandler that FCAATSI had given her 'confidence in myself':

I never thought the day would come when I could tackle politicians, bureaucrats in government departments, and stand up in universities and address students. When growing up as a child in North Queensland I never thought I could achieve those things. Meeting people like you [Faith Bandler] and Dulcie Flower, Joe McGinness and Kath Walker gave me confidence.

In 1958 the Queensland State Council for the Advancement of Aborigines and Torres Strait Islanders (QCAATSI) was formed in Brisbane. Its aims included complete social and political equality for Aborigines and Torres Strait Islanders, promotion and preservation of their culture and a desire to cooperate with other organisations with similar aims. Kath Walker became active in QCAATSI and recalled that it:

... handled the unpopular cases - like the matter of the freedom of movement for Aborigines and the high rate of Aboriginal arrests. Of course, we were harassed by the police and spied on by the DLP whose members made a bid to takeover our organisation by stacking one of our annual meetings ... I had been very vocal throughout my tour of other states and the publicity had gone throughout all channels - TV, press and radio. I averaged from seven to ten interviews a day. When I returned from a meeting one night shortly after that successful tour, I found that someone had entered my house and savagely slashed the curtains and all my clothes with a razor. I was very shocked and my companions phoned the police several times but they didn't come.

Racial Discrimination

Aboriginal people have experienced racial discrimination since the arrival of Europeans in this country. In the nineteenth century it was often justified on the basis of scientific theories but in the twentieth century, it has been government policy which has helped to maintain this condition. At the first Conference of the Aborigines and Torres Straits Islanders Advancement League in Cairns in 1960 it was noted that:

... because of the inhuman attitude of the government to the peoples, racial discrimination in many forms, open and concealed, has been permitted to flourish in Queensland. Aboriginal and Torres Island people are discriminated against in employment, in the use of many public facilities, in some theatres and other places of entertainment, in cases where they, together with others,

are involved in disturbances and in many other ways. A thorough campaign of education against all forms of discrimination is needed in Queensland, from the schools up.

On cattle stations where so many had worked, it was normal for blacks and whites to be housed and fed separately, even in the late 1960s. This arrangement seemed to suit the Aborigines as much as the whites. One Aboriginal woman who did eat with non-Aborigines recalled that she never felt comfortable there and would normally eat her food and 'bolt'. 'There were a few Aborigines working on the station and I was glad of their company' she added. It was evident that after years of being made to feel inferior, Aborigines had internalised their subordinate status.

Aboriginal people were also made to feel that they were not good enough to serve their country when it was at war. Many Queensland Aborigines including Neville Bonner and Willie Thaiday applied to join the Army but were rejected. Thaiday's request was turned down because he came from Palm Island. 'I tried to join the army outside in 1939, Thaiday wrote:

... but they say: 'You can't join the army from Palm Island'. So we come back to Palm Island while the ninth, sixth and seventh division Australian boys go overseas.

In 1940 the war get bad and I go to Mackay on a patrol boat for the army. The boat take all the tucker for the army stationed on the islands, Daydream Island and all them.

I go round there working for the army. I ask Captain Swain, big army captain: 'You put me in uniform. It is no good this way. You better enlist me in the army'. Swain don't want that. He say: 'You're from Palm Island'. I say: 'I don't want to stop in military patrol boat then. You send me to Palm Island'. He don't want to send me so I run away back to Palm Island.

Despite pressure from the Aborigines Uplift Society and the Queensland Department of Native Affairs, recruiting officers remained firm in their resolve to exclude Aborigines from war service. However the acute manpower shortage in 1942 saw a relaxation of the policy and Aborigines were enlisted in relatively large numbers.

The amount of education which blacks received was very much less than the non-Aboriginal. On settlement schools, for many years children were not educated beyond grade 4. This ensured that when they were assimilated into white society, it was into the lower stratas. Even so employers saw no value in the type of education given to Aboriginal children at mission and settlement schools. One argued that 'what the native really wants to learn is to be useful on the land and among stock, leave the education out'. Indeed Jean Devanny has argued that the mission education system was an instrument for reproducing the conditions which kept Aborigines subordinate.

Almost every aspect of Mission life seemed to presuppose a congenital inferiority of the Aborigines to the white. The brotherly approach was largely a cover - in most cases unconsciously so -for maintaining the status quo. Male Aborigines were trained by the Missions for competent and submissive work on the station and nothing more. The females for domestic work.

Exactly the same claim can be made of settlement schools. Those Aboriginal children who found their way into state school system were treated differently from the other students. Norman Cummins recalled not being allowed to join in school sports and being placed at the end of the classroom. In 1940 at the same school in Cloncurry, parents wrote to the minister and complained when an Aboriginal child was made a monitor and would have authority over white children. A few Aboriginal children who had the opportunity to attend private schools fared better than they would have in the state school system. Topsy

Hansen recalled that 'because my husband and I couldn't read or write, we made sure our girls ... had a good education. We saved our wages and sent them away to boarding school and they did well too'. It was a landmark in Aboriginal education when Mick Miller and Phillip Stewart both of Palm Island completed a regular program of teacher training in 1959 and took up positions in schools controlled by the Education Department.

Notwithstanding their important contribution to the cattle industry in Queensland, many Aboriginal workers were paid far below award wages in the 1960s. Although the committee inquiring into the well-being of Aborigines and Torres Strait Islanders originally had no intention of addressing this aspect, they did unexpectedly recommend that the exclusion of Aborigines from the Station Hands Award should be abolished. It is highly likely that the change in attitude came as a result of the submission made by Alec Macdonald, general secretary of the Trades and Labour Council. Dealing exclusively with Aborigines in the pastoral industry, the report was comprehensive, thoroughly outlining many facets of discrimination encountered by Aborigines in the industry. The submission was widely circulated and received very favourable comment. Barry Christophers, secretary of the wages and employment committee of FCAATSI wrote that in his opinion the document was of 'historic importance' believing it would 'set the pattern for trade union activity on this whole question throughout Australia'. When equal pay was finally introduced in 1968 after a number of smokescreens had been thrown up by the Department, there was a significant reduction in the number of Aborigines employed in the industry. However it was the female domestics who were the major casualties of equal pay in Queensland. With the removal of wives and children from properties, station life lost some of its appeal for those men left working in the industry. As a result many Aborigines willingly chose to move to alternative employment opportunities which emerged in the 1960s. Some of these were on missions.

Government Takeover of Missions

For a variety of reasons the Anglican church decided to hand over, to the state government, control of Yarrabah in 1960 and its remaining northern missions, Edward River, Lockhart and Mitchell River in 1967. The Presbyterian church relinquished control of Mapoon in 1963 and Weipa in 1966. With access to more funds, the government was able to embark on much needed improvements to these institutions. This in turn provided more work for local residents. However for Mapoon and Lockhart Aborigines, government control brought major changes to their lifestyle when it was decided to relocate these former missions to new sites.

At Mapoon which was located on land required by Comalco for bauxite mining, most of the services including the flying doctor, the supply boat, the local school and the store were withdrawn. Although some families did move, others refused to leave their homes until the department stepped in and set fire to nearly everything on the mission including homes, church, cookhouse, school workshops, butcher-shop and the store. Matthew Cooktown was one of the Mapoon residents relocated at Weipa. For him it was a most unsatisfactory move. He wrote that he and his family were unhappy there:

At Mapoon we could catch fish, turtle, duck, geese, wild pig. We could grow fruits and vegetables. Here at Weipa we must go a long way to hunt and fish and we may dig yams only when Weipa people will permit us. We have no country that is our own. We do not find Weipa people friendly. There are many quarrels and arguments ... Though DNA has provided us with a house for which we will soon have to pay rent we had received no compensation for our property [left at Mapoon].

At Lockhart it was the government's intention to transfer the entire population to Bamaga. When the Lockhart residents were informed of this plan, a significant proportion objected strongly to being moved so far away from their country. With the unfavourable publicity from the relocation of the Mapoon people, the government decided instead to rebuild near Iron Range which was closer. Nevertheless as Noel Loos has pointed out the shift 'caused great heartache because it dislocated the people from the previous mission site'.

Aborigines and Torres Strait Islanders Act 1965-67

With the recognition that the existing legislation needed to be brought into line with prevailing practices, the state government set up a special committee to review the situation in 1962; the recommendations from this committee were to be the basis for new legislation. When this was drawn up in 1965 Aborigines and Islanders were again brought under the same Act but the general thrust was away from protection towards assimilation. The concept of protectors was abandoned in favour of the term, district officers. Instead of police acting as protectors this job was given to the clerks of magistrate's courts. However in most country towns this was still the local police officer. The Director of Native Affairs became the Director of Aboriginal and Islanders Affairs, superintendents were to be called managers and the terms 'settlement' and 'mission' were to be replaced with 'community'.

Provision was made in Section 44 of the Act for Aboriginal Councils and Courts and under the Regulations of 1966, the structure of both institutions was to change. The Council on each of the designated communities was to consist of two assisted Aborigines to be appointed by the Director and two assisted Aborigines to be elected by residents. The council was to be responsible to the manager for the conduct, discipline and well-being of assisted Aborigines residing within the Reserve or community. It had the power to make By-laws, resolutions and orders for the well-being and progressive development of assisted residents. This appeared to be much more democratic than previously but in reality little had changed as the Director could remove any of the members of an Aboriginal Council and all By-laws had to receive the approval of the Director before they could be enacted.

Aboriginal courts which had attracted so much criticism because the superintendent was in effect both prosecutor and judge were, under the new legislation, to be staffed by Aborigines. Two Aboriginal Justices of the Peace, or, where there were less than two, the Aboriginal Council functioned as the court. The Court could hear and determine breaches of regulations and by-laws by assisted persons. Appeals in the first instance were to the manager who still substantially controlled the courts and he remained responsible for appointing Aboriginal police. Heather Wearne points out that their 'relationship to the manager was central to the administration of the community; the Aboriginal council had no jurisdiction'.

Most of the recommendations of the committee inquiring into the Promotion of the Well-Being of Aborigines and Torres Strait Islanders in Queensland were incorporated into the Act and Regulations. One that was modified considerably was the right of Aboriginal people to vote in state and local government elections. Up until 1965 all Aborigines and Torres Strait Islanders under the Act had been excluded. The majority of members on the committee agreed with the Director, P.J. Killoran's resolution that the most effective way of giving Aboriginal people the vote was by making provision for them to elect a representative of their own to the state parliament. This person would only have the right to vote on matters affecting Aboriginal issues. This compromise was no doubt worked out to placate shire councils such as Cook and Burke who were concerned that if Aboriginal people in their areas were given full voting rights, they would take over the shires.

By contrast the minority view was that equity and propriety in the implementation of the principle of voting could only be served by requiring all citizens, Australian, Aborigines and Torres Strait Islander to vote on the same general rolls. This view was strongly endorsed by the Queensland Council for the Advancement of Aborigines and Torres Islanders adding that 'any form of restricted voting implies a form of second class citizenship'. Members of the Queensland Aboriginal Advancement League also supported the minority view. The organisation cogently argued that 'it is against the policy of assimilation to treat Aborigines as a distinct group entitled to distinct representation'. In September 1965 amendments were made to the Elections Act to allow all Aboriginal and Torres Strait Islanders to vote in state and local authority elections.

This was an important step in giving Aboriginal people some control over their lives. Another significant change for the Queensland Aboriginal people in 1965 was the right to consume alcohol in hotels on an equal footing with all other Australians. This was not extended to communities apart from Palm Island where it was suggested a canteen be established to enable residents to learn how and what to drink.

In summary then, government policy with respect to the Aboriginal population had initially been one of protection and control when it was thought that they were dying out. When it was discovered that numbers were increasing the strategy became one of absorption into mainstream society through a policy of assimilation. By the late 1960s there was increasing awareness of the arrogance and ethnocentricity that underlay such a policy which would ultimately lead to the elimination of Aboriginal culture. At a federal level, the official Commonwealth policy became self-management.' In his party's policy speech in December 1972 Gough Whitlam stated that the basic object of Labor's policy was 'to restore to the Aboriginal people of Australia their lost power of self-determination in economic, social and political affairs so that they could take up as a distinctive and honoured component in the Australian society the position to which their rights as the first Australians entitle them'. These sentiments were endorsed by the Federal coalition which in its 1974 election policy stated that 'we recognise the fundamental right of Aborigines to retain their racial identity and traditional lifestyle or where desired, to adopt a partially or wholly European lifestyle'. In Queensland however the government still openly pursued a policy of assimilation and this was clearly discernible in the new legislation introduced in 1971.

Queensland Aborigines Act 1971; the Torres Strait Islanders Act of 1971

Once again the Aboriginal and Torres Strait Islander populations came under the jurisdiction of separate Acts of parliament, These bills, we are informed in the Annual Report for 1972 were the 'products of the work undertaken by the Advisory Councils' but as it has already been noted, Aboriginal Councils were still very much under the control of the manager. A major feature of the act was the abolition of the 'Assisted Aborigine' category. Objectionable terms such as 'full-blood' and 'strain or preponderance of Aboriginal blood' were dropped in favour of a less complex definition of an Aboriginal; 'a person who is a descendant of an indigenous inhabitant of the Commonwealth of Australia other than the Torres Strait Islands'. After years of living under the cloud of the Act, these cosmetic changes may have made little difference to Aboriginal people. In 1982 when an old Aboriginal man was asked if it was possible to borrow his 50 year old exemption certificate to copy, his response was 'No, no, the government might ask for it'.

The 1971 Acts dealt almost exclusively with reserves specifying who could and could not enter a reserve. An Aboriginal who wanted to live on a reserve indefinitely, or for a period of more than one month, had to apply to the Council chairman. A residence permit was then granted 'if and only if' the Council and the Director were satisfied that such residence was 'in the best interests of the applicant'. If a resident left a reserve, the permit was automatically terminated unless the departure was for a short-term. Whereas under the 1965 Act it had been difficult for residents to leave reserves, under the new legislation it became difficult to return. Garth Nettheim was concerned that there was a 'danger that any past repression in this matter may be superseded by a sense of insecurity'. In his opinion neither condition was conducive to achieving 'the confidence of citizenship'.

The Acts retained the concepts of Aboriginal Police and Courts. Assessing their operations on Yarrabah in 1976, anthropologist Daniel Craig was of the opinion that:

The essential problem on Yarrabah is that the community's bylaws, which the Reserve police and the local Justices of the Peace are bound to uphold, do not represent the community's mores. Rather they were introduced by the Department of Aboriginal and Island Advancement in 1965 and rubber-stamped by the Community Council This means that the Aboriginal J.P.s are using introduced rules and standards of justice to adjudicate local problems within the framework of an imposed court structure. Rather than help settle disputes, the Aboriginal Court and the Reserve police on Yarrabah often compound social tensions by interrupting the community's

informal settlement procedures, and imposing fines for behaviour which is offensive to western culture, e.g. 'obscene language', but integral to local means of conflict management.

Every Aboriginal on Yarrabah who occupies a position of authority established by the Aborigines Act finds it difficult to transcend family ties and act impartially. This is especially true of the Reserve police.

Conclusion

A large proportion of Queensland's Aboriginal and Island population has experienced institutionalism either on a mission or a government settlement or community. Although there were opportunities on some establishments to retain some of their heritage, generally the experience has been highly destructive of their culture. Subjected to so many changes, these people have been left insecure and unsure of their identity. Moreover state paternalism has saturated every piece of legislation dealing with Queensland Aborigines and Torres Strait Islanders. The effect has been to slowly extract any power that these people have had over their own lives. It is a situation to which four or five generations have been exposed effectively crippling initiative and self-esteem. The traditional authority of elders has been replaced with the authority of the state. For most Aboriginal people, the state was embodied in the local policeman who was their protector until 1965. This has meant that every day functions of their lives have been decided by the police whom Aboriginal people call 'bulliman'. In her autobiography Marnie Kennedy recalled that it was a name that suited them well. She knew an old man 'who died in fear of the bulliman. Old people used to shake violently whenever police or bulliman would be mentioned'. After 1965 the protector became the district officer who was generally the clerk of court. But in most country towns, this was still the police officer. This resulted in the situation where the police would arrest an Aboriginal. As clerk of court he would lay charges and as district officer would represent the defendant. At the same time, as a police officer he could represent the prosecution. It is small wonder that so many Aboriginal people found their way into jails off the reserves. With the system of Aboriginal courts and jails on settlements, it was even easier to be incarcerated.

* I wish to acknowledge the assistance of Associate Professor Noel Loos who kindly read this manuscript and made some recommendations which I have incorporated into this draft.

APPENDIX 2: QUEENSLAND ABORIGINAL CULTURES AND THE DEATHS IN CUSTODY VICTIMS

by

Paul Memmott

Aboriginal Data Archive University of Queensland

Introduction

This paper has two principal aims. The first is to provide a general cultural overview of Aboriginal people and societies in Queensland for the reader. A variety of descriptors will be employed with some reference to broad similarities and differences between groups and regions, and with an emphasis on culturally distinct characteristics.

In this brief excursion through Aboriginal Queensland, there is not space to deal with a substantial number of cultural systems or institutions in any way but the anecdotal. These omissions include religion,

government, politics, the judicial system, education, the arts, architecture and settlement. Nor will any reference be made to Aboriginal practices of 'health, hygiene and care about nutrition and economic welfare', things that, as Gibson points out (1987:5), unfortunately become too readily disenfranchised from the Aboriginal sphere of influence and relegated to the arena of non-Aboriginal 'applied culture' by many White outsiders.

The reason for this omission brings us to the second important aim of this paper. Because of the task at hand, there will be a focus on specific issues of cultural change and Aboriginal behaviour associated with the deaths in custody. Nevertheless some balance will be sought between positive and negative aspects of social life in Aboriginal communities.

In this paper, the term 'Aboriginals' will be used to mean both Aboriginal mainland dwellers and Torres Strait Islanders unless the context dictates specific differentiation. There is in fact very little attention given to the Torres Strait Island situation in this analysis due to there being only two deaths in custody of Islanders (Misi, Mau) out of the total of 27 deaths under consideration by the Commission. Although Island culture is quite different in many ways from Aboriginal cultures, the reader should bear in mind that the Aboriginal Issues Unit 85 believes the same pattern of social problems is emerging in Island communities as in mainland Aboriginal ones, and that it will only be a matter of time before it becomes as severe. Two other case studies which receive negligible attention herein are those of Wouters and Lorroway, due to the lack of clear identification of these individuals with any Aboriginal community or group.

The following sections largely pertain to the time frame 1970-1990, partly to preserve a sense of chronological continuity following the history papers, 86 but also to provide a broad temporal base from which to draw materials on 'contemporary' Aboriginal cultures. Although two decades may seem to be too broad a time frame to be categorised as 'contemporary', any narrowing of the sample period to 1985-90 or even to 1980-90 would eliminate much valuable research. The selection of this period is also dictated by the limited resources at hand for many regions and communities.

Some assistance has been obtained in preparing the ensuing materials from a number of Aboriginal consultants as well as the members of the AIU. However it should be borne in mind that the contents essentially represent a way of thinking about Aboriginal culture from a White person's viewpoint.

Use of the concept of 'culture'.

Throughout this paper the following broad working definition of 'culture' will be utilised:

The total pattern of human behaviour and its products embodied in thought, speech, action and artifacts and dependent upon man's capacity for learning and transmitting knowledge to succeeding generations through the use of tools, language, and systems of abstract thought

(Websters Third New International Dictionary).

Cultural products or elements may therefore consist of concepts and beliefs, speech, behaviour, and objects. Such elements are combined by groups and societies to form characteristic compound patterns and styles such as behavioural settings, languages, technologies, rituals, etc., and these in turn may be integrated into even more abstract, complex and higher-order cultural systems (or institutions) such as government, education, religion, social organisation, economy.

However the reader should bear in mind that the derivation of a useful model of 'culture' has been the subject of vigorous technical debate amongst anthropologists for some decades, and that one dominant

school leans towards a narrower ideational and cognitive definition. Thus according to Keesing (1987:68, 69) cultures comprise 'systems of shared ideas, systems of concepts and rules and meanings that underlie and are expressed in the ways that humans live'. Culture, so defined, deals directly with a complex set of ideologies, ideas and propositions about the nature of the world (Chase 1981:24).

Nevertheless, even when adopting such a narrow model of culture, one cannot meaningfully divorce it from its structural field which involves the same dimensions outlined above, of groups, behavioural patterns, material and technological products, systems of government, education, religious beliefs, etc. Although this narrow definition of culture may be technically useful for some types of anthropological research, a complete understanding of change in the world of Queensland Aboriginals requires that this field be considered in its widest dimensions, drawing in such diverse components as social organisation, government policies, alcohol consumption and psychological stress. Hence the terms 'culture' and 'cultural change' will be used and applied herein using this broad sense.

The reader should also note that the current theory on culture presupposes that all humans have undergone a process of enculturation. Although cultural traditions may be destabilised or totally destroyed, humans, in order to survive, invent or adapt other cultural elements or systems to augment or replace them. Thus, as Langton points out whilst referring to urban Aboriginal communities, 'all humans have culture ... [and] culture is the prerequisite for humaneness' (Langton 1981: 16).

A further common feature of human groups and their cultural traditions is the acquisition and use of distinct forms of self-identity by individuals. Identity is acquired through processes of enculturation and concerns the processes by which individuals and groups develop notions of how they are made up and how they are related to or bounded from one another. Such notions are usually based on personal and group associations with a number of cultural elements that take on a symbolic meaning. There is thus a direct relationship between the cultural environment of an individual and his/her self-identity.

Queensland Aboriginal Social Organisation

Traditional or pre-contact Aboriginal societies are characterised as employing a number of integrated structures or sub-systems of social organisation. The types and combinations varied across the State. Broadly speaking they can be broken down into (a) kinship, (b) class systems, (c) local groups and (d) cultural regions, for the analytic purposes herein. These social structures constituted complex cultural patterns which influenced, in various ways, most aspects of everyday behaviour.

- (a) In Aboriginal Australia, kinship was and in most communities remains the basis of, and the articulating force behind all social interaction. All persons in a society are allocated a kinship position using a limited number of kinship terms and placed along a continuum of social closeness.

Traditional Aboriginal kinship also involves many rules of socially prescribed behaviour between various categories of kin, so much so, that kinship pervades all aspects of social living in traditionally oriented contexts. In northern and western Queensland (and possibly elsewhere) for example, individuals employed four distinct styles of behaviour towards four respective divisions of the other members of the society based on kinship principles. There was one set of kin with whom one had to display avoidance behaviour. This involved such mechanisms as avoiding face-to-face contact, not speaking to one another and avoidance of one another's domiciliary space. A second category 'restraint' entailed restricted social intercourse, i.e. no body contact or joking, no direct conversation (only a minimum of indirect conversation), and no direct passing of food or other objects by hand. In this category is included 'moderate' behaviour, where a person could touch or joke with the relative concerned, but could not talk fully and directly with them, sit close to them or pass food. The third category, 'lack of restraint' involved none of the previous restrictions, whilst the fourth, 'joking', permitted bodily contact, bantering, horseplay and the exchange of obscenities.

- (b) The class systems involve categories such as moieties (two classes), sections (four classes) or subsections (eight classes). These represent further sub-systems of social organisation used in various parts of the State in variant forms but in all cases involving the categorisation of people into a limited number of classes. Kinship relations are assigned between the various classes despite the fact that many people may not be related by blood or marriage. Thus all people in a society and within an entire region will be related through the use of such a sub-system.

In the northern-most portion of Cape York and in the Torres Strait Islands, there appear to have been no class divisions. In the southern portion of the Cape there existed patrilineal moieties (two-class systems). In the far north-west of the State, including the areas from which the Doomadgee and Gununa (Mornington Island) community populations are drawn, a patrilineal subsection system operated (eight classes). Throughout the remainder of the State, section systems were employed (four classes). (Berndt and Berndt 1977:55-57.)

- (c) Local groups are groups who had (or still have) a strong attachment to defined tracts of land. The attachment of such sociogeographic units may be either (a) economic, in terms of the extent of country used for hunting and gathering, (b) religious, in terms of an aggregate of sacred sites for which the group maintains ritual responsibility, or (c) defined partly or wholly through the spatial extent of usage of a dialect or language.

Economic groups are usually termed 'bands' or 'hordes' and were the land occupying and utilising groups. Religious groups are usually structured through descent (e.g. patrilineally or matrilineally) and are the land-owning units; often called local descent groups, lineages or clans. For example, throughout most of Cape York, the Torres Strait Islands and far North-West Queensland there were and in many cases remain patrilineal land-holding clans which controlled definable estates.

Language or dialect groups are more nebulous, particularly due to multilingualism, but when associated with some additional social or environmental properties (e.g. use of a common name, ethnocentric behaviour, territorial prescriptors) they may take on a fixed sociogeographic definition. In some such cases the term 'tribe' may then be applicable to such units. Tindale (1974) estimated that there were some 220 tribes in Queensland living in territories ranging from 600 to over 40,000 square kilometres. Tribes, according to Tindale, were groups of about 500 persons who shared a common language and were an interacting and intermarrying unit. The applicability of the concept of the tribe has been challenged by anthropologists in parts of Cape York and Tindale's figure is probably an overestimate (Anderson 1986:299).

- (d) The language groups or so-called tribes were not isolated entities, but interdependent in many ways. Peterson (1976), has argued for wider units of population classification in pre-contact Aboriginal Australia, and developed the concept of the 'natural-cultural area or region'. These regional units are determined by a combination of water availability, drainage basins, vegetation types, topographical features and cultural features. Peterson makes a tentative division of Queensland corresponding to (i) Cape York west, (ii) Cape York east, (iii) southern Gulf of Carpentaria drainage basin, (iv) Atherton Tableland rainforest region, (v) Lake Eyre drainage basin (south-west), (vi) upper Darling River drainage basin (central southern), (vii) coastal Queensland (south of the Atherton Tableland and east of Dividing Range). To these can be added, (viii) the Torres Strait Islands. Within each of these regions Peterson argues that there developed a distinctive cultural style due to the frequency of population interaction and cultural exchange over many generations, and due to the role of natural features such as arid areas and mountain ranges in minimising the relative frequency of interaction between regions.

Although this model needs yet to be tested in detail for pre-contact Queensland, it is also possible to formulate a parallel one of contemporary cultural regions for Queensland. This will be expanded in due course.

The cultures of pre-contact Aboriginal Queensland contained important commonalities. These included religious, land-holding, political, legal and behavioural systems based on the philosophical concept of the Dreaming, as well as technologically simple but highly efficient material cultures, and complex social organisations of an acephalous nature (after Langton 1981:26). Other commonalities included distinctive types of kinship systems, and the complex application of principles of individual and group reciprocity to socio-economic and religious behaviour. The environment was humanised and personalised, and through totemism, individuals and groups maintained a diverse range of links with it.

Language change in Aboriginal Queensland 87

The calculation of the number of traditional languages in pre-contact Queensland is made complex by the technical difficulties of differentiating between the linguistic categories of dialect and language, and by the disappearance of many of these forms before their adequate research. There were at least 50 distinguishable languages and possibly up to 100 languages spoken in the middle of the last century, together with their constituent dialects. (Dixon 1980: xviii, Rigsby, p.c. 02/07/90). Today, no more than half of the original Queensland languages have survived in any form (inc. written), but of greater significance, none are in good health as community-based spoken languages. No languages have been learnt by children in communities as a first language in recent years. (Rigsby, p.c., 02/07/90.) An exception here may be at Aurukun where Wik Mungkan has become a type of lingua franca amongst groups who have different primary indigenous languages (Martin Ts, 29/08/88).

Nevertheless, in many communities Aboriginal languages may be used as a second language, by older individuals particularly. Even in South-East Queensland where culture contact has been most prolonged:

... The indigenous Aboriginal languages (such as Gooreng Gooreng, Waka Waka, Wooli Wooli, Kabi Kabi and Batjala) are still spoken in some restricted contexts, mainly by older people. For several generations people were actively discouraged from, and on some government reserves even punished for, using their Aboriginal languages.

(Eades 1988:101.)

In Queensland today, most Aboriginal people speak styles of Aboriginal English.

Aboriginal English is the name given to dialects of English, spoken by Aboriginal people, which are largely mutually intelligible with Standard English. The differences are systematic and rule-governed, and they occur in all areas of the language: phonology (or sound system), morphology and syntax (or grammar), lexicon (or vocabulary), semantics (or the meanings of words and sentences), and pragmatics (or the use and meaning of language in context).

(Eades 1990:6.)

The context of use may demand that different styles of Aboriginal English are employed. Thus many Aboriginal people are competent users of a number of varieties of English which they select dependent on whether they are amongst predominantly non-Aboriginal people, or predominantly Aboriginal people, or within other types of structured social contexts. There is also considerable variability in the styles of Aboriginal English employed throughout the State. (Eades 1988:100.)

Similarly, Torres Strait Islanders speak Torres Strait Creole or English.

Language change is but only one form of cultural change in Aboriginal Queensland.

Cultural Change

When analysing cultural change, theoretical distinction is made between those cultural elements and patterns that have been retained and those which have been lost, those imposed or acquired from the invading colonialists and other migrant groups, those created or adapted from the old and the new, newly invented elements or patterns, and the re-incorporation of old elements or patterns after a period of disuse.

If one analyses the changes amongst specific groups of Aboriginals and Islands across the State in such a 'nut-and-bolts' manner it will readily be revealed that such groups have undergone change indifferent ways, both quantitatively and qualitatively. Thus the peaceful activities of missionaries in parts of Cape York who directed change according to concepts of Christianity, had a totally different impact compared to the violence of the Native Police in the Cloncurry District. Much cultural change has been externally imposed, often forcefully, by the colonial invaders and subsequent immigrants, and by the agents, and administrators of the governments and institutions which these people established. Given that the pre-contact Aboriginal cultures of Queensland had numerous diversities, and that the processes of change have differed in the various parts of the State, it is not surprising that there exists significant variation in the cultures of Aboriginal Queensland today.

A further variable in the change process was the temporal depth of culture contact between the Aboriginals and the immigrants across the State, dependent on the movement of the frontier. For example, there are substantial cultural differences between (i) the Nunakal of Stradbroke Island, a community who today live in urban settings at Dunwich and Brisbane and whose sustained contact histories commenced in the 1820's, and (ii) the Kayardilt of Bentinck Island in the southern Gulf of Carpentaria who maintained a traditional lifestyle of hunting, fishing and gathering up until the 1940s when they were removed to the Mornington Island Mission, but who have re-established an outstation in their homeland during the last decade.

Such differences in the social products of change are thus not only due to the variation between the original pre-contact cultures but also due to the different political policies, economic motives and ideological orientations of the various immigrants and their government and church agencies, who impacted upon these Aboriginal groups in distinctly different historical periods. It is therefore not possible to explain culturally and historically all contemporary Aboriginal cultures and behaviours in Queensland with a single succinct model. At best, this paper can only provide an overview of the some of the more widespread and better understood processes that seem relevant to deaths in custody.

Fortunately for the analysis, a number of these processes stem from Queensland Government policies and methods which had wide application and thus lend themselves to consideration across the State. A key theme which will be examined in the following pages will be the relation between cultural change and loss of social control. In focussing upon this relation, reliance will be placed on the following theoretical arguments concerning the nature of these processes.

In all societies and communities, there occur internal cultural changes, albeit at varying rates. There also exists a lack of precise fit or correlation between the idealised perception or model of a cultural system as conceived and desired by a society's members and the social reality which is itself undergoing change. However the institutionalised systems of a society (government, law, politics, religion) will be oriented to maintain some acceptable level of social control through a variety of mechanisms. Such mechanisms include overt power structures, the checks and balances of overlapping allegiances, processes of enculturation, and other individual or group pressures directly applied to those perceived to be deviant or needing instruction concerning the norms of the group. Whilst forms of behavioural expression are

making a contribution to a group's needs and self-definition, and conforming more or less to its idealised modes of behaviour, a certain acceptable stability will be maintained in the society, both in terms of the close congruence of idealised and actual behaviour, and in regard to the application of social controls and the minimisation of deviant behaviour. The members of the society because of their shared ideals and symbols will also maintain and commit themselves to group identity systems, reinforcing their solidarity within their social structure.

However if the group or society experiences persistent forces of cultural change either incurred from discrete sources within or from without, so too must the ideational and institutional aspects transform, either in a self-corrective mode to effectively resist the change or in an adaptive mode to accommodate the change. (After Keesing 1987:384.) Thus the culture may transform in a self-directed and self-correcting manner.

If this is not achieved, significant portions of the ideational system may lose their meaning and relevance, the mechanisms of social control may fail in various ways, and forms of non-conformist, deviant and socially destructive behaviour may eventuate in opposition to the status quo. In situations of extreme change, the institutional systems may not be able to maintain the necessary stability to achieve acceptable social order. In periods of gross instability it is expected that human stress will also be maximised as personal needs are not fulfilled, and that individuals will become even more susceptible to enacting antisocial or anti-institutional behaviour. Systems of individual and group identity will similarly be stressed and may be attacked, rejected or revised.

It is hypothesised that it is precisely such an unstable cultural state which has resulted in widespread forms of self-destructive behaviour in Aboriginal Queensland, and which has contributed significantly to the current phenomenon of deaths in custody.

To provide a framework of cultural change in which to consider this hypothesis, samples of data will be provided from Aboriginal Queensland on the following interconnected themes in this argument, (a) changes in social organisation, control and behaviour; (b) arising forms of social disorder and stress; (c) modes of self-destructive behaviour. In terms of the first category, changes in social organisation, it will be argued that, in general, these have either been directly or indirectly caused by the processes of colonisation and the institutionalised control of Aboriginal people.

Every system of social organisation incorporates its stress-lines, contradictions and conflicts as well as its more coherent parts, its modes of integration and reinforcement. The less coherent aspects provide a vulnerability to the forces of change. (After Keesing 1987:372.) By purposefully or accidentally selecting existing or potential stress lines in the traditional forms of social organisation, government and church agents transformed the social order of Aboriginal societies, but in so doing, were unable to reconstruct a new and ideal social order. Rather, they were left with so-called 'communities' in different stages of social transformation with corresponding levels of social disorder and stress. It is argued that these agencies have in many cases been unsuccessful in repairing such disorder, both in earlier and more recent decades, despite repeated attempts to do so through shifts in policy and on-the-ground manipulation of cultural variables.

Description will immediately follow concerning one of the most formidable methods of disintegrating the old cultural order, the State Government's policy of removalism. Other methods of breaking down the traditional social organisations and controls will be dealt with in due course.

In the following pages careful consideration will also be given to the consumption of alcohol, one of the introduced cultural elements to Aboriginal societies. Since at least half of the deaths in custody victims were intoxicated when placed in custody, the role of alcohol must be at least circumstantially or contextually linked to such deaths, if not directly linked. To pursue this relation between drinking and

death, the behavioural styles of drinking in various Aboriginal communities will be examined throughout this paper. Later analysis will aim to indicate how certain of these social drinking styles play a contributing factor to deaths in custody. This material may also be useful for formulating recommendations concerning community-based programmes to socialise specific preferred styles of drinking behaviour.

Removalism and migration

A key to understanding and explaining many of the above issues is the State policy of removalism which was described before. The broad population movements and resultant communities are described in Table 1 and Figure 1. Anderson's analysis of the geography of removals (1986:302-306) indicates that the major receiving centres for removals (or 'population sinks') were Cherbourg, Woorabinda and Palm Island. Yarrabah should also be included here, since as Craig (1979:70) points out, this place became a repository for mixed bloods to help solve the 'half caste problem', and after 100 years of institutionalisation there was an admixture of 30 different tribes. Secondary centres to which smaller more localised populations were sent were Hopevale, Weipa South, Mornington Island, and the Northern Peninsula Area. (The last destination now consists of Bamaga and its satellite townships of Injinoo, New Mapoon, Umagico and Seisia.) The population of the other reserve communities was largely made up from the local indigenous tribespeople.

Table 1: Major Aboriginal and Torres Strait Island 'Reserve communities' in Queensland, 1984 (from Anderson 1986:306)

Name	Pop.* *	Admin.	Date founded & original Admin.	Area (Ha)	Major geographic origin of residents
Cherbourg	991	Qld Govt	1904 Qld Govt	2,808	Major receiving centre for removals (SQ, SWQ, Central Coast, SEQ)
Woorabinda Doomadgee	549 1,062	Qld Govt Qld Govt	1927 Qld Govt 1931 Brethren	21,760 145,656	Major receiving centre for removals (SWQ, Central Q, Central Coast) Local population (NWQ, Gulf Country)
Palm Island	1,335	Qld Govt	1918 Qld Govt	6,253	Major receiving centre removals (Central CYP, farwest Q, NWQ, SWQ, North Coast Q)
Yarrabah	1,420	Qld Govt	1891 Anglican	15,435	Local pop. & some removals (Cairns area)
Wujalwujal	248	Lutheran	1957 Lutheran	103	Local pop. (Annan R. & Bloomfield R.)
Hope Vale	552	Lutheran	1885 Lutheran	16,973	Local pop. & some removals (Cape Bedford, Cooktown to Laura area)
Kowanyama	870	Qld Govt	1904 Anglican	259,000	Local pop. (Mitchell R. & Gilbert River area)
Edward River	420	Qld Govt	1936 Anglican	466,099	Local pop. (Holroyd R. & Coleman River areas)
Northern Pen. Area*	1,339	Qld Govt	1960s Qld Govt	39,462	Local pop. & some removals (far north CYP, central CYP)

Weipa South	618	Qld Govt	1891 (old Mapoon Presb.)	119	Local pop. & some removals (NWCYP)
Lockhart River	394	Qld Govt	1924 Anglican	313,500	Local pop. (NECYP)
Aurukun	821	Local Govt	1904 Presbyterian	750,320	Local pop. (Archer R., Kendall R. areas)
Mornington Is.	708	Local Govt	1905 Presbyterian	119,200	Local pop. & some removals (Bentinck Is., Burketown)
Bolgu Is.	391	Qld Govt	Anglican***	8,294	Local population
Davan Is.	94	Qld Govt	Anglican	324	Local population
Saibai Is.	210	Qld Govt	Anglican	9,800	Local population
Stephens Is.	33	Qld Govt	Anglican	324	Local population
Darnley Is.	171	Qld Govt	Anglican	376	Local population
Yorke Is.	131	Qld Govt	Anglican	168	Local population
Murray Is.	204	Qld Govt	Anglican	486	Local population
Yam Is.	110	Qld Govt	Anglican	144	Local population
Mabuing Is.	132	Qld Govt.	Anglican	647	Local population
Badu Is.	302	Qld Govt	Anglican	164	Local population
Moa Is.	95	Qld Govt	Anglican.	14,566	Local population
Warraber is.	160	Qld Govt	Anglican	324	Local population
Hammond Is.	135	Catholic	Catholic	1,550	Local population

* Includes Bamaga, Injinoo (Cowl Ck), New Mapoon, Umagico, Seisia.

** Figures from DAA 1983.

*** No dates given as villages existed prior to missionary arrival in 1871.

In terms of the destruction of social organisation, the greatest impact was on (a) those people who, despite surviving the destructive forces of the 19th century (diseases, Native Police, etc.), were then sent to the four major receiving centres, and (b) upon those remnants who were left in the areas in which the greatest depletion of population had occurred. Families were split up, children taken from their parents, and leaders separated from their communities. The future of land-based clans was limited, once removed from their territories. Patterns of long-standing reciprocal relations between groups, involving exchanges of ritual work, marriage partners and economic surpluses, quickly broke down. Kin were scattered between distant centres.

The retention of aspects of traditional social organisation in those communities experiencing minimal removalism, is by comparison high, but varies depending on local government, police and mission policies and the vigour with which they were implemented. (Note that the above does not imply that certain groups are in some way relatively 'culture-less', for as pointed out before, further cultural elements and patterns have been acculturated, adapted and/or invented.)

It was not until the advent of the 1971 Queensland Aboriginals Act that widespread relaxation occurred of the mechanisms formerly preventing Aboriginal people from leaving reserve communities. The result was, throughout the 1970s a gradual drift of some rural people to regional centres. Urban Aboriginal populations expanded in Mt Isa, Cairns, Townsville, Rockhampton and Brisbane. A second result of the relaxation on movement was an increased frequency of travel from home communities along the east coast between the population sinks of Yarrabah, Palm Island, Woorabinda, Cherbourg and the associated regional centres, (Cairns, Townsville, Rockhampton, Brisbane) since many people had relatives distributed in many or all of these places. Once again this north-south coastal distribution of kin was brought about through the application of the government's removalist policy which included the splitting up of tribes between different centres.

An example of this pattern of dispersal of kin is evident at Yarrabah where social links are maintained to the reserve communities of Hopevale, Palm Island and Woorabinda, and to various rural and urban centres along the coast e.g. Cairns, Gordonvale, Townsville, Innisfail, Rockhampton (Taylor et al 1989:12). There are some outstanding examples of high mobility along the east coast by several of the deaths in custody victims. When West of Cherbourg was released from Westbrook in 1985 (age about 15 or 16), he was said to be very mobile, moving between Cairns, Brisbane and NSW. When age 20 (1973), Pilot received his first conviction for breaking, entering and stealing (chocolates and cigarettes from the Cherbourg store), he travelled to Townsville, Palm Island, Charters Towers and thence made his way back to his home town of Quilpie before residing in Brisbane.

Such movement to regional centres facilitated the open consumption of alcohol by the former Reserve people during the 1970s, a new experience for many.

Further breakdown of social structures and social controls

As well as removalism, a number of other active forces have been at play during this century in breaking down Aboriginal family and clan structures in many parts of the State, as well as the larger-scale structural forms.

A second destructive force was the dormitory system operating in both government and mission reserve communities (ACC 1990:2, Taylor et al 199:2). Children were separated from parents for most if not all their childhood, and this prevented family processes of enculturation and socialisation. Young women were often kept away from their families until they were well into their twenties and until a marriage partner for them had been approved by the settlement manager or superintendent. Persistent employment of these mechanisms over several generations, combined with directives concerning desirable and undesirable behavioural practices by reserve authorities, led to a breakdown of many behavioural norms including kinship practices and responsibilities. Since the arranged or approved marriages were often at odds with the traditional kinship and class rules which prescribed eligible categories of marriage partners, such changes also represented a loss of control by elders and further breakdown in the traditional social forms (characterised for example by intermarrying moieties).

A third element of destruction of Aboriginal social organisation was that the political and disciplinary powers of elders were weakened in all communities, and virtually destroyed in many. (ACC 1990:3, Anderson Is: p. 256, 21/09/88, QDVTF 198:258.) It was inevitable that settlement managers had to wrest power from traditional leaders to effect the social changes prescribed by their doctrines or policies. For example at Mornington Island which lies within the Australian subincising/circumcising groups, male initiation was banned as were polygamous marriages (Memmott 1979:333). Unless senior men were prepared to forsake their traditional religious beliefs and join the Church elders, they found themselves in marginal political roles in the community by the 1950s, or else on Palm Island. The loss of initiation ceremonies in itself represented the destruction of a component of social structure which had tied categories of men together in types of exclusive 'clubs' or sects.

This loss of social control by elders also stems from the erosion of values concerning the ideology of traditional social structures, the qualities of leadership and the desirability of social control. Continually one hears complaint today that young people in communities have no respect for their elders or for the Aboriginal Law.

A contributing factor in more recent years has been the persuasive power of television. The AIU have received a number of complaints concerning the adulation of violence enculturated from television viewing. Children are said to live in a 'Rambo' world. This is felt to be contributing to family breakdown.

The weakness or absence of social structure and strong community leaders, and the lack of support from adults for token or unempowered leaders, results in an inability of a community to effectively address and solve major social problems or to maintain social order. This situation has been made worse by the introduction of alcohol into the majority of communities in recent decades. It is also paralleled by an increasing proportion of young people. A recent ABS report on Queensland families stated that while:

... less than a quarter of Queenslanders were children under 15 years, 40 per cent of Aboriginal and Islanders were in this age group. Only 2.8 per cent of Aboriginal and Islanders were aged 65 years and over, compared with 10.8 per cent of the total Queensland population.

(Queensland Department of Family Services 1989: 12.)

Thus Martin (1988a:13) argues that the breakdown of child nurturing and socialisation mechanisms in many Aurukun extended families has been exacerbated by the high proportion of the community under 20 years of age.

Weakness in political leadership at the community level is paralleled at the State level where constructive, Aboriginal-initiated change is also urgently required (Weatherall 1989:3-6).

An example of removalism - the case of deaths in custody victim, Vincent Roy Ryan

Ryan's case is particularly significant because, in the first place, it demonstrates how the combination of the dormitory system, indentured labour and removalism combined to cause the breakdown of indigenous social organisation, and in particular that of the nuclear family; secondly it demonstrates the punitive mechanism of 'repetitive removalism' within the Reserve and wider State institutional system.

Ryan's father was a member of the Birrigubba people of the Bowen area who, in 1918 were removed to Palm Island. Ryan's maternal grandmother had been sent to Palm from the western border town of Camooweal, whilst his maternal grandfather was from Cooktown. Ryan's father was sent from Palm to Woorabinda when Ryan himself was still an infant, and this was the end of their relationship. Ryan spent his early years in the Palm Island dormitories and with his auntie's family, and was said to be a good boy.

In 1957 (age 12) Ryan's mother and stepfather took him to Doomadgee. He was placed in the boys' dormitory at Doomadgee, whilst his mother and her spouse were sent out to employment on Nardoo Station, to the south-east, on the Leichhardt River. These events appear to have had a stressful impact on young Ryan who responded with reactionary behaviour. The abrupt isolation from the family and community to which he had become attached, resulted in his gaining an immediate reputation of being a problem child and a disturbing influence on other children. He defied the dormitory rules, refused to perform tasks as directed, attempted to abscond, and indulged in his first breaking and entering activities. It was probably not inconsequential that the Doomadgee dormitory system was one of the most strict if not the strictest in Queensland. A report in 1950 had said the inmates were 'the cleanest, the best fed and the best housed,' but also 'the most severely restrained,' and 'indistinguishable from slavery.' As late as the early 1970s the missionaries were accused of 'inhuman conduct' for their treatment of their inmates. (Trigger 1985:197-200.)

In 1959 Ryan was sent back to Palm Island under Native Police escort by the Superintendent without consultation with his mother, who was prevented by State Government agencies, much to her lifelong distress, from seeing her son. It was reasoned that this action of separation would place him under institutional control until his rehabilitation had advanced sufficiently for him to settle down.

In 1959 Ryan was escorted back to Palm Island by Native Police for 'rehabilitative' treatment. Ryan then committed several acts of so-called 'indecent behaviour' and theft, and was placed in the Palm Island Boy's Home. A year later, after a further string of misdemeanours against the strict institutional system, he was accused (but never proved in a court) of molesting the European overseer's daughter in her home. As punishment, he was removed to Woorabinda in late 1960, again escorted by Native Police, and there accommodated in the single men's quarters where he had no relatives or acquaintances.

Early in the following year he was caught in a staff member's house where he said he was attempting to find a car key so that he could steal a car. Police asked the Director of the Department of Native Affairs, if he wished to have Ryan prosecuted in the children's court to set an example, and he agreed. Ryan was prejudicially convicted of 'aggravated assault on a female', with neither any defence, nor the company of any relative. It remains unclear as to the substance of this charge. He was accused of subnormal mentality and committed to Westbrook Farm Home. After making some escape attempts from Westbrook, Ryan was placed in the Security Unit under psychiatric observation. After further disobedience, he was confined to maximum security. In late 1962, Ryan damaged some property and threatened a warder who attempted to search him. He was immediately certified and admitted to a mental hospital at Ipswich. Ryan was said to be psychopathic, mentally deficient and uncontrollably violent.

When three years later after a period of good behaviour, a psychiatrist attempted to discharge Ryan, the Department of Native Affairs resisted such an action, claiming it had no suitable facilities in which to accommodate Ryan (now aged 20). Nor would officers of the Department of Native Affairs agree to provide Ryan with funds which he requested to pursue both a course in art and a hobby of photography. In short, there were no therapeutic measures based on constructive self-rehabilitation. Ryan was not allowed out of mental institutions in the Brisbane area until 1970.

The chances of Ryan retaining or recovering any sense of behavioural normality after this sequence of experiences must have been incredibly minute. His nine years of uninterrupted incarceration were accompanied by a rising tide of discontent, frustration and despair. The actions of the State not only failed to rehabilitate Ryan, but appear to have caused and exacerbated his behavioural instability. Throughout his period of 'treatment', his mother's repeated written pleas to restore contact with him were rejected by the authorities, and there was negligible communication with his family concerning his treatment. Ryan appears to have been 'set up' by the Palm Island and Woorabinda authorities to rid him from their institutions, by using their removal powers and providing a simple and convenient diagnosis of abnormal psychotic behaviour. There seems to have been no attempt to assess his mental state as a reaction to a culturally abnormal and stressing set of conditions. Thus Ryan's route through the institutions of the State ultimately led to the State's capital. However his path did not end there, but was to run a further course of crime, until 1985, when he died in prison in Townsville.

As one Palm Island resident concluded:

... no wonder Groovy [Ryan] got into mischief and trouble in those places where he was amongst complete strangers ... If a person got into trouble, it didn't matter what age, what the Department did was simply to send them somewhere else. That was good enough punishment. That was the cruel thing they did

Exhibit QQ45

Classification of community types

Within the repertoire of Queensland population centres, there are a number of specific types of settlements and communities, which because of their nature, affect cultural forms and expression. These community types are as follows:

- (i) urban communities in the metropolises of Brisbane, Gold Coast and environs;
- (ii) urban communities in the regional centres of Cairns, Townsville, Rockhampton, Mt Isa;
- (iii) communities in rural towns, including 'fringe settlements' or town
- (iv) the 'reserve communities', originally on Aboriginal Reserves for the better part of the century, but now with land tenure of Deeds of Grant in Trust, or in the case of Mornington Island and Aurukun, Aboriginal Shires. These communities will be referred to herein as either 'reserve communities' or sometimes as the 'DOGIT communities'(post 1986). They constitute Aboriginal townships in their own right. These are the communities listed in table 1 to which Aboriginal people were removed and where they were institutionalised under the various Acts.
- (v) outstations consisting of small groups economically and socially linked to a resource base, usually a reserve community or possibly a rural town.

Most of the reserve communities are to found in the Cape York and Torres Strait Island regions, with two in North-West Queensland, and several in the eastern coastal areas. Despite the State Government's policy of assimilation, the reserve communities remain legally and geographically set apart and distinctive from the rest of Queensland:-

In socio-economic terms the communities are ... different from like-sized European rural towns in Queensland. Housing conditions and facilities, and the health status of residents, are all very different from that for other Queenslanders. Financially, the communities are almost wholly the product of government subsidy. Unemployment is almost twelve times that for rural Queensland in general, while personal incomes are less than two-thirds and there seems no prospect of local industries which might alter the situation.

(Anderson 1986:311 .)

It should be noted that the term 'community' is only used loosely at this point. It does not necessarily imply political unity or social cohesion. Examples will be provided in due course of so-called 'communities' whose internal social structures are characterised by political divisiveness and factionalism.

Contemporary cultural-geographic regions

Most of the Aboriginal population of Queensland is clustered into regional groupings, in many cases consisting of a number of relatively proximate and sizeable communities separated by areas with very small or negligible Aboriginal populations (0-80 persons per centre). 88 A tentative list of such regions is shown in Table 2. The table also shows the relationship of these regions to the statistical divisions used by the Australian Bureau of Census and Statistics.

REGIONS FOR ANALYSIS	APPROXIMATELY CORRESPONDENCE	POPULATION CENTRES OVER 5000	POPULATION CENTRES 1000-5000	POPULATION CENTRES 300-1000	POPULATION CENTRES 80-300	OTHER KNOWN POPULATION CENTRES	N
1. South-east Queensland	Brisbane and Moreton	Brisbane (RC)	Ipswich		Gold Coast (Qld) Stradbroke Is., Beaudesert	Caboolture	

2. Southern Central	Most of Pop'n in			Toowoomba (RC)	Dalby, Roma, Mitchell	Augathella, Chinchilla, Mt Tyson, Oakey, Goomungee	Organis east-we and air l
3. Southern border, Upper Darling Basin	part of South-east				Dirranbandi, Thallon, St George	Daymar	Links int centres Goodoo
4. Southern border, Upper Darling basin highland	part of South-west					Nobby, Warwick, Yelanban, Stanthorpe, Inglewood	Of doub propertie cultural link into
5. South-west Qld	part of South-west			Cunnamulla (RC)	Quilpie	Eulo, Thargomindah, Wyandra, Windorah	Links wi centres Bourke. overlaps Goodoo
6. Far South-west						Birdsville, Bedourie, Betotta	Links to Birdsville
7. Mary and Burnett River basins	Wide Bay/ Burnett		Cherbourg	Bundaberg	Maryborough (RC), Hervey Bay, Eidsvold, Gayndah, Gympie, Murgon	Nambour, Toogoolawah, Wondai, Childers	
8. Fitzroy River Basin	Fitzroy		Rockhampton (RC)	Gladstone Woorabinda	Theodore, Duaringa, Mount Morgan	Biloela, Springsure, Blackwater, Bluff, Dingo, Duaringa, Emerald, Clermont	
9. Central Queensland	Central West			Charters Towers	Barcaldine, Winton, Hughenden	Julia Creek, Richmond, Longreach	Towns o central r Charters closely li Townsvi
10. Northern Coastal	Mackay and Northern Coastal	Townsville (RC)	Mackay, Palm Island	Bowen, Ayr, Ingham	Sarine, Mirani	Cardwell	
11. Far Northern Coastal	Part of Far North		Cairns (RC), Yarrabah	Tully, Innisfail, Gordonvale, Mareeba, Kuranda, Mossman, Hopevale	Murray Upper, Kennedy, Ravenshoe, Mt Garnet, Chillagoe, Babinda, Deeral, Edmonton, Atherton, Mossman, Gorge, Wujal Wujal, Cooktown	Laura, Tolga, Redlynch, Yungaburra, Herberton, Malada, Kennedy, Silkwood, & numerous smaller centres	Incorpor Atherton and coar rainfore region is of the fo
12. Cape York	Part of Far North and North-west		(Cairns)	Kowanyama, Edward River, Aurukun, Weipa South, Bamaga,	Coen, Seisia, New Mapoon, Umagico, Cowal Creek	Aurukun out-stations	Cairns is centre fo and the region. E nearby c

				Lockhart River			linked to
13. North-west Qld	North-west		Mt Isa (RC)	Mornington Island, Doomadgee, Normanton, Cloncurry	Burketown, Camooweal, Dajarra, Boulia	Urandangi, Kajabii, Bentinck Island Outstation, Doomadgee Outstation	Norman into Cap overlap Cape Yo
14. Torres Strait Islands	Far North			Boigu Island, Badu Island, Thursday Island (RC)	Dauan, Saibai, Darnley, Yorke, Murray, Yam, Coconut, Mabulag, Moa, Warraber and Hammond Is.	Stephens Is. Prince of Wales Island	Cairns is regional

RC = Regional Centre

NB: Population size data drawn from the map 'Aboriginal Land & Population 1980' by Division of National Mapping, Canberra, from Anderson (1986:306) and Trigger (1983:fig 1). As the data in some of these sources is not always consistent, the categories of population size should be regarded as an approximate guide.

The idea that a number of Aboriginal communities or settlements in a sizeable region may be analysable as a type of contemporary cultural unit seems to have been first advanced in analyses of western New South Wales in the 1950s and 60s by Beckett (1958:128, 129; 1965:9, 16-20) and later by Vallance (1970). These researchers found a pattern of regional travel generated by kinship networks. The distribution of an individual's kin generated for that person a 'beat' ... a set of places which he or she could visit and expect to obtain hospitality and economic support if necessary. It was also within such a beat that a person would most likely find their spouse.

Working independently of these researchers, Memmott in 1973 encountered a similar type of unit in North-West Queensland which he called a contemporary geographic cultural region after Peterson's terminology (Memmott and Mainwaring 1973, Memmott 1973). Memmott argued that a boundary to a contemporary cultural region has a number of co-incident properties. It is where a mixture of social, economic, travel, and geographical boundaries tend to coincide. The concept of boundary thus becomes more composite and integral. Phenomena that tend to create boundaries for a population in a region are (a) a large surrounding area with no Aboriginal inhabitants (possibly due to dispersals, removals, disease and the impact of opium); (b) isolation between adjacent areas due to poor transport systems; (c) lack of interaction between neighbouring groups of Aboriginals due to cultural dissimilarities; and (d) lack of accessible economic opportunities.

Two further phenomena that tend to reinforce the sense of region are (a) the presence of a highly resourced regional centre catalysing the regular visitation of Aboriginal people and the establishment of a set of social and residential spaces there, containing individuals with kinship links back to the smaller towns; (b) similarities or continuities in the socio-economic environments of the towns in the region, so that there exists relatively similar procedures and possibilities to obtain desirable dietary items, to arrange social benefit payments or credit, and to maintain particular behavioural styles (e.g. camping, fighting, drinking). This does not mean that all of the towns or settlements in the region have a similar character in all regards, they may be quite diverse in some cases.

For some parts of Queensland, there is sufficient evidence to argue that such discrete cultural regions exist, whilst for other areas there is insufficient research materials and findings to presently learn of their cultural and geographic histories. In yet other areas of Queensland, cultural-geographic regions, if they exist, overlap with one another forming more continuous networks or chains of interacting population

centres, particularly on the east coast. This classification of communities into regions provides a framework for discussion and analysis throughout the remainder of this paper.

There are of course other phenomena tending to break down the notions of boundary and regional identity. The removal of relatives to such places as Palm Island, Woorabinda, or Cherbourg can result in a type of social extension of the region to such centres, no matter how far away they are from 'home' communities. Similarly the need to travel to larger facilities to gain access to specialised facilities (hospitals, law courts, educational resources), tends to create a wider pattern of cross-regional, (and even inter-state) travel and associated cultural interactions. Brisbane is the super-regional centre where there are, as in the regional centres, representatives from numerous Queensland communities.

The various deaths in custody victims will be examined in terms of these regions to demonstrate divergent aspects of their resultant lifestyles. The victims are listed in Table 3. The name of each victim has been classified into the region with which he or she was mostly closely associated, and each of these names is followed by the specific community centres to which the individual had closest links. This is relatively easy in the northern cases, but it becomes increasingly difficult to the south-east, particularly in relation to the Fitzroy, Mary-Burnett and South-east regions. Here we find people travelling frequently in their lives between a number of the coastal regions and communities.

Table 3

REGION	PLACE OF HABITATION	NAME
North-west Queensland	Doomadgee, Mornington Island	Riversleigh
Cape York and Far Northern	Aurukun	The Young Man who died at Aurukun
Coastal	Port Stewart, Laura	Salt
	Coen, Bamaga	Kulla Kulla
	Lockhart River	Short
	Yarrabah	Noble
	Yarrabah	Hyde
	Yarrabah (and links to Aurukun, Weipa)	Koowoatha
	Yarrabah, Cairns, Innisfail, also Brisbane	Binks
Torres Strait Islands	Torres Strait Islands (also Townsville)	Misi
Northern Coastal	Palm Island, Townsville	Mau
	Palm Island, Townsville, also Cherbourg	Ryan
	Palm Island, Townsville	Johnson
	Bowen	Barney
Fitzroy River Basin	Emerald, Rockhampton, Clermont Yeppoon, also Brisbane	Lawton
	Rockhampton, Sydney	O'Rourke
	Woorabinda, Rockhampton, Dingo, Duaringa, Springsure, Bourke, Sydney	Booth
	Woorabinda, Duaringa, Bluff, Blackwater, Clermont, Rockhampton, Taroom	Tiers

Mary and Burnett River	Cherbourg, Basin, Woorabinda, Palm Island, Brisbane	Dunrobin
	Cherbourg, Brisbane	West
South-east Queensland	Brisbane, Cherbourg	Wouters
	Brisbane	Yarrie, B.
	Brisbane, Woorabinda, Beaudesert	Yarrie, F.
	Brisbane, Woorabinda, Beaudesert	Pilot

From Table 3, it can be seen, of the 27 deaths, 20 can be linked to the reserve communities. From further analysis of the case studies, these 20 can be divided into (a) 15 individuals who were enculturated on a reserve community for most of their childhood, and (b) another five who lived a fairly mobile lifestyle, but whose parents were enculturated on a reserve and had then obtained their exemption from under the Act. Four victims who were not enculturated on reserve communities were Misi (Thursday Island), Lorroway (Binbee, Bowen), Salt and Kulla Kulla (Port Stewart area). Kulla Kulla spent much of his adult life on reserve communities however. Two individuals (Wouters, O'Rourke) were enculturated largely in child welfare institutions. The author has no data on the early life history of the man who died in Brisbane prison and so he is not included in this analysis.

The deaths in custody victims can also be categorised into (a) those who either hanged themselves or died from an act of self-violence and (b) those who died of health problems as a consequence of their difficult lifestyle. Of the former category, all except one were either enculturated on a reserve community or in child welfare institutions, the total of these being ten. This does not include the man who died in Brisbane prison. The other exception referred to is Booth who hanged himself and was enculturated in the Bourke Region (NSW), albeit at times on the Bourke Aboriginal Reserve.

Nine of the deaths *occurred* in Cape York/Far Northern Coastal regions. Fourteen are clearly linked to Palm Island, Woorabinda, Cherbourg and Yarrabah, the four giving centres for removals. It is to be noted that no deaths occurred in rural communities apart from Coen and Laura, and that there are certain interior regions such as South-west, Central, Southern-central which are also free of deaths in custody.

Space only permits a limited number of regions and communities to be examined. Those selected are North-West (Mt Isa), Cape York (Aurukun), Burnett-Mary (Cherbourg), South-East (Brisbane), and South-West (Cunnamulla).

Aurukun and Cherbourg are both comparatively old reserve communities and both have experienced deaths in custody. However Aurukun grew from a population of local origin, whilst Cherbourg was a major receiving centre. Brisbane is one of the largest population centres in Queensland (along with Townsville). Whereas a number of deaths in custody have occurred in Brisbane, there have been none in Cunnamulla nor for that matter in any other interior rural communities. This includes Mt Isa for which there will also be some analysis herein. This selection of examples will thus present the reader with a diverse range of community types, as well as a balanced overview of the extent of deaths in custody in relation to the Aboriginal cultures and regions of the State.

Social organisation in the North-west region 89

The principal Aboriginal centres in this region comprise the rural communities of Boulia, Dajarra, Camooweal, Cloncurry, Kajabbi, Urandangie, Normanton and Burketown, the reserve communities of Doomadgee and Gununa (Mornington Island), and the regional centre of Mt Isa. Normanton lies on the north-eastern border of the region and creates a link to neighbouring regions (Cape York and the

Atherton Tableland and its hinterland). Lake Nash community in the Northern Territory also forms part of this region and provides an overlap into the Sandover River communities to the south-west.

The best known tribal identities remaining in the North-west region (in which contact began in the mid 1860s), are probably the Lardil and Kayardilt (Wellesley Islands), the Wanyi, Karawa, Wakaya and Kangkalita (Northern Territory border groups). The Kalkadoons (north-west uplands) remain renowned for their effective guerilla resistance during c. 1875-1885 (Armstrong 1980), and their name is a household word in the region.

However other language group identities in the region are no longer known to most of the Aboriginal population, such groups having been destroyed, dispersed, or removed in the disruptive contact period of the last century. Nor are the class systems or land-based systems of social organisation known to the current population except those in the Gulf. Some kinship practices and geographic knowledge of local sites is maintained although these domains of knowledge have also shrunk. Social identity became for many, based on one's ties to home community and family group.

North-West Queensland in the mid-1970s, could be viewed as a type of contained region for Aboriginal people with socio-economic and physical constraints intimidating movement outside of this region. Besides the difficult roads in some directions, a limitation on travel outside of the region was caused by a number of Aboriginal people not having been informed or encouraged to seek 'exemption status' from under the Act; and consequently their ongoing dependence upon local police officers for access to their employment savings. Mt Isa, the regional centre, provided a range of facilities for the surrounding region, including the popular annual rodeo which is the largest in Australia. Most Aboriginal visitors from the region's communities had some sort of kinship tie to at least one or more Aboriginal persons in Mt Isa, with whom they could stay.

At this time, self-constructed fringe camps were to be found in many of the towns of North-West Queensland. These settlements displayed a strong sense of social boundedness, not through the use of fences or other territorial markers, but through the architectural character of the settlement and the distinct lifestyle of its residents, unified through a network of social and domiciliary behaviour (kinship, sharing, visiting). The Aboriginal identity of such settlements provided a strong cultural barrier to most of the town whites. It was at the scale of the settlement unit that the construct of social privacy operated strongly and where mechanisms of control of access operated, rather than with respect to individual houses or domiciles. This style of settlement life provided a type of separatism which became a means of cultural survival. Culturally distinct behavioural styles were maintained including forms of spatial behaviour. The residents became equipped with a type of autonomy which, despite their material impoverishment, comprised a social strength in coping with other aspects of change. This observation has been made by a number of researchers in Aboriginal towns or fringe camps elsewhere in Australia (e.g. Collman 1979, Ross 1982, Memmott 1988).

However local authorities tended to view them as places of squalor. In the early 1970s a significant number of them were bulldozed throughout the region. A surviving and distinctive camp was that which came to be known as Yallambee, in Mt Isa, which contained designated places for visiting campers from the respective communities of the region. The division of a settlement into spatial zones in this manner, each occupied by an aggregate of domiciliary groups, possessing a common and distinct social identity is termed a sociospatial structure (Memmott 1983, 1990). The Yallambee camp thus functioned (and still does) as a regional camp with residents from numerous language and community groups. The inter-marriage between such groups since the early 1970s, has created a social structure of cross-cutting segments with multiple links to the various parts of the region.

In the early 1970s, the Aboriginal and Torres Strait Islanders Acts remained administered by local Department of Aboriginal and Islander Affairs officers and the police who maintained their orientation to the assimilation policy. Another subtle instrument of assimilation and cultural suppression was the 'The

Relics Act 1967' which placed the control and protection of Aboriginal sites having physical or 'archaeological' remains (an, quarries, burials, etc.), in the hands of the State, with no consultative role for local Aboriginal people, and no recognition of the existence of other sites of religious significance. This has further inhibited the transmission of any remaining site-based knowledge in the rural town communities. Housing had slowly begun to be provided for Aboriginals in the region from 1969 as part of a State/Commonwealth housing agreement. This was administered by the Department of Aboriginal and Islander Affairs as an instrument of their assimilation policy, houses being purchased where possible to create a 'scatterization' effect, a form of 'indirect discrimination' aimed at juxtaposing whites and blacks and breaking down Aboriginal enclaves (and hence Aboriginal identity). Housing designs made no consideration for the culturally distinct needs of Aboriginal people (Memmott 1979:359-389, 1988).

There continued to be a steady purchase of houses for rental in Mt Isa by the Department of Aboriginal and Islander Affairs as part of its attempted assimilation programme, facilitating more in-migration. In 1977 one report states that the total Aboriginal town population was about 2900 (Anderson 1981:88).

However assimilation prospects were limited. Opportunities for secondary education at boarding schools and other educational trips for children outside the region had begun in the early 1970s but were not very effective due to a lack of employment opportunities and other discriminatory barriers in home towns. All of the towns had significant Aboriginal populations; half in fact had a majority of Aboriginal residents. It was not possible to avoid the enculturating environment of one's kin or camp. Only in Mt Isa was there a sufficiently large non-Aboriginal population to facilitate some effective assimilation processes.

The advent of the Federal Labour Government and its Aboriginal funding was quickly felt in Mt Isa. The Canberra Office of Aboriginal Affairs injected money into the establishment of organisations and certain social reforms in Mt Isa from 1972. The first effective agency to become established during this period as in many other parts of Queensland was the Aboriginal Legal Service (1973) run by an elected local council. It brought pressure to bear on the latent racist power structure of Mt Isa, through the successful defence of numerous Aboriginal convictions which had hitherto been taken for granted as guilty by the justice system. It was also prominent due to its use of Aboriginal field officers, one of the first agencies to engage Aboriginal staff.

The implementation of the Commonwealth Aboriginal Housing Associations scheme, led to the establishment of 'Housing Associations' in Dajarra, Mt Isa and Boulia in 1974. In the case of Dajarra, the first preoccupation was with the creation of an effective system of food purchase as an alternative to the exploitative and exorbitant costs of the only local store. Many other goals for self-determination were set.

Such multi-functional 'housing' associations sprung up in every town in the region, and throughout the 1970s and 1980s have provided important structural components to the formal social organisations of these town communities, as well as the first opportunities for formal leadership to develop since early contact. The Aboriginal organisations of this period can be regarded as a type of cultural innovation, by which people gained some limited freedom to express their cultural aspirations in their own terms and idioms (Langton 1981:19). Unfortunately their success has often been inhibited by internal factionalism as in many other parts of Aboriginal Australia. This indicates the lack of congruence between the bureaucratic precept of 'community' and the underlying divisions between family alliances and larger social groupings within such towns.

The various regional barriers in North-West Queensland partly broke down during the 1980s, with increased cash acquisition and vehicle ownership amongst Aboriginal people, as well as improved roads and a relaxation and disappearance of the provisions of the Act. Despite these changes, the regional pattern of Aboriginal lifestyle in North-West Queensland still persists and is useful in appreciating the cultural exchanges and continuities in the region.

Cultural revitalization in North-west Queensland

An important consequence of improved travel and the disappearance of the Act has been an upsurge in cultural exchanges with neighbouring Northern Territory Aboriginals - groups who have, because of the local patterns of geography, history and politics, incurred less cultural disruption in their lives than those of the North-West Queenslanders. Traditional ties have been rekindled between the Wanyi and Karawa people of Doomadgee and Gununa with related tribespeople in Borroloola and Ngukurr (Roper River); also between the Wakaya of Mt Isa, Dajarra and Boulia with Sandover River Alyawarre; and similarly between people of Arrerntic identity in Dajarra, Boulia and Birdsville with tribal relations on the Plenty Highway (Harts Range, Jervois). The exchanges between these eastern and western kins-people down the entire length of the State border have led to a resurgence of ceremonial life and knowledge. This has been due to at least two dominant influences.

Firstly a status-seeking desire by many young men or by their parents for them to undergo traditional Aboriginal rituals (involving circumcision and sometimes subincision); secondly by the impact of the *Northern Territory Land Rights Act (1976)*. In the latter case, many individuals with some ancestry amongst Northern Territory groups, have been revisiting relatives in the Northern Territory in order to re-learn and increase rituals, geographical knowledge and miscellaneous aspects of the Aboriginal Law required to mount land claims. The winning of the Nicholzen River land claim has enabled some of the Wanyi from Doomadgee to establish an outstation on their tribal land.

Similarly a group of Wakaya from Dajarra and Mt Isa have set up an outstation on their land in the Northern Territory, as have a group of East Arrernte from Dajarra

The main focus of the circumcision ceremonies has been at Gununa, for both Wellesley Islanders and mainlanders from Doomadgee. This has involved the initiation of in the order of 150 young and middle-aged men over the last twelve years under the sponsorship of elders from Borroloola and the Barkly Tableland. Such interactions are ongoing both for Gununa people and others in Doomadgee, Mt Isa, Dajarra, etc.

Such forms of cultural re-vitalisation are not only significant attempts to restore concepts of traditional Aboriginal Law and religion, but also represent oppositional forms of behaviour against past State authority, as well as new identity symbols for those involved.

Social organisation at Gununa and Doomadgee

Gununa (Mornington Island) and Doomadgee communities had somewhat different modes of social organisation during the 1970s and early 1980s compared to the rural towns of the region. This is largely due to their differing history as mission settlements and the subsequent patterns of cultural change. Being reserve communities, they were to obtain community councils which were increasingly empowered through the 1970s, although they continued to be under the firm control of the mission superintendents and have continued to be influenced by government advisers.

The missionaries at Mornington were displaced by the State Government in 1978, and a local Aboriginal shire council was established. At Doomadgee, the Brethren Mission did not withdraw and hand over to State administrators until 1983.

In pre-mission times at Mornington Island (1900-1914), and amongst the other islands of the North Wellesley group, there existed multiple structures underlying social organisation. Through various activities, group definition was achieved at the level of tribe (synonymous with language group), four sociogeographic groups by direction, coastal patricians, resource exploitation bands, a subsection (eight) class system, and domiciliary units (camps and domiciliary groups). In 1914 the Lardil began to spatially

concentrate in a camp adjacent to the newly founded mission centre. The camp was divided into the four sociogeographic divisions of the Lardil, the larumpenta, lilumpenta, tjirkarumpenta and palumpenta.

Despite the population concentration and cultural change since the first mission contact, social identity was still being maintained in 1975 within the context of some of these traditional groups. The author studied the history of the mission camp and its development into a village in the 1950s and 1960s, and carried out a sociospatial analysis of the village domiciliary zone in 1975. Members of the four sociogeographic divisions still occupied the same zones as they did in 1914 and maintained a social identity with such spaces. Smaller residential clusters were definable and contained largely agnates who were descended from the pre-mission patricians. These residential groups were each presided over by a head person who also claimed ongoing rights of *tulmata-ship* or local resource controller in his patrician country. Despite such claims, actual control of resources was not observed, owing to the shifts in social control and authority systems caused by the missionaries. (Memmott 1983:59,60, 1979:336-45.)

Mention has already been made of how the missionaries at Mornington Island usurped the political and social control of the local elders. The recent revitalization of initiation ceremonies has not done a great deal to restore the power of the elders as these rituals have been sponsored and conducted by the Northern Territory elders. The dormitory system also operated for many decades at Mornington Island breaking down many traditional kinship responsibilities. The role of the disciplinary relative (whether it be parent or uncle) was usurped by the mission manager and later by the head teacher. Consequently in the mid-1970s, two generations of Mornington Islanders who were institutionalised in the dormitory system (est c1919) regularly blamed the misbehaviour of their children on the head teacher even though the dormitory system had been dismantled for twenty years. Parental control and punishment of children was thus minimal and haphazard and remains so. (Memmott 1979:265,266.)

A similar but probably more severe situation is to be found at Doomadgee where Trigger (1985) carried out a study of power relations during 1978-1983. Here Trigger concluded that there did not exist a social formation of institutionalised authority and hierarchy, based on Aboriginal tradition (Trigger 1985:126). Unfortunately Trigger's analysis explains little as to why this state exists, i.e. he does not reconstruct the traditional regional societies and subject them to a model of cultural change to explain the genesis of the contemporary situation. Trigger does indicate that mission authoritarianism has prevented senior men from implementing traditional religious practices (e.g. ceremonies) and establishing religious cults, even though they have possessed the knowledge to do so and may acquire status from such knowledge. Nor do senior men have the right to bestow women in marriage, another practice which has been forbidden by the missionaries.

Trigger identifies three types of traditional social groups which commonly occur in conversation and verbal exchange, and are often used to seek and express status, but which are seldom manifested as units of collective action in the community. These cognitive units are language groups, land-owning clans or lineages 90 and classificatory groups (subsections, semi-moieties). With respect to the clans or lineages, Trigger says (1985:128);

... it is the divisive politicking between different parent-children factions within them which is most evident in social action associated with such affiliation to country.

Social life at Doomadgee is thus marked by an absence of any significant relations of formal domination arising from Aboriginal tradition, neither through authority nor economic power. This does not imply an absence of political life or competition for social status, features which do derive from contemporary Aboriginal tradition. (Trigger 1985:126-127.)

Unlike at Mornington Island, no overall sociospatial structure was discernible at the time Trigger carried out his research at Doomadgee. Trigger's analyses indicate that it is kinship which is most pervasive in

social life at Doomadgee and which leads to collective action by groups. His examples of such kin-based group behaviour are co-residence as individual households, the giving and receiving of economic and material support, and the provision of physical and verbal support to close kin during conflicts (Trigger, 1985: 125).

Kinship was pervasive in a similar way at Mornington Island in the mid-1970s, but Memmott observed (1979:477) a wider repertoire of types of groups based on these traditional social units which were not visible to Trigger at Doomadgee (patricians, sociogeographic groups, language groups). Such groups formed informally in the Mornington Mission at public gatherings (at the pictures, the store, community meetings, etc.) and during conflicts, and also received formal and symbolic expression during public dances. Power at Doomadgee during the time of Trigger's research was very much in the hands of the missionaries. Trigger's contact change analysis of the domination of his study group by White Australian society reveals three key processes: (i) a lengthy incorporation of Aboriginals into the capitalist economy (pastoralism); (ii) imposed physical force, controlled by the State, particularly the early use of the Native Police (c.1865-c.1910) and removalism; and (iii) the institutionalisation of authority during the mission era (early 1930s), further enforcing the economic powerlessness of the Aboriginal people. This last process was imposed in the form of the legitimising ideology of fundamentalist Christianity resulting gradually in a voluntary compliance with such authority over several generations.

Indeed Doomadgee gained a reputation as being one of, if not the, most authoritarian reserve communities in Queensland. Trigger (1988a:222) provides examples in the 1970s of the harsh punishments meted out for what would be considered minor misdemeanours or not even misdemeanours at all in other parts of Queensland (e.g. wearing a mini-skin). The missionaries described themselves as being 'The complete caretakers of the people from babyhood to old age', and maintained strict rules concerning morality.

As mentioned previously, the establishment of Aboriginal councillors at Doomadgee did not represent in any significant way, a concession of power to the community.

The incorporation of a small number of Aboriginal Councillors into the administrative apparatus ... cannot be viewed as effectively legitimating administrative authority across the Aboriginal population ... Despite the view among many White staff that the Council legitimates the wider administrative system through representing the views and sentiments of those administered, it is clear that the concept of representativeness is simply not given much credence within the Blackfella domain ...

(Trigger 1985:301.)

When the Brethren missionaries withdrew from Doomadgee, the community were left with very little in the way of an internal social structure capable of either directing social action, controlling social behaviour or developing community enterprise. It seems from Trigger's analysis that there were no political leaders or powerful Aboriginals active in community affairs or politics. The Doomadgee society had been reduced to a kin-affiliated group subsisting largely on unemployment benefits whose economic and political survival in the wider world had been exclusively maintained in the hands of the missionaries for 50 years. It is understandable then that the 1980s were to be a period of some social disorder and internal stress.

An Aboriginal perception of cultural change on Mornington Island

In stylistic contrast to the more technical anthropological descriptions of cultural change in Aboriginal societies contained in other parts of this paper, is the following perspective by the Aboriginal writer Labumore (Elsie Roughsey), of change on Mornington Island. In her book (Roughsey 1984), Labumore frequently provides the reader with her perceptions of the social cohesion of the pre-contact lifestyle.

As often I sit and write I cannot really express the good old times of the tribes. These were many exciting happenings. We were surrounded by laws and customs. They were a real stuff of great protection, its needfulness was well watched and guided. Respectableness was strictly held and commanded by the tribes. We were punished by the tribal laws in a different manner ... never to do it again ...

(1984:235)

I feel in me, the way of their life has been one of the important true life of our land, one which most people will never understand how good the laws of a tribal Aboriginal had gifted ... holding all they had, and were Government to their own laws and people. But all this has been destroyed, forgotten. European laws have wiped it altogether from my people ...

(1984: 185.)

Labumore refers to the role of the dormitory system in the programme of directed cultural change maintained by the missionaries for 60 years.

They made us throw up all our tribal ways, kept us away from our hunting grounds, made us give up our sacred grounds and sacred laws. The White man, like missionaries, said they were no longer to have and hold on to. So going to school and living apart from parents and tribal laws can change the life of the tribes ... and live by their ways ...

Finally, since twenty-six years ago, the happiness of the tribes was vanishing. It was not a time now ... how to go forward, or look still to the way the tribes had it going. Missionaries wanted a different methods, of their way of teaching and to know of their life. That's how our laws, customs and cultures, also legends, were soon left far behind for anyone to look to carry on. We thought we were aiming for a better life to be treated fairly and equally. But as years were going out on us in our lives, we soon found we were rounded by wire nettings and fences, and we found living in this modern life, we had lost.

(1984:234)

Despite the pervasiveness of kin-oriented behaviour on Mornington Island during the 1970s, many elements of kinship behaviour had been lost. New values had been enculturated amongst the youth by the missionaries.

Soon the young generation came forward and wanted their own way, and spoilt every customs, culture and laws. They thought these were just foolishness, and would not grasp them. Relationship was cut out of their life. They expected only to love and claim their own parents. But what about the real life that the tribes had ... the true decent friendship they had for all people, that can make all people love, serve and respect each other as real tribal people, worth while living with the life of the real people who lived to show and teach all they had to pass to us? They were very, very important to look upon and continue living with.

I know that life of my people. I saw the way people lived with all goodness, kindness, helpfulness, lovingness, relationship. People were real to each other. You could not tell who was your near relation to our parents, because everyone was my uncle, auntie, cousin, brother, sister, grandparent. No one I knew was my half relation. They were all my full blooded relation, even to other families because there was that love. Relationship was firm with respectfulness. Everybody was same. No others were different to be known as an outcast...

(Roughsey 1984:182.)

The rejection of the old ways by the youth of Gununa is reflected in the title of a paper which deals with this subject in Labumore's book: The reckless life, Forgetting the life they should have, and losing Control they should have.

Change in Social Organisation, North-west region - Summary

Although the communities of this region have participated in a culturally unifying regional pattern of travel and social interaction in recent decades, deeper historical processes of change have culturally differentiated these communities into two categories:-

- (a) Rural town communities, of which there are nine, 91 whose populations, for the most, no longer maintain tribal identity or knowledge of traditional forms of land-based social organisation, but maintain distinctive cultural identities through association with their home communities, and extended family units, (as well as through behavioural mechanisms). Kinship ties inter-link such family groups, but the effectiveness of their combined social action as a community, involving the operation of housing and enterprise associations or co-operatives, is often limited by factional conflicts.
- (b) Reserve communities, of which there are two, have older members who have maintained a sound knowledge of traditional language groups, land-based clan groups and their estates, although younger adults may not have actually visited their estates in many cases. At Gununa, unlike Doomadgee, such larger-scale social units manifest themselves in some forms of collective action, and their elders have maintained a significant social role as heads of domiciliary groups, although their political powers have waned in recent years. Breakdown of social organisation has been more severe at Doomadgee where only kinship structure is employed as a vehicle for informal social action. In both communities the political power of elders and the value of family authority in the socialisation of children are aspects that have been severely undermined by the reserve administrations. In both places, community councils have operated for less than twenty years and are only slowly being empowered by government administrators.

In the regional centre of Mt Isa, the regional communities have been reproduced in the residential patterns of town camps and other informal settings, but at the same time marriage between members of these community groups is leading to the dominance of a regional kinship network. Some imposed assimilation forces have resulted in a continuum of types of Aboriginal lifestyles, ranging from the distinct Aboriginality and autonomy of the town camps, to families integrated into suburban areas in government housing. Such assimilation processes have been countered by aspects of regional cultural revitalization made possible by the relaxing of the Aboriginals Act in the 1980s.

The case of Alistair Riversleigh in north-west Queensland

Deaths in custody victim Riversleigh was very much a 'product' of his region. His lifestyle was typical of many other young Aboriginal people in this part of the State. He had a tribal identity despite the breakdown in many aspects of traditional social organisation in his home communities. Riversleigh, in his earlier adult life was a ringer in the cattle industry. In his later adult life he became a heavy drinker.

Riversleigh is the only deaths in custody victim from North-West Queensland. He had close ties to Doomadgee and Mornington Island. These two reserve communities are only 150 kilometres apart, and during their operation as missions (Mornington Island established in 1914, Doomadgee in 1931-33), they have often interchanged their Aboriginal 'inmates' as part of the removalist mode of administration. This exchange facilitated inter-marriage between the mainland and island people.

Riversleigh's mother was a Lardil woman of Mornington Island and born there in 1920. After travelling to the mainland in 1940 where she had her first three children to a mainland Aboriginal man, she had a brief elopement with a Mornington Islander and conceived Riversleigh. Riversleigh thus grew up in the Mornington Mission in the late 1950s and 60s. He attended a trade school at Aurukun for a brief period, Aurukun being the 'sister' mission to Mornington and thereby creating a link cutting across two cultural regions (both communities were rounded and run by the Presbyterian Church). Riversleigh returned to Aurukun for a while in the 1970s but for most of his remaining life resided at Doomadgee with his mother, step-father and others in his family.

When Riversleigh and his wife separated in late 1986, the wife and three children left Doomadgee and resided with relatives in Mt Isa at the Yallambie Camping Reserve. In early 1987, Riversleigh travelled to Mt Isa also, to visit his family. He drank heavily during this stay, and one occasion was picked up on the bank of the Leichhardt River in Mt Isa and taken to the Aboriginal-run Kalkadoon Sobriety House where he was 'de-toxed'. On one occasion, Riversleigh was jailed for his own protection as he had tried to commit suicide after drinking (ACC 1990:35).

Between 1974 and 1986, Riversleigh was arrested 48 times in Mt Isa for drunkenness. These charges would have been incurred during periodic short visits for holidays and to visit relatives. Other destinations for drinking and recreation used by Riversleigh were the Gulf towns of Burketown and Normanton. Riversleigh's travel patterns and cultural environment were largely contained within the north-west region. The police records at these places also reveal that Riversleigh had accrued miscellaneous alcohol-related charges (including alcohol violence). Throughout the region there were in fact several distinct drinking styles in which Riversleigh came to participate.

Aboriginal drinking behaviour in a regional centre

Throughout the 1970s and 1980s, all of the Aboriginal communities in the rural towns of North-West Queensland have maintained regular styles of drinking behaviour. Many of the residents of the two reserve communities have also carried out regular drinking at Burketown, Normanton and Mt Isa, and brought liquor back to consume in or near their communities.

During the 1970s, a distinctive and popular 'hotel style' of drinking was to be found in Mt Isa. ⁹² There were three hotels in which Aboriginal locals and visitors regularly drank. Two of these venues were mixed drinking situations with a majority of White males and pool playing facilities. Drinking behaviour was controlled by the hotel staff. Fighting, excessive drinking and loud quarrelling were not permitted, and violation resulted in eviction and possible arrest.

In contrast to these two situations, the third bar known as the 'Snakepit', was an infamous and ill-maintained, but distinctly Aboriginal bar - territorially so. It was feared or loathed by most White people, although they were not exempt from entering. Regular fighting occurred between the various Aboriginal groups in the Snakepit, mostly on a one-to-one basis, but occasionally a number of kinsmen joined in. As in home communities, fighting was part of the behavioural routine; however it was more likely to be with Aboriginals from another community than between 'countrymen'. At times, chairs, jugs and beer bottles flew as frequently as fists. This was largely provoked by excessive drunkenness - the Aboriginal people were encouraged to spend as much money as they could.

There were few real restrictions on behaviour aside from serious violence. Playing the juke-box, dancing and 'pool' were common practices in the Snakepit. Behaviour was very much 'Aboriginal' despite the varying degrees of retention of traditional culture by the different individuals and groups. Groups of countrymen sat together. Many people had no money, and just waited and washed, hoping that a kinsman might arrive and shout them a drink.

The two types of hotel drinking styles described here represent two extremes on a continuum into which the various behaviours in the other rural hotels of the region could be slotted. For example a close parallel to Mt Isa was Normanton where there were to be found three hotels, one for whites only, one integrated in the manner of the Mt Isa controlled bars, and a third with a predominantly Aboriginal clientele and a level of violence and drunkenness similar to the Snakepit. Camooweal only had one hotel but it contained two bars and a system of predominantly segregated drinking. These examples point to the racism which was prolific in some parts of the region.

Throughout the 1970s and 1980s there have also been informal drinking places frequented by Aboriginal groups in the river-bed of the Leichhardt close to the town centre. of Mt Isa. Although beer and wine is regularly consumed by day at these places, they are particularly noted as venues for 'metho drinking'. Riversleigh drank in both hotels and the river-bed.

'Outside' drinking style

Doomadgee, due to Lutheran influence, has never established its own community canteen. The closest source of alcohol is from the small town of Burketown, about 100 kilometres away. During the late 1970s and early 1980s, transport could be arranged with a taxi driver in Burketown. Large quantities of liquor were purchased and brought back to a crossing over the Nicholsons River, a kilometre to the east of the Doomadgee settlement.

The anthropologist David Trigger, who researched at Doomadgee during this period wrote:

... given the debilitating wider material conditions of settlement life, and the boredom among young men in particular, drunken excitement appears to be a major focus of life for many people ... The predominant pattern of drinking at Doomadgee has been to hinge over fairly short periods while stocks of alcohol last, then to .enter the community from a drinking location in the bush or the river bed. Drunken men then often cause considerable conflict in their domestic settings ... Grudges are not usually held against those who have recently been drunk and very destructive. The state of being very drunk is recognised as one in which an individual does not have much control over his/her actions; they are described as being 'mad' (or 'murdun') when drunk.

(Trigger 1988:7.)

This attitude is encountered in other parts of Aboriginal Australia, that people are not held accountable for their actions when they are drunk. For example, the Pintupi of Central Australia classify drunks along with the insane as 'ramarama' meaning 'deaf' or 'oblivious', implying not in touch with reality (Myers 1986:108). At Yarrabah, it is said there is 'no shame attached to being drunk in public' (Taylor et al 1989:15).

Riversleigh's life circumstances demonstrate the above drinking style had not changed in 1987, except the taxi was not a motor vehicle but a charter plane. On the day of Riversleigh's death, a CDEP pay-day, his stepsister hired the taxi plane and returned to Doomadgee airstrip with a 40 ounce bottle of rum and five flagons of port. This was consumed in an all-afternoon drinking party with relatives and friends at the river, outside the settlement proper. This event, a weekly and often a daily one at Doomadgee, resulted in Riversleigh becoming highly intoxicated, which combined with other factors (particularly his depression over family separation), led to his death.

This type of drinking style, whereby a group consumes liquor just outside the boundary of the settlement and its attached authority system can be termed 'outside drinking' in the case of dry communities. A style of private house drinking which has some parallels with outside drinking style, was recorded by Memmott (1979:408) at Mornington Island when it was a dry community in the mid- 1970s. Illegal liquor imports were consumed in residents' houses out of sight of White staff and Aboriginal police. However this

strategy often failed once people became intoxicated, noisy and aggressive and in so doing removed themselves to the yards and streets outside to vent their concerns with the community.

Outside drinking style is commonplace at Wujal Wujal, where the deceased indulged in such a spree which on the same day, led to his death by hanging in the watchhouse. In reference to this event, Anderson and Coates (1989:51) wrote:

... There exists a kind of 'group personality' with the young men. It is fatalistic, risk-taking, immature, thrill-seeking, with an ethos of the utmost indifference to life, an aimlessness, and complete disregard for the authority of elders. With little else to do, drinking episodes become very exciting. The planning and stealth often needed to obtain alcohol, the sociality of drinking with friends, age-mates and kin, the fighting that usually ensues and the reduced inhibitions that allow one to say what one thinks, all combine to make drinking a desired full-time activity for many young Wujalwujal men ...

The Queensland Domestic Violence Task Force (QDVTF) (1988:262) also report that alcohol prohibition in communities maintains the propensity for Aboriginals to drink it in order to flaunt authority and rebel against oppression. Despite the illegality of alcohol at Wujal Wujal, Anderson and Coates note (1989:35) disturbing changes in its use:

The way people drink and the reasons people drink in general do not seem to have changed over the last decade or so. What is changing is that more women seem to be drinking, people are beginning to drink at a younger age and a 'culture of alcohol, is developing among young men in particular. Our investigations revealed that around ten young women aged 15-16 years and eight to ten adult women were now regular users of alcohol. This is in contrast to five years ago when there were no regular female drinkers.

A spatially similar style of drinking occurs at Yarrabah. Both Koowoosha and Hyde had respectively drunk, prior to their deaths, with friends at beach camps near the main settlement. However unlike Doomadgee and Wujal Wujal, Yarrabah has its own canteen. The motives at Yarrabah may therefore relate more to the privacy of drinking and of drinking style rather than evading authority. It is probably more aptly termed 'private party style' in this case.

Aboriginals in the pastoral industry and their drinking style

Riversleigh, like many young men from Doomadgee Mission found employment in the north-west Queensland cattle stations in the 1970s. Hyde was another deaths in custody victim, who after leaving school at about 14, was sent away in 1959 by the Yarrabah manager to work on cattle stations in the Central Queensland region.

In those parts of rural Queensland where the cattle industry prevails, one often encounters an obsession amongst Aboriginal boys to become ringers and rodeo riders. This aspiration is also encoded into much country and western music (e.g. Slim Dusty's, 'Trumby was a finger who couldn't read or write').

Perhaps this explains why the deceased from Wujal Wujal, after completing his secondary education to the end of year 9 at a Brisbane school, returned home and immediately took a job as a stockman on Lakeland Downs.

Aboriginals in the cattle industry maintain a lifestyle whereby they work in the bush for long periods of up to several or more months and then spend a week or two on holidays in rural towns, drinking away their salaries, shouting their friends, relatives, and co-workers. Salt was one who in his earlier life began as a

reputable stockman, but later became intensely alcoholic, a serious binge drinker. As the publican of the Laura hotel put it, Salt led a classic ringer's

lifestyle worked very hard on stations and then came to Laura for a binge. In

his thirties his habit finally lost him his job. Salt then turned to heavy drinking. He often became violent, and was unpopular in the Laura hotel prior to his death.

The deceased was said to have become a 'binge drinker' when he eventually returned to Wujal Wujal from cattle work. An Aboriginal observer in this community made the following comment in relation to binge drinking style. 'You White people, you only drink slow, little bit. Bama, we got to drink it one time. Right the way through' (Anderson and Coates 1989:34,35).

The Cape York Region

Unlike the North-West region, Cape York is predominated by reserve communities. These are Kowanyama, Pormpuraaw (Edward River), Aurukun, Weipa South, Lockhart River, Bamaga, Seisia, New Mapoon, Umagico, and Injinoo (Cowel Creek). There is only one sizeable rural town community, that of Coen.

In the early 1970s, the anthropologist Chase encountered a type of cultural geographic region in Cape York, once again generated through acculturated travel patterns, a changed population distribution, social motives and kinship ties. Such ties extend:

... beyond the immediate classificatory relations of-the-same community and ... are responsible for really geographically distant family networks. It is this which unites people throughout the length and breadth of Cape York ... These extended links allow an individual to travel widely and through common relatives at one or another community, he can establish relations from whom he can expect as a right a bed and keep, and some safety against sorcery ...

This process was, of course, taking place in traditional times, though it is believed that the geographic range was more limited. European contact provided greater opportunities for travel, and to much more distant areas, and as well the creation of settlements and missions concentrated peoples of different languages and country through this process and the resultant intensification of relationships within the settlements, it became more easy for strangers to discover common relatives and to formulate a relationship between themselves. This process has been going on in Cape York since the early 1900s, and has resulted in an extremely widespread extended family network. There would be very few adults for example, at Lockhart, who could not establish a relationship in any one of the Cape York communities ...

(Chase, n.d.:8.)

Von Stunner (1973:20-22) also points to broad cultural homogeneities operating over the entire Peninsula but stresses the subdivision of the peoples into numerous social groups with distinctive identities based on such factors as kinship, territory, totemism, language and ritual; such differences being commemorated in myth, ritual and oral traditions.

Chase noted (n.d.:1) that the relatively small township of Coen in central Cape York had an important function in calculating the regional kinship ties. Coen people were often used as a marker for tracing relationships from the eastern to the western side of the Cape, i.e. across the Great Dividing Range. Members of the Cape York network came together at Coen once a year for the annual races. There occurred regular attendance by Aboriginal people from Aurukun, Kowanyama, Edward River, Lockhart

River, Laura, Cooktown, as well as from the Cape pastoral properties. Chase described (n.d.:2,4,10) the social functions of this event as follows:- to renew acquaintance with extended families; to enjoy the return of close family from the stations; to indulge in gossip, gambling, and carry out some drinking, to settle family affairs, and to enjoy customary forms of dancing and singing.

The intensification of air travel in Cape York in the last two decades has reinforced the role of Cairns as the dominant regional centre for Cape York Aboriginals, as well as for the Far Northern coastal region and the Torres Strait Islands.

Aspects of social organisation and cultural change in Cape York

The reserve communities of Cape York were not the primary receiving centres for removals. They were secondary centres to which localised populations were sent. Combined with their isolation and less violent contact histories, these factors have resulted in a comparatively high retention of traditional cultural elements and modes of social organisation in relation to the other mainland regions.

In terms of social structure, a reserve community may be quite complex, despite having the appearance of a homogeneous community to an outsider. For example, Martin describes (1988a:14) multiple overlapping social segments at Aurukun. Although Aurukun people are drawn from what is regarded as a culturally homogeneous region, important differences:

... underpin social dynamics today; in particular the division between those from the inland sclerophyll forest regions and those from the coastal floodplain zone. A consideration of this dichotomy between 'topside' or timber country people and 'bottomside' or coastal ones is basic to any analysis of what constitutes Aurukun as a settlement, and most particularly to understanding conflict and fighting. Even where there is apparently essential cultural homogeneity, there are complex cross-cutting affiliations through kin networks, and to various land-owning clans and to land itself, to language, totemic institutions, ritual cults and so forth that renders Aurukun's social matrix highly particularistic. Within apparent unity, one might say, there is emphasis on diversity. Only in presenting or defending interests vis-a-vis the outside world - whether it be the officials and institutions of White Australia or Aboriginal people from other areas, do Aurukun people adopt a more corporate rhetoric and approach ...

It is the strong identity with such social sub-groups rather than the community as a whole that has facilitated a strong outstation movement at Aurukun, more so than anywhere else in Queensland. (However an ongoing centralising force is the presence of the Aurukun canteen.)

Most (if not all) of the Cape communities display similar structural characteristics with a number of social divisions based on past and post-contact alliances and with links to traditional land-based social organisation. For example, Anderson and Coates (1989:3) describe the Wujal Wujal community, as consisting of a number of community 'mobs' based on clan, kinship and earlier camp residence, and who reside together under some social tension due to the overcrowded settlement and lack of access to tribal lands. The mobs form the primary economic and political units in the community.

As was the case for the North-west reserve communities, community Councils had been established in Cape York, as vehicles for community decision-making, by the late 1960s or early 1970s, although in many cases their function amounted to little more than tokenism since ultimate power remained in the control of the reserve or mission managers. For example, for many decades at Aurukun, the missionaries placed the council positions in the hands of a few select families or clans. Martin argues (1988a:5-8) that when the dominant power of the missionary Superintendent MacKenzie was withdrawn, and as power was gradually thrust upon the modern councillors of the 1970s and 80s, these individuals were

ill-equipped to face the administrative and political complexities required of the local government system. Increased violence was a further consequence of these events.

There are now alternative courses of action open to young people as they grow up which allow them to remove themselves not just from the direct authority and control of 'elders' but from the network of social reciprocity and indebtedness that made people social beings. Young people can now 'go their own ways' and flout their independence of attempts to control them by responsible kin -fathers, uncles, etc.

(Martin 1988a: 18.)

Similarly, Anderson and Coates (1989:30) write of the erosion of the authority and status of older people at Wujal Wujal. This is partly because the council positions require the skills of literacy and numeracy, and are thus filled by younger people.

Most Cape York reserve communities experienced the mission dormitory systems whereby children were separated from their parents. As Martin (1988a:4) shows for Aurukun, traditional child rearing and socialisation practices were disrupted and children were denied the full experience of an Aboriginal domestic and family life.

Mention was made previously of the continuity of a sociospatial structure in the Mornington community during the mid 1970s, whereby traditional social groups maintained a distinct residential location which in turn contributed to the maintenance of their social identity and internal control. Taylor (1979) provides an analysis of such in Cape York which is of particular potency, because it involves a comparison of two settlements, in one of which sociospatial patterns were preserved, whilst in the other they were ignored.

Taylor (1979) carried out comparative socio-spatial analyses of the Aboriginal settlements of Kowanyama and Edward River (now Pormpuraaw) in western Cape York. His research period was 1968-1973. Kowanyama was established in 1905 and became the home of the Koko Bera, Kokamenjan and Kunjen speaking peoples. Edward River was formed considerably later, in 1938, and became the residence of further Kokomenjan, the Thaayorre and Wik Munghanh groups. Both settlements were originally missions. By the 1940s their inmates were occupying single-roomed framed huts of indigenous materials. After a particularly destructive cyclone in 1964, the Queensland State Government (Department of Aboriginal and Islander Affairs), took over administration of the two settlements and commenced large-scale housing programmes, installing western houses within a town plan format. (Taylor 1979:207, 211.)

In the mission settlements, (prior to mid-1960s) would-be villagers could choose within fairly wide limits, where and near whom they wished to reside. There was no town plan to which they had to conform and the exercise of this choice resulted in the formation of three distinct residential clusters at Kowanyama known as Kunjen, Koko Bera and Kokomenjen villages based on traditional patterns of association and with which people identified. Originally there were once three neighbourhood clusters at Edward River and these were known as Kokomenjen, Thaayorre and Mungkanh villages. Over time these three villages resolved themselves into two with the departure of most of the Kokomenjen from Edward River for Kowanyama.

(Taylor 1979:218.)

Taylor's analysis of the post-cyclone Kowanyama 'new town' produced no clear socio-spatial pattern. He attributed this to the lack of attention of the town planners to the traditionally based layout of the old village, and to the allocation of houses by the government officers, as they were completed, on the basis of individual family needs. He notes that a consequence of this was the rapid decline of traditional

language usage. There was little manifestation of other forms of behaviour to reinforce the social identity of these groups. (1979: 218-219)

At Edward River, on the other hand, the new town plan incorporated 'by accident or design' the old settlement layout of the two residential sectors for Thaayorre and Wik Mungkanh respectively:

Within both [of these new] villages, the vernacular languages were the main vehicles of communication. People identified strongly with their particular side. In private conversation, the men of one side tended to disparage the men of the other, attributing to them many sins ranging from slovenliness, meanness, dirtiness, through to insobriety and pugnacity and even to sorcery and incest. Like Kowanyama, each side fielded competing 'island' dance teams during festival occasions but the element of competition also extended to adult and children's team sports and traditional secular dances... Work gangs tended to be drawn almost exclusively from men from one side or the other. Each side maintained its own gambling ground which was patronised by both sides on alternate nights. The division was maintained during public meetings, at the picture, theatre, in church and even in the order in which groups of people did their shopping. Rivalry between the two sides rarely broke out into overt hostility and violent disputes were usually contained within one section with members of the other section standing on the sidelines playing the part of virtuous onlookers.

(Taylor 1979:220.)

The thrust of Taylor's analysis is the critical role that such socio-spatial layouts play in the support and maintenance of a variety of traditional behavioural features, including self-identify and the basis for socio-spatial responses in other non-domiciliary settings. Amongst these behavioural features are leadership, social control, and options of right and wrong. It is when such things are stripped away from a group that social problems proliferate. Similarly when the adequate spacing of such sociospatial units (or sub-camps) cannot be preserved due to crowding, often brought about by some imposed Western concept of preferred housing density, social stress is inevitable, as demonstrated for example at Wujal Wujal (Anderson and Coates 1989).

The following biographical profiles of three deaths in custody victims from Cape York provide a further index of the region's cultural belief systems, patterns of social organisation and identity, the impact of removalism and the alcoholic circumstances of the victims' deaths.

Two Cape Yorkers

Only four deaths in custody victims were not enculturated as children in reserve communities, and two of them are from the Cape York region. It is therefore worth incorporating some biographical material gathered by the Commission.

Example 1. Charlie Kulla Kulla

Kulla Kulla and his ancestors came from Princess Charlotte Bay, some 50 kilometres east of the township of Coen, the place of his death. Kulla Kulla belonged to the Lamalama tribal grouping, whose land extended southwards from the Stewart River. Kulla Kulla was born on the bank of this river in 1944 and named Warwara meaning loggerhead turtle. His father's name meant 'cutter of dugong meat' and he had been born at Port Stewart in c1884. Kulla Kulla grew up in a small band of Lamalama (25 or more), who had established a semi-sedentary camp in this vicinity, having moved from their nearby clan lands. (Rigsby 1990:2,3.) They hunted wild pigs in the swamps and salt pans, and dugongs from outrigger canoes as well as other seafoods. Kulla Kulla is one of the few deaths in custody victims who was not enculturated in a reserve community. He excelled at traditional dancing and story-telling.

In 1961, agents of the Department of Native Affairs. removed this group by boat to Bamaga on the pretence of taking them for a medical check-up. Most of their possessions and their dogs had to be left behind. Their huts were burnt to the ground. It was a traumatic upheaval for the group. Kulla Kulla himself was then 17. A local pastoralist family had precipitated the removal of this group by constant complaints to the Department of Native Affairs and Lands Department.

Some time after the Lamalama group arrived at Bamaga, a number of them attempted to walk back home, such was their attachment to their country. They were intercepted and turned back about 180 kilometres south of Bamaga. In the following decades individuals were permitted to visit Coen for a holiday, but not to return to their country. The Lamalama remained a socially marginalised group at Bamaga.

In late July 1984, Kulla Kulla flew from Bamaga to Coen where he stayed with relatives whilst attending the annual race meeting. The presence of relatives at Coen is not surprising for the home country of the Lamalama is to the immediate east. Kulla Kulla and other Aboriginal people were arrested, mostly for drunkenness and/or alcohol related offences. Kulla Kulla himself had become drunk, and there was a suggestion that he had fallen into the creek behind the hotel and laid there all night. Twelve of the fourteen people in the cells were from the Cape York region. Kulla Kulla died in his cell of pneumonia.

Example 2: Monty Salt

Another Lamalama victim of deaths in custody was Monty Salt, who took his surname from his paternal grandfather and which was derived from regular employment at gathering salt from coastal salt-pans for pastoralists to salt their beef. Salt was born (apparently in the bush) on the Annie River which runs into Princess Charlotte Bay. This was in 1947, three years after Kulla Kulla was born, also in the bush and not far to the north. In later life, Kulla Kulla and Salt were to become close affines, for the former's brother married the latter's sister. In fact from Rigsby's account (1990:2,3), the Salts and Kulla Kullas were descended from two neighbouring exogamous clans. A bush birth implies that the women of this Lamalama group had retained their traditional medical and midwifery skills. Rigsby mentions (1990:4) a 'birthing tree' used for the delivery of Salt's eldest brother.

Salt's clan was named Bighurrnggudin and the clan country was located on and near pans of the Annie River drainage basin (Rigsby 1990:1). Salt's father had been born in this locale in c1907, whilst his mother was born in c1912. His mothers' people were from another Lamalama clan whose land is located on Marina Plains Station (Rigsby 1990:4). Salt's father had several half siblings of mixed descent, the offspring of his mother and local pastoralists. These individuals were removed and sent to such places as Barambah (later Cherbourg), Yarrabah and Palm Island. As a child Salt experienced two dominant types of lifestyle: residence in a cattle station camp on Violetvale where his parents worked, and then during the wet seasons, a traditionally oriented lifestyle with his family along the coast and hinterland of Princess Charlotte Bay. (Rigsby 1990:2.)

Salt, his siblings and other close relatives came to reside within the wider Cape York region at places such as Mossman, Ayton, Wujal Wujal, Laura and Lockhart River (Rigsby 1990:4-6). Salt was engaged for most of his adult life working on Cape York cattle stations until the award wages were incorporated, into the local pastoral industry in the early 1970s (Rigsby 1990:5). As his alcoholic problem grew worse, Salt settled in Laura, as well as visiting other Cape York towns with hotels, viz Cooktown and Calms. His stay in the last two towns may have been short, but it was sufficient to be charged by the police with drunkenness and obscene language. It was after a drinking bout at Laura that he was taken into custody and died of pneumonia in the back of a police vehicle en route to the Cooktown hospital.

Both of these men experienced a traditionally oriented upbringing in their tribal countries, albeit one which was abruptly terminated for Kulla Kulla by the State Government. Both of them became attached to the

cattle industry, participated in finger's drinking style and eventually died, partly as a result of such drinking behaviour.

Aurukun and the Young Man Who Died There

The young man who died at Aurukun hanged himself in the Aurukun watchhouse. Aurukun is a remote Aboriginal community on the west coast of Cape York Peninsula. It has a population of about 940 people of whom approximately 900 are Aboriginal. They are commonly referred to as the 'Wik people', a term that refers to the word 'wika' meaning 'speech', which is attached as a prefix to the language names of the region (thus the Wik Mungkan language). The territory of the Wik is indicated in Figure 3.

Established in 1904 by missionaries, Aurukun is now a local government authority which was set up under special legislation (along with Mornington Island). The little available employment is associated with the administration and functioning of the community. Social security benefits are the principal source of income. Economic poverty, a severe housing shortage, rampant crime rates, sexually transmitted diseases, alcoholism and malnutrition are but some of the more serious matters confronting Aurukun people.

However despite these negative aspects, as Sutton points out (1990:9), there are marvellous and wonderful ways in which Aurukun people engage with life and the world and which are not easily visible to the outsider. They still retain, to a:

... significant extent ... a rich traditional-oriented Aboriginal culture and one that is of a kind that is so rare in the world ... in which accumulation of commodities is not the focus of life or the under-pinning of value or effort but one in which social relations and spiritual values are still vital to and central to the definition of what constitutes human value and the value of place.

(Sutton 1990: 10.)

Indeed, Aurukun must be ranked amongst other communities, as having one of the highest retentions of traditional cultural elements and patterns in the State. For example, it is believed that one's life *essence* divides into several aspects upon death, one aspect going to a far-away place to the west, whilst another aspect is the 'spirit-image' which communicates with and torments the living until it is ritually sent to the homeland of the deceased. 'House opening' rituals are performed as part of this process, allowing people to reoccupy the house of the deceased (as in most other parts of the Cape York region). The rituals surrounding death have become the major ceremonial form at Aurukun. The name of the deceased is always suppressed in the community. If an individual dies in the prime of their adult life, the reason is considered to be sorcery inflicted by their enemies, irrespective of the apparent causal circumstances in many cases. (Sutton 1990:1, Anderson 1986:312.) Sorcery was also a popular local theory of explanation for the death of the young man who died at Wujal Wujal (Anderson 1990).

This use of sorcery represents one of a number of ways in which the occurrence of a death is incorporated into the broader network of social meanings and relationships. A second method of 'socialising death' occurred in the case of the young man who died at Aurukun, when various rituals were performed to cleanse his watchhouse cell and release his spirit from inside (Sutton 1990:6).

Martin (1990) in a separate informative submission to the Royal Commission describes in detail the entire set of complex mortuary ceremonies which occurred for the young man who died at Aurukun. These included: the initial mourning practices, the speech and dietary restrictions placed upon certain relatives of the deceased, the experiencing of the image aspect of the deceased in dreams, the ritual of returning the spirit to its homeland, the removal of the spirit from the young man's familiar objects, the cell opening ritual, the opening ritual for the deceased's house, the purification rituals for particular kin, the ritual to

facilitate the public re-use of the deceased's name, and associated Christian rituals. These extended over many months.

Change in Social Organisation, Cape York - Summary

This region largely consists of reserve communities in which minimal removalism and social disruption occurred compared to other areas. Links to land have thus been maintained by many groups and the ideologies of land-based systems of racial organisation are strong.

At Aurukun where retention of traditional cultural element is at its strongest, the presence of language groups, land-based clans and their senior leaders is expressed in public ritual, dancing and outstation movements. The internal complexity of social organisation in Cape communities precludes social unity on many issues. Community councils only have partial capability of dealing with local problems due to their incomplete empowerment by administrators as well as factional tendencies. The pressures of assimilation have been more effective in some communities than others due to local variations in processes of cultural change. For example the destruction of the sociospatial structure at Kowanyama appears to have accelerated loss of cultural elements including traditional group behaviours, compared to Edward River.

As for North-West Queensland, the reproduction of regional social organisation patterns occurs in various forms in the regional centres of Coen and Cairns.

Canteen drinking style

In 1988 the Aurukun beer canteen, operated by the Shire Council, was open from 4.30 pm to 7.00 pm on Tuesdays, -Wednesdays, Thursdays and Fridays, and on Saturdays, for take-away bottle sales. The only alcoholic beverage sold was beer. The consumption rates were (and continue to be) very high. In the ten hours of business on week days, up to 72 18-gallon kegs of beer (130 gallons per hour) were consumed by this small community of about 900 Aboriginal people. Up to 22% of the community's income was spent on alcohol (including sly grog), compared to the national average of 2.4 percent (Martin 1988b:5). Binge-drinking accompanied by drunken fighting characterised most canteen sessions.

Martin describes (Ts, 29/08/88) hinge drinking as the accepted community norm. It involves sharing and 'shouting' amongst a group of individuals who are by and largely kin. As with the distribution of food and money in this community, the available liquor is totally shared up and consumed straight away in its entirety. This style of disposal of consumables is a process of obtaining social capital, of investing for the future amongst one's kin and friends, i.e. reaffirming the practice of reciprocity of resources for ongoing occasions (Martin Ts, 29/08/88).

Of the drinking style of the young men at the Aurukun canteen, Martin said:

... there is direct pressure to drink and to drink to the same quantity as the others with whom you're drinking ... such acts as heavy hinge drinking are the new stages on the road to a contemporary form of manhood.

(Ts, 29/08/88)

Taylor et al note (1989:14) at Yarrabah, that a heavy drinker who loses the support of his drinking group was 'really lost'. Gibson (1987) points out that although this style of drinking reflects traditional sharing practices, it simultaneously violates such practices because the drinkers often refrain from sharing their money with children, wives, the elderly etc.

Besides the binge drinking style, there is also social recognition of a 'good' drinking style at Aurukun. This involves people who have one or two jugs after work and then go home without getting drunk or causing trouble. Attached to the Aurukun canteen when it is operating, are a number of gambling circles for both adults and children (as young as seven). (Martin Ts, 29/08/88) Many people gamble for their 'beer price'.

For those who wish to drink at Aurukun when the canteen is shut, there is the option of procuring sly grog. The standard prices for 'sly grog' at Aurukun were, at the time of the Commission's hearing, around \$250 for a carton of 24 stubbies of beer, \$100 for a bottle of spirits and \$60 for a cask of wine. Sly grog has in the past been more commonly associated with dry communities and consumed in a binge drinking style (e.g. see Memmott 1979:408). However its trade appears to have been maintained in a number of communities with canteens. At Yarrabah, Taylor et al (1989:11) noted that the 'sly grog' industry persisted despite the canteen being open twelve hours a day and six days a week, because the sellers offered credit. The QDVTF (1988:260) reported similarly for Palm Island where pensioners must hand their whole cheque over to pay off their debts and obtain credit for flagons for the coming fortnight.

In his evidence to the Royal Commission at Aurukun, Martin (Ts, 29/08/88) gave the following figures on drinkers at the canteen during mid 1986:-

[In] the order of 87 per cent of men over the age of 18 drank, and of those a total of 84 per cent drank regularly, whereas the percentage of women over 18 who drank was far lower - around 34 per cent. I should add that when I first came to Aurukun virtually no woman at all drank, and that this drinking ... [by] women, has occurred only since the canteen itself was opened. My figures also show an increasing number of young men who drink, for instance, boys 13-18. Of boys 13-18, some 40 per cent drank at least occasionally, whereas only some 12 per cent of girls in that age group drank.

Martin also ratified the following amount by Von Sturmer of what one might very well observe when a drunk person awakes after heavy drinking in an Aboriginal household:

They begin calling on and crying to relations. A likely sequence might be calling out to wife, calling out to mother, calling out to granddaughter; threats of self-destruction are made and dealt with by respondents, 'What would we do without you? I wouldn't stay in this place if you weren't here'. People talk and cry their way back to a state of social integration. The social environment of reintegration is assumed always present. Drunken people are able to project their anxieties immediately outwards on to other people.

In April 1987, the young man who died at Aurukun was arrested on two successive nights for drunkenness after binges at the Aurukun canteen. On the second night he was involved in a fight. He was placed in the watchhouse, attempted to hang himself, fell, bit his tongue and drowned in his own blood. A comparative case is that of Deidre Short of Lockhart River. She drank at the Lockhart canteen every night and spent a large portion of her weekly pay there. On the evening of her death, Short consumed about ten cans of beer and then, because her spouse refused to give her more liquor, became argumentative, aggressive and noisy, leading to her arrest. Short died in her cell from a blood clot in her heart artery.

The AIU have described (p.c. 08/06/90) how at Mornington Island, daily life revolves around the canteen for most of the adult population, who seldom return to their home countries for hunting or recreation except perhaps on Sundays when the canteen is shut. The QDVTF (1988:260) reports that community life at Palm Island also revolves around the canteen. Of the 33 reserve communities in Queensland, only eight do not have canteens (Doomadgee, Wujal Wujal, Hopevale and five Torres Strait Islanders communities). Canteen drinking styles are thus a feature of most reserve communities.

Home drinking style

Drinking at home is common in rural town communities and increasingly so in reserve communities where canteens have operated for over a decade. For example at Yarrabah, 75 percent of canteen sales are 'take-aways' (Taylor et al 1989:15). In this manner a drinking session occurred at the Koowoortha household on the night of Koowoortha's death. A number of people became quite intoxicated, especially Koowoortha himself. He was physically aggressive towards a couple of the others including his father. Koowoortha was apprehended and found hanging in the watchhouse. Similarly, Noble and Hyde respectively had been drinking in people's residences at Yarrabah in the early morning. Hyde had consumed methylated spirits. They were arrested and hanged themselves. Their alcohol blood levels were .28% at the time of death.

The institution of Cherbourg in the Mary/Burnett region

The original Cherbourg was known as Barambah, being established on Barambah station near Murgon in circa 1901 under the auspices of the Ipswich Aboriginal Protection Society. Local Burnett Aboriginals, probably of the Kabi Kabi and Waka Waka tribes were placed there. In 1905 the administration of the newly formed reserve was taken over by the State Government. The settlement was renamed Cherbourg in 1931. Its location is on an original Waka Waka campsite (Tennant Kelly 1935:464). Nevertheless throughout most of the century Cherbourg acted as a 'population sink' under the State's removalist policies, a 'dumping ground' for the Queensland tribes. It is included herein for analysis as an example of four such receiving centres on the east coast (the others being Yarrabah, Palm Island, Woorabinda).

One social analysis of the early 1970s (Koepping 1976) models Cherbourg as a type of asylum (its population being inmates), using the sociological theory of 'total institutions' developed in the 1960s by Erving Goffman and others. 93 At Cherbourg, the traditional Aboriginal cultural systems of social organisation, economy, government, politics and religion were gradually dismantled either by direct or indirect means and replaced by the State's own systems. These systems controlled in a discriminatory and deleterious manner, 'life, liberty, movement, marriage, adoption, acquisition and disposal of property, trial and imprisonment, wages and accommodation - to name but a few factors ...' (Tatz 1981:50).

Control over the lives of the Cherbourg inmates is clearly illustrated in the history of removals of the family members of the deaths in custody victims, who identified with Cherbourg:

(a) Removals to Cherbourg

West's maternal grandmother came from Mitchell, whilst his maternal grandfather was removed from Chinchilla in 1933 for 'being abusive and insolent, and [for having] attempted to strike [the] Superintendent'. Dunrobin's mother was born in Clermont, whilst his father was from the Birigaba people of the Bowen River; his mother's second husband was also from Clermont, having been removed by the Department of Native Affairs when his mother and elder sister were accused of opium smoking in 1924. Pilot's mother was said to have been a member of the Bunthamera tribe from the Quilpie-Windorah region, whilst his father was from the Kullilla tribe of the Thargomindah-Cunnamulla area. Pilot himself was born at Quilpie, but as his mother died in childbirth, he and his siblings were sent to Cherbourg in circa 1954.

(b) Removals from Cherbourg

Lacey's father was removed from Cherbourg to Woorabinda as a disciplinary measure against his worsening drunkenness. There he attacked a policeman and after a period of imprisonment was removed to Palm Island. Lacey himself, after being sent from Cherbourg to Westbrook twice, was

removed to Woorabinda (age 17). Johnson's mother was removed to Palm Island from Cherbourg in circa 1945, age 20. Forty years later her niece recounted this event:-

My aunt (or in kinship terms my mother) refused to put on the khaki clothes we were forced to wear. Instead she wanted to put on the nice clothes that my grandmother had sent her - these clothes were confiscated and she was sent to Palm Island. My mother and her sister were family in the girl' s dormitory and because her sister was the eldest (my second grandmother) she became mother to my mother. My mother didn't even know what had happened but was later told by the European matron that Ada was sent to Palm Island to quell her rebellious ways. My mother was left alone without any family.

(Neill 1988:23.)

For many years Cherbourg's Aboriginal Chairman was a man who had a close and loyal relation with the Director of the Department of Aboriginal and Islander Affairs. It seems he perpetuated part of the removalist policy that had been established by the Department in previous decades. According to West's mother, he maintained a rule at Cherbourg, during the 1970s, that once one left Cherbourg due to some conflict, one was never to return (i.e. a form of banishment). 94 When problem children demonstrated a pattern of recidivism, accumulating assorted offences, the Chairman wrote on behalf of the Council to various government departments, requesting they take such children into their custodianship. This also occurred in the case of West.

Cultural change at Cherbourg

In 1976, the anthropologist Koepping analysed the tribal origins of the Cherbourg population, a task that had also been performed forty years before by another anthropologist, Tennant Kelly:-

The present population of Cherbourg consists of the descendants of twenty six tribal groups, most of them with their original tribal background in the central and southern Queensland regions. The research by Tennant Kelly in 1935 identified twenty eight groups; out of these ten are still represented. This means that sixteen new tribal groups arrived on Cherbourg between 1935 and 1974. Many of these are from the more northern tribal groups from Cairns to Cape York. The bulk of the original population of Cherbourg consists of the tribal remnants of the groups that originally occupied the region of the South Burnett, in particular the Wakka Wakka ...

(Koepping 1976:33)

Koepping listed (1976:35) the following five tribal groups as having the largest representation in the community:

Waka Waka:	Central Burnett River Basin	vicinity of Cherbourg
Gureng Gureng:	Upper Burnett River Basin	vicinity of Cherbourg
Kullilla:	Bulloo River	south-west Queensland
Gunggari:	Lower Thomson and Barcoo River	central west Queensland
Birrigabba:	Bowen River Basin	central coastal interior

Internally there is a certain persistence of rivalry between the South Burnett tribal descendants and the Northern groups in particular: the descendants of the Wakka Wakka group strongly stress their 'primacy'. The native populace divides the whole settlement into three broad categories, namely 1) the Wakka Wakka group, 2) the sun-downers, who are from the West of Queensland, and 3) the Northerners.

(Koepping 1976:33.)

When Tennant-Kelly visited Cherbourg in 1934, he noted (1935) a high retention of traditional belief systems. He recorded not only the use of the section class system by the Cherbourg people (four classes), but also a mutual understanding of the differing class terminologies amongst the different tribal groupings. Associated with the classes was a knowledge of class marriage rules and totems. There was also a knowledge of burial rituals, increase (or fertility) rituals, legends, food taboos, use of totemic personal names and an emphasis on the totemic interpretation of dreams.

As these totemic belief systems all incorporate references to sacred sites and to the travels and activities of ancestral heroes, it is not surprising that they were vulnerable to change. When a site-specific set of knowledge has to be transmitted from one generation to the next without the younger generation having ever visited the sites involved, it is not surprising that an erosion of such knowledge and its value occurs.

When Koepping visited Cherbourg forty years later there were only a very few fluent speakers of Aboriginal languages left, mostly in their 60s and 70s, although a few words were known to everybody (Koepping 1976:33). Detailed knowledge of traditional tribal life and the Law had almost ceased to be transmitted to the younger generations. Another anthropologist, Eckermann found (1971:71-73) that people indulged in a range of superstitious or supernatural beliefs, some of which had derived from traditional beliefs systems, including sorcery, sorcery cures, love rituals, death omens, guardian spirit-beings of children, local ghosts and flying coffins. Eckermann argued (1988:37) that the transmission of folklore in Aboriginal communities carries significant social functions, such as providing a sense of history and group identity, one which is incorporated into child development, and also in providing a social meaning to the circumstances and reasons for death.

O'Sullivan, writing in the mid 1980s described a number of beliefs to illustrate the persistent retention of past habits, beliefs, and values even though an understanding of their origins may have been locally lost:- (i) belief in spirits, some of whom are in contact with the living, especially dead relatives; (ii) beliefs in omens signifying the imminent arrival of a visitor; (iii) avoidance of male initiation (bora) grounds by women; (iv) avoidance of the local Waka Waka sacred sites by non-Waka Waka Aboriginals for fear of disturbing the spirits at such sites.

O'Sullivan (1986) also wrote of the retention of a love of ritual, symbolic action and ceremony, and the need to commemorate life's events and relationships. She described a number of contemporary Cherbourg rituals and festivities:- the bunya nut harvests in keeping with the tradition of the Bunya Nut Festival, a ritual fishing excursion on the night prior to Good Friday, funerals with their customary procedure and pattern for the placement of wreaths, the annual Debutante Ball, the Murgon Show, and the football games involving the local Aboriginal team. O'Sullivan (1986:4,5) observed that:

In contrast with the often embarrassment and awkwardness of White youths when having to take part in a public function, most Aboriginal young men enter into the event with a dignity and grace and unselfconscious wholeheartedness which speaks of their appreciation of the importance of the occasion, whether it be guard of honour at a funeral, or simply accepting a birthday gift. There seems to be a keen awareness of the deeper inarticulated meaning of the event and its significance is held in respect.

O'Sullivan observed (1985: 15,1986:10) that all of the Cherbourg people identified with one of the four or more Christian faiths in the community, even though this was not expressed through regular attendance. All read and respected the bible - she attributed this to an attraction for the spiritual world and to spiritual phenomena.

The loss of much traditional knowledge was partly due to the administrative policy which frowned upon its use, regarding it as something that hindered assimilation. The school curriculum made no reference to the traditions or history of the constituent groups at Cherbourg. (Koepping 1976:35.) Neill, who grew up on Cherbourg, returned there as a teacher in the 1970s and noted (n.d.: 12) the same:

The children agonised over 'How now Brown Cow' and 'Peter Pepper', and each child expressed embarrassment throughout the whole exercise. These children were being placed in a position where they were made to feel ashamed of their own language. Consequently these feelings affected their ability to learn anything else. The children were being taught a strange culture and there were no positive and meaningful experiences that related to anything within their own culture ... Because they were so negative about their own culture, it took a lot of time before they felt good about their own culture and also to gain back their self-confidence and feel really good about themselves. I felt really angry that teachers had this power over innocent human beings. It was evident that the values and the expectations of the teacher which were being forced upon this group of children created cultural conflict and caused great anxiety in the children.

Despite the application of these methods of eradicating cultural knowledge over several generations, Koepping noted (1976:35,36) that the older generation were still in possession of much of their traditional knowledge but were not transmitting it because of the lack of respect for such traditions amongst the younger generations. However writing a decade later, O'Sullivan (1985:16) stated that those tribes who can 'still speak their own language and know their own dances are admired'. It seems there had occurred a shift in the value of traditional customs during the 1980s, coinciding with the withdrawal of the institutional practices under the Act.

Neill also notes (n.d.:6,7) the disappearance of many traditions but she describes how the oppositional reaction to authority assisted in preserving some of them:

As a child I grew up in an environment which forbade us to speak our own languages or to actively practise any part of our culture. Yet this oppression created a bond so strong between the oppressed, that our stories, dances and ceremonies were secreted away - they went underground ... I can truly say that as oppressed people, the bonds that grew between each individual upon Cherbourg became more than bonds of friendship, but extended to make up the family of Cherbourg. The number of our brothers, sisters, mothers and fathers grew to include all members of the dormitories and reached out to embrace other families of the mission.

Social organisation at Cherbourg

Koepping (1976:30) found a close-knit kinship structure at Cherbourg of an endogenous nature. There were limited choices of available marriage partners, and the resultant cross-linking family ties had led to an increased form of co-operation and overall identification of all the Cherbourg people, tending to break down the old tribal group identities. However these close ties also led to a certain amount of interpersonal and family friction. The continued practice over many decades of sending men out to work after marriage, appears to have led to strongly matrifocal type families according to Koepping (1977:171).

Eckermann also wrote of social organisation at Cherbourg. Writing from her research experience in southern Queensland she (1988:35) comes to a similar conclusion regarding social segmentation within urban (Brisbane, Ipswich) and rural communities (Cherbourg, Mitchell):

Any rural/urban Aboriginal 'community' is composed of a number of family groupings. Some of these are aligned. Others, though related, are long-standing antagonists. The collectivity of family groupings in any one geographic location may be labelled as 'the Aboriginal community' by the researcher, but it may have only limited reality to its Aboriginal constituents. Rather, Aboriginal

people may be viewing their collectives in terms of family alliances, which are fluid and may go far beyond any one locality but which may not include all members residing in it, while 'community' has become a convenient label to facilitate negotiations with the majority.

(Eckermann 1988:35.)

Eckermann goes on to note that even in rural towns where race relations were regarded as 'good', non-Aboriginal people were seldom contained in the primary social networks of Aboriginal families. Thus many Aboriginal communities have maintained a discrete social distance and identity within broader town populations. In some cases this social distance has also been maintained by multiple forms of discrimination. 95

It is clear from the foregoing that the social structure at Cherbourg was also characterised by a dominant oppressive Department of Aboriginal and Islander Affairs management. It is worth comparing the findings on another reception centre in this regard, that of Yarrabah.

At Yarrabah, Craig (1979:70,71) states that in the late 1970s, the relationship of the managerial elite of predominantly White bureaucrats to the Aboriginal population, went beyond mere domination, and that this power elite had usurped several of the key functions normally exercised by a community's heads of household, parents, and patriarchs.

The result of Queensland's reserve policy on Yarrabah is a form of enforced parasitism whereby Aboriginals have come to believe not only that the Department of Aboriginal and Islander Affairs will take care of them, but that it should take care of them.

Double standards of behaviour at Cherbourg and Murgon

A peculiarity of Cherbourg is the geographical closeness but cultural dissimilarity of the town of Murgon, about five kilometres away. According to Eckermann (1971:61) there had once been an assimilationist plan for Cherbourg to grow into an integrated suburban extension of Murgon. The extreme opposite has occurred. Aboriginal people travel regularly between the two settlements, switching their behavioural codes in the two settings.

Neill (n.d.:9,10) has written of the stress and anxiety incurred when she attended the Murgon High School in a predominantly White environment, and the development of her double lifestyle.

The pressures from the teachers, the education system and non-Aboriginal society in general was a little overpowering for a young adolescent at times. The underlying expectation was to forsake my cultural values of sharing and caring, and to compete in a foreign competitive forum. In my eleventh year of school I was being mentally torn apart by so many conflicting values. In desperation my parents sent me to board with a Christian family in Brisbane to complete Grade 12. I did so under extreme suffering, loneliness and anxiety.

(Neill, n.d.:10.)

In the Commission's hearing at Cherbourg (Ts, Neylon 08/03/90 p 162, Brown 20/03/89) evidence was heard of various forms of discrimination against, and exploitation of Cherbourg people by some of Murgon's retail business proprietors. Despite the economic dependence of Murgon on the Cherbourg community, minimal employment of Aboriginal people occurred in the town businesses and shops. Businessmen were at liberty to obtain payments incurred by Aboriginal debtors, from the debtor's bank account, without the debtor being present to authorise a withdrawal. Hoteliers regularly served underage drinkers.

Change in Social Organisation, Cherbourg - Summary

Cherbourg was a receiving centre for the remnants of tribes and clans from many parts of the State. In 1934, after 30 years of operation, the inmates had still retained their traditional cultural knowledge and belief systems. However as directed cultural change was maintained on successive generations much of this knowledge had been lost by the mid-1970s, although certain cultural elements had been retained and transformed in various ways as a set of beliefs about death, sorcery, love magic and other supernatural subjects. These elements appeared to be undergoing elaboration as group identity symbols, partly motivated by a need to facilitate the socialisation of death. Some elements had been retained as an oppositional process to assimilation. New social events have been institutionalised, possibly stemming from a traditional love of ritual behaviour.

The dominant aspects of social organisation at Cherbourg are family groupings with a tendency to a matrifocal character due to the decreased dominance of male householders. Tribal identities appear strongest for those groups from the local region who can still maintain identity with some sites. Other tribal identities have been slowly eradicated by inter-marriage and assimilation policies. Nevertheless forms of cultural revitalization have been noted since the relaxation of the Act.

Assimilation of Cherbourg people into Murgon has been strongly intimidated by discriminatory practices.

In receiving centres such as Cherbourg and Yarrabah, which represent the most institutionalised communities, White management usurped the roles of household heads, parents, and patriarches in various ways for lengthy periods, probably reducing the sense of social responsibility and self-initiative amongst many individuals.

Drinking styles at Cherbourg

Prior to the establishment of a canteen at Cherbourg, people also indulged in two styles of drinking, rural town hotel style and a form of 'outside drinking' on the reserve boundary. This was described in the early 1970s as follows:

Alcohol is procured in Murgon which is only three and a half miles away and consumed either in the hotel or on 'Petticoat Lane', a strip of land just outside the jurisdiction of the settlement. Huge fires are lit at night by the drinkers while the native police wait on the outskirts to pick up individuals as soon as they cross into the settlement drunk. Bottles are hidden all along the road from Murgon to Cherbourg as soon as the police can come into view, to be picked up again the next night. Alcohol is smuggled into the station as evident in the large proportion of houses sporting empty flagons of McWilliams Royal Reserve Port. In Cherbourg, Beckett's analysis of the social norms associated with drinking, such as defiance of authority, putting it over on the White man, conforming to the White man's opinion of Aboriginals, are very much in evidence.

(Eckermann 1971:69.)

A specific venue for covert drinking on the edge of the settlement was utilised by West and his companions prior to West's death in the Cherbourg watchhouse in 1987. It was known as 'Goono Gully', aptly named due to its location at the sanitary works.

In the year 1982-83, which was prior to the opening of the Cherbourg canteen, the police placed 3800 Aboriginals in the Murgon watchhouse due to alcohol-related offences. The majority (over 75%) of these detainees were adults from Cherbourg. The population of Cherbourg at this time has been given as 1020 (Qld Department of Aboriginal and Islander Affairs 1983: 46). By comparison, in 1987-88 when the canteen had commenced operation, there was a total of only 257 drunken arrests. In the pre-canteen period, under-age drinking in Murgon was rife. There is mention of youths as young as twelve and

thirteen served in hotels, but the problem age was defined as 14-16 year olds. Virtually all children were affected by alcohol at some time in their teenage years and approximately 25-30% were identified' as regular underage drinkers. Underage drinkers were often shielded from detection in bars by the large Aboriginal crowds on busy nights. There were at times up to four deep at the bar in a very noisy setting with a juke box playing and widespread broken glass. On one occasion the police reported arresting 27 children in Murgon in a single night, aged 9-17, for breaking and entering to steal liquor. (Cherbourg, Neylon and Booth, Ts, 08/03/89)

Prior to the advent of the canteen, the consumption of alcohol in Cherbourg was possible for a few who developed a special relationship as covert suppliers to the Aboriginal police (Koepping 1976:37). The mother of deaths in custody victim West, remarked on the policing of drunkenness at Cherbourg, contrasting it with the proximate town of Murgon: 'It seemed ridiculous that everyone was free to go into Murgon to drink [after 1967] but then they couldn't go home for fear of being arrested'. There appears to have been a marked difference in the acceptable standards of intoxication in the two environments.

Another type of drinking style was that of the timber-getting teams who indulged in heavy 'binge' drinking at Cherbourg and Murgon during their off-week after two months in the bush. In this way their lifestyle was similar to that described previously, of the western and northern cattle ringers. Dunrobin thus started to drink at age 15 (c1969) and soon became a very heavy drinker, but maintained his work pattern for many years. Pilot also worked as a Cherbourg timber-getter in 1972 at age 19. Both Dunrobin and West hanged themselves in the Cherbourg watchhouse after being apprehended in a very intoxicated state. It is not clear what their day's drinking patterns were. They had access to Murgon hotels, the Cherbourg canteen and private house style drinking.

Aboriginal migration to Brisbane

In the mid-1970s, Guthrie (1976:43) noted the trend for rural Aboriginals to migrate to Brisbane 'where they tend to occupy poor housing in slum areas, receive poor education, have low paid, low status jobs and bear the brunt of racial discrimination'. Guthrie carried out a study on such migration at Cherbourg' in 1972-73 (Guthrie 1975,1976). His survey revealed (1975:57) that the most likely movers from Cherbourg to Brisbane were young single people not encumbered by dependants, but that such migrants especially lacked the particular knowledge necessary for survival in Brisbane and that many were likely to 'find themselves on vagrancy charges and encouraged to return home'. Guthrie also concluded that 'more important than the attractiveness of the city was the unattractiveness of Cherbourg'; and that while 'Australian society is constructed the way it is, adolescents will continue to find Cherbourg stultifying'.

Cherbourg's 550-600 residents considered their home community to suffer from a poor quality of life and a lack of independence, but it provided 'security'. While cities, including Brisbane, provided some independence, the racial prejudice incurred was generally sufficient to dissuade older residents from migration; other negative factors noted were police, lack of housing and employment.

However, for younger people independence was a very strong attraction. The crucial factor for a successful move was the security provided by personal contacts in cities. Compared to Cherbourg, friendship and racial prejudice ranked particularly low in cities. As older people generally had a great deal of previous migration experience they were fully aware of these problems: in a sense these people were migrant failures.

They had tried life in the 'outside' and returned because it was not sufficiently attractive.

(Guthrie 1976:47.)

Through a comparison of the 1981/86 census data, Gray (1989:130,141) demonstrated that a very large proportion (over 20%) of Brisbane's Aboriginal population had arrived during this five year period, but also

noted that this was counter-balanced by high out-migration. However the in-migration was largely in the 15-24 year old age group, whilst the net outflow was in other age groups, mainly 5-14 and 25-34 year olds. The evidence suggested that the in-migration population included a large proportion of young single people who later return to their home communities married with young families. Thus there was a pattern of circular short-term migration between rural centres and Brisbane. Gray argued that the initial lack of marital ties probably played an important part in determining the possibility of young people moving into the city.

Two examples of people who resided in both Brisbane and Cherbourg were the deaths in custody victim West and his mother. West was removed on several occasions from Cherbourg to children's institutions and homes in Brisbane and for a period resided at Goodna with a girlfriend, but he returned regularly to Cherbourg, despite rejection from certain sectors of its community who disliked his drunken violence. He eventually took his life in the watchhouse there. His mother however left Cherbourg when her marriage became unbearable, and came to live in Brisbane. She participated regularly in a drinking circle at Musgrave Park.

The above findings illustrate the misnomer or over-generalisation of the term 'urban Aborigine'. Many Aboriginal people in Brisbane and other regional centres come from rural and reserve (or DOGIT) communities and may resent being classified as 'urban'. Langton has pointed out (1981:16) that 'while White urban life has attractions for most Aboriginal people, a feeling for the people and country "back home" is always maintained'.

South-east Queensland Region

Population centres in this region consist of Brisbane, Ipswich, Beaudesert, North Stradbroke Island, and Gold Coast (particularly at Palm Beach and Southport). The Brisbane population was in the order of 7500 in 1986. The other centres contained much smaller numbers who were closely allied to their community-based organisations.

It is worth mentioning here that Beaudesert was the home town of the father of deaths in custody victims Barbara and Fay Yarrie. Their father, Sidney Yarrie, had been charged with vagrancy there at age 23 and deported to Woorabinda. One of Mr Yarrie's primary objectives in life seemed to have been to return to his home country. Both Mr Yarrie and church members on his behalf, made applications in writing for him to do so, but they were all refused by the Department of Native Affairs on the grounds that he would place a burden on other Aboriginal families (some of whom were presumably his own relatives), if he could not obtain employment in the area. A condition of his first period of 'outside' employment in Central Queensland, was that he agree not to attempt to travel to Beaudesert or Boonah without the permission of the Director of the Department of Native Affairs. Nevertheless he was to return there within several years.

The Yarries had kinship links to people in such places as Beaudesert, Boonah, Christmas Creek, Mulgowie and Ipswich. However the need to find employment also led them to the low-income outer and inner suburbs of Brisbane where they resided often in sub-standard crowded accommodation at Victoria Point, Darra, Acacia Ridge, Paddington, as well as in Aboriginal Hostels. Mr Yarrie's two daughters were to spend much of their brief adult lives in inner Brisbane before meeting their deaths there.

In Brisbane itself during 1986, there were Aboriginal and Islander populations of over 100 residing in 14 Brisbane suburbs, the largest groupings being at Inala (899), Woodridge (475), Redcliffe (279), Redland (247), and Kingston (239) (Telecom 1986). The Brisbane people included a number of core families of long residence, fifty years or more, some tracing back to the Purga Mission near Ipswich. However there are few who can now claim to be descended from the original Brisbane tribe.

Aspects of social organisation in South-east Queensland

Gravitation of Aboriginal people to specific urban locales is not just a matter of choosing low rental suburbs and designated Housing Commission developments, but includes conscious social choices such as returning to old familiar family residential areas, attaching to kin networks, to reserve community groups or to others of the same lifestyle kind. A new arrival in Brisbane must find a point of entry through a known contact (usually a kinsman) into a household and thence into a social or community group, often that to which the other members of the household belong. Such a community may not necessarily be the local suburban residential group e.g. at Inala or Woodridge, but may be a kinship group, a sporting group (especially football, softball) a government department group of Aboriginal staff, an Aboriginal association or organisation of some sort, or a street group such as the 'Musgrave Park mob'. Such groups are readily visible when they congregate but their racial boundaries are blurred and they are all inter-connected and cross-cutting. For this reason the urban Aboriginal population might best be modelled at one level as a set of overlapping communities. Acceptance into the group will partly rely on familiarity with its social norms including drinking style. Another distinct Aboriginal community of Brisbane is that of the jail prisoners themselves.

The role of Aboriginal organisations in providing a sense of structure and community focus can be gauged by their very numbers. In 1987 a listing of Aboriginal and Islander organisations in Brisbane 96 contained over 70 government and non-government departments, branches, units, enclaves, organisations, co-operatives, incorporated bodies, associations etc. Of these, many were educational groups (from pre-school to tertiary), health and welfare agencies, housing associations, church-based bodies, and some seven or eight hostels. The number continues to grow as Aboriginal tertiary graduates increase and opt for employment at the State level of politics, commerce and administration in Brisbane. The organisation network has expanded tremendously since the early 1970s when the basic legal and health services were first established alongside the Department of Aboriginal and Islander Affairs-sponsored OPAL organisation.

The AIU in the Southern-Central and South-West reported that housing co-operatives and other Aboriginal-controlled agencies were sometimes serving only limited numbers of families in town communities. Presumably this service bias was based on kinship and friendship links between such families and the members of the executives of the organisations. Such factionalism amongst Aboriginal families and the relation of such families to community organisations has been addressed by Eckermann, based on fieldwork in Cherbourg, Brisbane, Ipswich and Mitchell:

Within such 'communities', I have been told, decisions are reached on the following basis:

- (i) individual interest comes first, then family interest in the narrow sense, then family interest in its widest sense and finally community interest.*
- (ii) individuals rarely give up their right of veto even though a person from the community may have been elected to represent individual views.*

Thus, even though an individual may have been elected to speak on behalf of 'the community', those who do not fully agree with this person simply disassociate/distance themselves. 'You're not speaking for me' is a common rejoinder. Further, if a family group is opposed to some 'community' venture the most common reactions are to either stay away from the election process, and thus disassociate themselves totally, or to take over the elections with members of their own group so that the venture then becomes 'theirs'. Aboriginal community politics then are similar to a state of balanced anarchy ... Individual family interest must continually exert itself against other individuals'/families' interests, and is kept in check in the process. Only this approach, I believe, explains the deep and persistent factionalism which is also common in most Aboriginal groups.

In explaining such factionalism, Eckermann is alluding to a phenomenon also noted by Martin (1988a:16) at Aurukun, viz. that there exists a constant social dynamic arising from the tension between the strong value placed on individual autonomy (encouraged from infancy) and that of responsibility to kin, clan and other social groupings (also compare Edmunds 1990:16,17). Thus Eckermann says:

If the value placed on individualism and family groupings/alliances is indeed strong among Aboriginal people, it is not surprising that sections will manipulate for control of scarce resources, that people will fail to reach consensus, that debates will continue for or against an issue long after a decision, made by individuals perceived as representing a 'community', has been accepted by the majority.

(Eckermann 1988:35.)

Eades (1988:98) outlines the fundamental importance of 'overlapping kin-based networks' to the Aboriginal people of South-East Queensland:

Social relations are characterised by ongoing family commitments within groups ... Place of residence, travel, social networks, leisure activities and personal loyalties all revolve in some way around one's kin ... It is significant that Aboriginal kin involves a wide network of people many of whom are related only distantly in non-Aboriginal terms.

One of the most important obligations or expectations of kin is that they maintain contact. Although people participate in mainstream Australian social life in many day-to-day activities, they place the highest priority on seeing relatives. The most serious complaints and accusations about people's behaviour usually concern some aspect of family interaction, such as: 'She never visits her people', or 'He talks bad to [swears at] his mother when he is drunk'. Such interactional failings generally cause much more concern and bad feeling than incidents such as an illegitimate pregnancy, being sacked from a job, or failing an exam.

Christie (1986:38) argues that the unique economic adaption within urban Aboriginal cultures, represents a most convincing demonstration of the Aboriginality of these peoples. Eades (1988:99) wrote on the subject as follows:

Because of the shared financial obligations within family networks, individual unemployment has neither the disastrous financial consequences nor the negative social stigma common to mainstream Australian society. Here again Aboriginal families subordinate financial and employment priorities to the important aspects of social relations... While the greatest responsibility is frequently to the nuclear family, family responsibilities are generally applied within a wide range of kin. This applies to the maintaining of social contacts, but also to such areas as the rearing of children, the support of ill or very old people, and the sharing of material resources.

(Eades 1988:98.)

Langton (1981:18) describes the significance of the matrifocal family in south-east Queensland, and how it arises out of particular social conditions:

... in which Aboriginal men are unable to reside permanently with wives and children because of itinerant labour patterns, unemployment, imprisonment, regulations pertaining to social security benefits for supporting mothers and so on. Aboriginal social and cultural values may also contribute to the incidence of the woman-focussed family, in that mothers, grandmothers, aunts and other female relations provide a cultural core, remembering and passing on to their children the knowledge that provides them with an identity in a crowded impersonal urban environment.

Cultural change in South-east Queensland

Langton (1981) comments on the paucity of research on the Aboriginal cultures of the city, and the failure to recognise that there are indeed Aboriginal urban cultures.

Such paucity prevents any discussion on cultural change for the Brisbane communities. Perhaps the lack of information reflects the dynamic nature of these groups. Some comment can be made on other communities in the region. The Kombumeri of the Gold Coast area and the Nunakal of Stradbroke Island have both, in recent years, mapped a set of sacred sites in their countries, and have worked towards a genealogical definition of their group members. These two groups are of significance in a State overview, because their tribal territories fall within the area of maximum contact depth. (The Nunakal have had sustained contact since the 1820s.)

The Kombumeri have identified various Dreamings and oral histories (myths) associated with their sites, and have attempted to establish a cultural centre in which to deposit and use their records. According to anthropologist Peter Whalley (p.o. 30/07/90), the contemporary descendants of the Nunakal and other allied language groups from Moreton Bay, debate and calculate their group identity through links to their islands, and communities (Dunwich, One Mile), and links to other Aboriginal families or descent groups established in the area. Descent links to Stradbroke Island can, in many cases, be traced back well over a century. The imposed processes of assimilation of the Stradbroke Islanders in the 1950s and 1960s has resulted in many Aboriginal people finding themselves in Housing Commission homes in lower or middle class Brisbane suburbs. However these people retain their cultural identity and many hope to return to Stradbroke in their retirement if the housing shortage can be overcome. (Whalley, p.c., 30/07/90.) Nevertheless it seems such cultural elements as language fluency, class systems, clan estate identity have been irreversibly lost by these groups.

Despite the diversity of Aboriginal community and lifestyle in the State capital, the victims of deaths in custody in Brisbane (except Wouters) all lived in an impoverished alcoholic manner. Much of their drinking and socialising focused on Musgrave Park.

Musgrave Park

The use of Musgrave Park as a traditional meeting area has been researched by FAIRA (1986). This study asserts that in pre-contact times, the area of the park contained a Bora Ground, and was located in the estate of the Kulperum-Juggin, a clan of the Jugguru tribe. A number of camps in the vicinity of the 'Park' site were utilised by travelling tribespeople from the wider region who visited in association with the bunya nut festival at the Blackall and Bunya Mountains.

Back as far as the Dreamtime, the country that is now the Greater Brisbane area was the focal point for many miles -from the Northern Rivers of New South Wales to the Dawson river near Rockhampton, and the west to the Kullillee tribes to the west of the Darling Downs. They had gathered in the region every four years for Ceremonies involved in the allocation of rights to collect fruit from bunya pines in the ranges. The last unspoiled section of this ceremonial land was Musgrave Park, a place of strong 'Spirit memories'. When I go to Musgrave Park, I have an instinctive feeling of security. I feel at peace there. That' s why just about all blacks coming to Brisbane go to the park.

(Scambury c1986)

In May 1974 Mr Don Davidson, the Brisbane field officer for the Aboriginal Medical Centre estimated that about 500 Aboriginals in Brisbane were suffering from alcohol problems out of a total of 5,000 Aboriginals that lived in that city. Many of these were visitors from rural communities.

These people turn to drink in despair after coming from out of the country and finding they are discriminated against when trying to find good jobs and good housing. They're dying on their feet. They have nowhere to go but under the bridges and into the parks where they're picked up dead. The problem in Brisbane is terrible and the medical centre is really concerned about what's happening. But there are no hostels where these people can be housed and Aboriginals are reluctant to seek help from organisations like Alcoholics Anonymous. It was also said at the time that these people are a sizable, visible minority of Aboriginals - the ones who lack skills or find the cultural gap too great.

(The Courier Mail, 04/01/74.)

In the 1980s many Aboriginal people have died from regular metho drinking in Musgrave Park and at other South Brisbane venues. One report in December 1984 stated that there had been 44 deaths in three years (The Telegraph, Brisbane, 05/12/84). Aboriginal welfare officer with the St Vincent de Paul Society, Paddy Jerome, knew most of the people who had died in the Park, and described the deaths as 'a silent protest'.

*They come to the park, the only accessible bit of land they have any spiritual feeling for and they know they're going to die there. They are people with an overwhelming feeling of alienation. Many of them have died after drinking methylated spirits ... They are people at the end of the road who have lost the battle against the city. They have lost all sense of belonging ... In the city, they become refugees with a new set of problems. More than 80% of the city Aboriginals are unemployed. They can't get jobs and they descend into poverty. Most of all **they** have this feeling of not belonging, which is the result of losing their contact with the land.*

(Scambury c1986)

As noted by Guthrie and others, lifestyle in Brisbane was not easy for many Aboriginal people. The AIU have ranked the State's capital as one of the worst towns for experiencing both direct and indirect discrimination.

Articulated by the police and the courts in the form of 'arrests', 'charges', and 'verdicts', racist violence is perpetuated everyday. For inner-city dwellers, where this kind of violence is more acute, a life of dodging the police, White hostility, and himself becomes quite normal.

(Mullard 1974:47.)

Change in Social Organisation, South-east region - Summary

Research knowledge is poor concerning this region. In Brisbane, social organisation is characterised by multiple overlapping kin-based communities located in numerous suburbs and largely formed by immigration in recent decades. They are further characterised by high internal transformation as members move across the city or return to house communities in many parts of the State. New arrivals to such communities at first build on kinship and home town links, but some communities also form around a range of types of other social bonds such as affiliation to sports clubs, government and community organisations, Aboriginal residential locales. Group membership may also be dictated by lifestyle circumstances e.g. as in the case of alcoholic, low-income, street groups ('drones'). More permanent features of Brisbane social organisation may be stable matrifocal families with long-term residential links (most members of the original tribal groups appear to have disappeared).

It is clear that a high proportion of the Brisbane population, including the street groups, are from Cherbourg. It is argued that these people represent the legacy of the State's institutional policies at

Cherbourg which have resulted in community fracturing and dispersal rather than social cohesion based on a desired quality of lifestyle.

Other rural and urban communities in the South-East region tend to be made up of multiples family groups with cross-cutting kinship links and who use housing or enterprise associations or co-operatives as their interface with government agencies. Some of these communities are characterised by inter-family factionalism which may lead to family dominance of such community organisations. Nevertheless many of these communities retain a sense of tribal or language group identity.

It can be strongly hypothesised that the dynamics of social organisation in Brisbane, the absence of any spatial concentration or focus of community (unlike other community types), and the presence of a hostile discriminatory non-Aboriginal environment, contribute to a lack of social strength and an inability for some groups to effectively deal with social problems. The AIU have also reported strong factionalist tendencies in this centre.

The drinking lifestyle of the Brisbane 'drones'

In recent years the Aboriginal street and park dwellers have come to be known as 'drones'. According to the AIU, the drones consist of individuals who are both immigrants from Cherbourg and other rural centres, as well as from the 'old' Brisbane Aboriginal families (40 or more years of residence). Central to the development of this lifestyle has been the role of Musgrave Park as a meeting and drinking place. According to O'Sullivan (1985:10), the Cherbourg people had defined a territorial niche in Musgrave Park into which outsiders sought permission to enter. The park was frequented by deaths in custody victims West, Lacey, Barbara Yarrie, Fay Yarrie, and Pilot. Of these, four died in the Brisbane watchhouse, or in hospital after removal from the watchhouse, or in prison as a consequence of their lifestyle. and one (West) hanged himself after his arrest on a return visit to Cherbourg. A selection of biographical material on several of these victims is provided here to indicate the nature of their Brisbane lifestyle.

In the early 1970s, Fay Yarrie resided at such places as born Free Club (South Brisbane), a house in Paddington, Opal House, Wilson Youth Hospital; and then in the mid-1970s, at various Aboriginal hostels. Fay's lifestyle deteriorated, and by the late 1970s and early 1980s, she was reported to be a 'typical Musgrave Park Aboriginal'. She in fact left her baby with a relative in a park and failed to return. (The child ended up in hospital and had to be taken into government care.) (pp 29,50.) A typical day of drinking in Fortitude Valley by Fay Yarrie and friends has been reconstructed from information provided to me by the Commission. This occurred just prior to her death in 1988>

Early on the morning of 15 December 1988, Fay had apparently packed her belongings and had left the Windsor address intending not to return ... She arrived at the park behind the 139 Club, Brunswick Street, Fortitude Valley at about 7 30 am, where there were a number of other Aboriginal people there waiting for the Club to open ...

Fay then walked down to the Valley Plaza branch of the Commonwealth Bank and withdrew some money ... She then, in the company of others, went to the 'early opener' hotel and shouted a carton of stubbies and a flagon of red wine. This was shared amongst a number of people in a nearby park over the course of the next one to one and a half hours ...

After all the alcohol was consumed, most of the group, including Fay, returned to the 139 Club where some stayed, had showers and changed. A short time later, Fay and four others walked up to the nearby look-out park. Fay then went to the Brunswick Hotel bottleshop and returned with half a dozen large bottles (of beer) and a small bottle of Royal Reserve Port ...

This was shared amongst the five people over the course of about an hour. Fay then left the park to buy some more alcohol. It appears that she went to the Aboriginal favoured public bar of 'PC', the Prince Consort Hotel in Wickham Street, Fortitude Valley. In fact Fay had been barred from that hotel because of previous drunken, rowdy behaviour including breaking glasses and on two occasions pulling a knife on the Manager. But this did not deter Fay from returning to the public bar of the PC at about 11.00am. A friend, who also attended the PC at about this time stated that Fay was already 'pretty pissed' ...

The Manager, upon noticing Fay 'obviously drunk', went over to her and asked her to leave. She did not oblige at first. He went away to attend to other business. When he returned to the public bar a short time later, he observed Fay still there. He again asked her to leave and she did.'

Fay once again bought take-away liquor and consumed it with several others in the park. She repeated this behaviour again. (Both times six bottles of beer and a flagon of port were purchased.)

At about 2 pm, Fay and the others set out again for PCs. Fay shouted Jimmy and Darrel some beers. Fay's younger sister, Carmel, arrived and sat and talked with Fay for a while ... Carmel noticed Fay drinking beer and was 'drunk but she wasn't sick and she didn't complain about feeling crook' ...

Another friend came over and had a talk and a drink with Fay whom she had not seen for about a month. Shirley arrived back at PC and Fay shouted her a 'pot' before she, Shirley, went and sat on her own. By this time Shirley observed that Fay was so drunk that she 'couldn't hardly walk'. Shortly before 2.30 pm, Fay was drunk and 'carrying on real stupid' ... Darrel and Fay then started swearing and yelling at one another. The bar-person working behind the public bar... went over to Fay and asked her to leave. Fay swore at him. Jimmy intervened and told the bar-person to go away and he would take care of Fay. The bar-person left Fay and returned behind the bar...

Fay then struggled to get up from her chair by herself but fell back down. Jimmy or Darrel then assisted her up and she staggered un-aided towards the front door leading on to Wickham Street. Darrel followed and as she approached the partition immediately inside the door, she fell backwards striking her head on the floor. She lay there motionless appearing to be unconscious for '10-20 seconds' before Jimmy went over to assist her. He revived her by putting some cool water on her face. Daisy assisted Fay up from the floor, walked her outside onto the footpath and sat her down alone on a bench located about 10 metres away from the entrance to the public bar. Doreen went out the front and asked Fay if she was alright? Fay said: 'Yeah sister, I'm all right'.

Fay Yarrie's sister, Barbara Yarrie was also a victim of deaths in custody. She too came to live a drinking lifestyle in Brisbane. The following notes are reconstructed from information provided to me by the Commission:-

She was considered to be a 'drone', a term used by members of Brisbane's Aboriginal community to describe homeless Aboriginals who slept out in the parks and drank excessively. The 'drones' were in the habit of sharing their food, money and alcohol. Community members regarded her as being one of the 'Mulinjali mob', a reference to her father's tribe who came from the Beaudesert district. There were approximately twelve people who regarded themselves as being part of the mob. Most were 'drones' who were blood-related...

Alcohol dominated her life to such an extent that she spent most of her days either intoxicated or looking for alcohol. All of her money was spent on alcohol and invariably she was penniless on

the same day that she received her Social Security cheque. When she had no money she still had access to alcohol through family, friends and fellow 'drones'.

She frequented Fortitude Valley's Prince Consort Hotel and other inner suburban hotels such as the Paddington Tavern, The Sportsman, The Normanby and Newmarket Hotels. She mainly drank flagons of port wine and casks of moselle. She resorted to drinking methylated spirits when she had no access to alcohol from fellow 'drones' or White 'captains' ... Barbara's 'captains' were mainly White males who provided her with money and alcohol in return for sexual favours. Barbara had resorted to this practice when she was only sixteen years old.

Her need for alcohol and her association with White 'captains' were constant sources of friction in her relationship with her boyfriend. Barbara's sister ... described their relationship as a violent one. Barbara would be bashed at least once a week after arguments occurred over money, gambling and alcohol. Her boyfriend admitted assaulting Barbara once every couple of months because of her involvement with the 'captains' however, he denied that the assaults occurred in the last few years of their relationship as he realised that it was pointless trying to prevent her from associating with them.

Although her brother and sister portray Barbara as a carefree and 'happy go lucky' person, their assessment is questionable and superficial. Her soul was tormented by a pain that she was never able to express. One can only speculate on the sources and origins of her pain and torment. She sought solace from alcohol to quell the pain and in the process she developed a dependency on alcohol that dominated every facet of her life.

Both Barbara and Fay Yarrie were taken into custody very intoxicated on the respective days of their deaths. Barbara Yarrie mixed in the same circles as Pilot, and the two had a brief relationship when she was 17. When Pilot of Cherbourg first began residing in Brisbane in circa 1980, he and a drinking companion withdrew from the inner city lifestyle by taking train excursions to Shorncliffe where they swam in the sea and subsisted on fish, camping out-of-doors. The only drawback mentioned with this lifestyle was the rough treatment at times from the local police who it seems were not anxious to encourage Aboriginal campers in their quiet suburb.

In the period 1982-86, Pilot lived in a defacto relationship with a partially blind Aboriginal woman, residing for part of this time at Opal House. Pilot's lifestyle was relatively stable during this period but nevertheless in 1983 he was reported to consume two flagons of wine per day. After this relationship was terminated by his violence towards his partner, he became a hardened alcoholic, a member of the 'Musgrave Park mob', a 'goomie' drinking metho in the park dally, as well as at other well known venues, e.g. King George Square, Albert Park, Botanical Gardens and on the river bank at South Brisbane. At night he often slept in these parks or in abandoned premises, or found refuge at St Vincent de Paul. During this period of street existence Pilot contracted pneumonia, hepatitis and syphilis and was regularly with the delirium tremors.

At the time of writing, a recent Brisbane newspaper report, described a group of about 30 Aboriginals as the 'Valley Drones' who were squatting in a dilapidated unoccupied furniture-less building in Fortitude Valley and leading a heavy drinking lifestyle. Their ages ranged from 20 to 57 and many had come from Cherbourg in search of city 'excitement'. Despite the alcoholic, unhygienic, uncomfortable lifestyle, a leader of the group described his companions as 'one big happy family' and said everybody was related and loved living there. Nevertheless a quotation in the newspaper from one of the company, indicates an underlying depression and despair, despite the security of kin:-

[One woman], 28, could not hold back the tears when describing her situation. She said she suffered from asthma and bronchitis and had been beaten repeatedly ... I love it here because it's The only place I got and when I'm with family I'm happy ... We want to stop the drink but we are addicted and it is killing us. We love the drink because it fixes us up and we got nowhere else to go... I' 11 stay here till I die.

(Courier Mail, 28/04/90.)

Park drinking style in Brisbane is replicated in Rockhampton and Townsville. For example Barney, prior to his apprehension and death had been drinking at Anzac Park in Townsville. O'Rourke was raped by her drinking companions in a Rockhampton park, three weeks prior to her death.

South-West Queensland Region

The South-West Queensland region takes in the rural town communities of the contemporary Aboriginal population, as well as the river basins on which their traditional lands lie. The tribal groups from this region include the Kunja, Budjari, Kullilla, Wangkumara, Mardgany, Kungara, Kooma and Muruwari and they occupied the mid-reaches of Nebine Creek and the Warrego, Paroo, Bulloo and Wilson Rivers (McKellar 1984:38). The frontier expanded into their territories in the 1860s. The regional centre is now Cunnamulla and there are small Aboriginal communities in Quilpie, Eulo, Thargomindah, Wyandra, and Windorah. The Aboriginal population of Cunnamulla had risen to about 300 in 1981, in a total town population of some 1700 (McKellar 1981:61). Other centres in the region had less than 100 Aboriginal residents.

There is little social interaction of any consistency between the Cunnamulla Aboriginals and those of Charleville to the north. These latter people have migrated south from the Central Highlands over the last 100 years, some via Augathella. There is some contact with the Mitchell community further east however, due to the migration there of some of the Nebine Creek groups. Similarly to the north-west of the region there is negligible interaction with the isolated pocket of Aboriginal people at Birdsville and Bedourie. They are oriented down the Birdsville track and travel more frequently to Port Augusta (SA).

The Wangkumara from the western edge of the region moved south across the border in the early 1920s to Tibooburra. They were then moved by the NSW Aboriginal Welfare Board to Brewarrina in the 1930s, and thence many went to Bourke. Some Kunja tribespeople from immediately south of Cunnamulla migrated from Tinnenburra to Enngonia in the 1930s and then on to Bourke. There are thus strong social links from the Queensland side of the region to Bourke and Enngonia in NSW. Bourke is also a destination for seasonal agricultural work. Close links between the Kunja and Murawari people have also been retained over the years with a result that Goodooga in northern NSW is also considered to be part of the 'beat' of the people in this south-west region. Relatives also reside in Toowoomba and Oakey, having moved there to obtain employment in the early 1970s. This migration did not extend to Brisbane due to the preference for a countrified residential setting.

Removals have also played a role in dispersing kin away from this region. In 1898-1902, Queensland Aboriginal Protectors visited the south-west and removed a number of Aboriginals to coastal reserves from Thargomindah, Cunnamulla and cattle stations in Mardgany tribal land (north-west of Cunnamulla). A second major removal occurred in the early 1940s, recalled by Hazel McKellar (1984:59, 61):

*In the early 1940s a large group of women, children and old people were removed from Nockatunga. Two cattle trucks were sent out from Cunnamulla to round everyone up and take them to the train at Cunnamulla .. Meanwhile back at Nockatunga, the men who had been out working all day came home and found the camp deserted. There were no messages left - all **they** saw were the marks of the lyres. The men were not sent away because it was war time and there was a shortage of labour. This sudden moving of the women, children and old people was*

indeed a great insult by the Queensland Government. One can only imagine how the men must have felt on returning to their camp -no camp fires, just a vast emptiness in the camp and their hearts. This spelt the end of Kullilla and also Wangkumara tribal traditions.

McKellar mentions (1984:22, 37, 38) other individuals being removed from time to time in the first half of the century. One example is the deaths in custody victim Pilot, who was born in Quilpie in 1953 and went to Cherbourg as a child. Many of the descendants of these people who were removed are today to be found at Cherbourg and Woorabinda, and the corresponding large regional centres of Rockhampton and Brisbane. An example worthy of attention is that of the family of deaths in custody victim Patrick Booth.

Case of the Booth family

Booth's paternal grandfather was born on Nockatunga Station on the Wilson River in South-West Queensland. This station lies in Kullilla country, and it seems that Booth was patrilineally descended from this group. Booth's grandfather and family were removed to Cherbourg in 1930 because he 'refused to sign a work agreement and for the benefit of his family'. Booth's parents married at Woorabinda in 1963. The Booth family left Central Queensland in early 1971, the year of Booth's birth, and reactivated kinship links on the Darling River basin.

Descendants of the Kullilla had interspersed and inter-married with other Aboriginal communities in northern NSW. The 'Booths joined some of these relatives. They came to reside at the humpy settlement on the Bourke Aboriginal Reserve, and members of their family were to stay intermittently at other places in this region such as Byrock, Wee Waa (Tulladunna camping area-another humpy settlement), Goodooga. The children (including Booth) were eventually placed in the care of a great aunt and uncle on the Bourke Reserve, due to Mr Booth's heavy drinking, his marriage break-up, and Mrs Booth's subsequent demise into drinking and poverty herself. Booth grew to age 11 in the district (1983). Various members of the family then gravitated to Sydney and Canberra.

Social organisation in Cunnamulla

During the 1930s, the combination of the depression and the breakup of large holdings saw the beginning of Aboriginal migration to the fringes of towns in the region. By the 1940s, three camps had been established on the outskirts of Cunnamulla near the Warrego River. Division was along tribal or regional affiliation. The northern camp on the west bank consisted of the Paroo and Bulloo tribes from the west, whilst that on the east bank opposite, contained Goodooga people (Murawari). The southern camp consisted of people from the Nebine Creek area (the Kooma and others). (McKellar 1984:72,74.)

In 1960, a report by the Paroo Shire Council's Medical Officer recommended a program for gradually disbanding the camps and assimilating members into the town. No action was taken however. Then in 1968, Nancy Young, a camp dweller was tried and convicted on a charge of manslaughter after her four-month old child had died of malnutrition. A later review of her case led to her being pardoned. As a result of this case, the town camp received national attention on television. The local White population were portrayed unfavourably. As a result, the State government began a program of building houses for Aboriginal people in the town. Families progressively moved into the new houses. By 1975, when the last families moved from the camp, 26 State-owned houses had been built or acquired in Cunnamulla. (McKellar 1984:83, Schultz 1977.)

The increased availability of housing catalysed a return of significant numbers of Aboriginals from Bourke and Brewarrina in the mid 1970s, adding to the White racist backlash and exacerbating the already high Aboriginal unemployment. The houses were poorly designed for the needs of their residents and were scattered throughout the town disrupting the functions and identity of the town camp communities. An

index of the racist tension in the town was the lack of any interracial marriages for twenty years. (Schultz 1977:13,14.)

The Cunnamulla Aboriginal population of the late 1970s consisted of predominantly six principal descent groups or extended families, as well as several more isolated families with only distant kinship ties to the others. The geographic origins of the six main descent groups were:

- (i) from the lower Warrego River, Kunja people (Tinenburra)
- (ii) ditto, but with links to Murawari also (and hence to Goodooga),
- (iii) Nebine Creek, Kooma people
- (iv) from the vicinity of Cunnamulla itself,
- (v) from between the Paroo and Bulloo ... Budjari and Mardgany,
- (vi) from the Bulloo ... Kullilla.

Group (iii) had over 100 members, groups (ii) and (iv) over 30 and the others between 10 and 20. Strong family ties persist today. Family alliances are visible at the levels of household interaction, funerals and fights, but this is offset by family exogamy.

The dominant Aboriginal organisation in Cunnamulla is the South-west Aboriginal Housing Co-operative Society, established in 1973, and responsible for purchasing houses. Membership of its board fluctuates between different family factions who vie for power, although no one group has been able to totally dominate. McKellar has stated that the women are really the most powerful people in the community. They hold it together ... they are the ones who get up and do something when it has to be done (Schultz 1977:14). The AIU have noted during their travels for the Commission to communities all over the State, that it is the senior women who are the most outspoken on social issues, who run many of the organisations, and are most active in analysing their community's social position and problems.

Cultural Change at Cunnamulla

The oldest Aboriginal people at Cunnamulla in the 1980s possessed memory knowledge of many traditional customs and sciences including such things as languages, bush foods and medicines, midwifery, marriage laws, environmental laws, geography, legends, male and female initiation rituals, rainmaking rituals, 'smoking rituals', sorcery, family genealogies and tribal origins of families, contact history and languages (McKellar 1984). Much of this knowledge is no longer actively used, nor is it being transmitted to the younger generations. However some important steps have been taken to staff reversing this trend in the 1980s, viz the teaching of Aboriginal culture and history and the recording of local Aboriginal sites (McKellar 1981:62).

Nevertheless in the late 1970s, McKellar had noted that most of the Aboriginal children had neither any concept of their own culture, nor any strong sense of cultural identity. She lamented that since the dismantling of the camps, children were no longer enculturated into a sharing ethic. Lack of self-respect, lack of employment and alcoholism were observed to go hand in hand. (Schultz 1977:15.)

Change in Social Organisation, South-west region - Summary

The population of the South-West is largely derived from the original tribes of the region, although there has been a lengthy history of local and wider removalism and migrations of various sorts.

In the regional centre of Cunnamulla, between the late 1960s and early 1970s, the social organisation transformed as the occupants of three fringe camps who were divided on a tribal and regional basis, moved into town houses. The sociospatial patterns, kinship networks and lifestyle autonomy of the camps were somewhat disrupted. The Aboriginal population was then characterised by six descent groups or extended families of distinct tribal and regional affiliation, and of varying size (10 to 100+). These family units were visible at the levels of household interactions, conflicts and funerals, whilst inter-marriage inter-linked such units (family exogamy). Family leadership was largely in the hands of women. As in other regions, the community housing co-operative is subject to fluctuating factional control by different family alliances.

A loss of traditional identity systems is reported amongst the young people of Cunnamulla. Traditional cultural elements are retained in the memory knowledge of some older people but have not been transmitted to the younger generations in any systematic or sustained manner since the upheaval of the town camps.

Drinking style in rural towns

During the 1970s the social pattern of drinking involved congregating consistently at one particular hotel. Cunnamulla has seven hotels and two clubs. The 'Blackfella' pub has changed over time, there having been three consecutive venues over the last 15 years.

In 1977, drunkenness was a regular offence as were obscene language, resisting arrest and behaving in a disorderly manner. During a six month period there were 278 convictions for drunkenness of which 221 were incurred by Aboriginal people. About a quarter of these were women and it was reported that the number of female problem drinkers had increased over a period of 20 years by 70% (13-40 year olds). On Friday night virtually all men in Cunnamulla (black and White) drank at the hotels. (Schultz 1977: 14, 15.)

It seems that having the run of a particular hotel gives people the freedom to engage in a preferred Aboriginal style of drinking and socialising in a relatively unrestricted manner (much the same as at the Snakepit in Mt Isa). Reciprocated shouting at hotels continues to revolve around the arrival of welfare cheques at staggered times during each fortnight.

In more recent years this style has been augmented by more frequent habitation of the other hotels in Cunnamulla due to the development of hotel-sponsored football teams, most of which have a large proportion of Aboriginal players. In fact participation in football and basketball are now principal modes of enculturation of drinking style for young adults in Cunnamulla. Vigorous drinking sprees occur at the various hotels after such sporting fixtures. Further recent additions of drinking venues have resulted from the holding of late-night discos in some hotels and the occurrence of after-hotel drinking parties in private houses. Fighting at the 'Blackfella pub' is allegedly fairly contained compared to the fights between Aboriginals and non-Aboriginals at the discos. Fights are usually started by the women and spread to the men.

As in Mt Isa, there are distinct river-bank styles of drinking at Cunnamulla. One group of men regularly procure a flagon or two of wine at 8.00 am from an unscrupulous publican and retreat to such a setting to become intoxicated. Underage drinking is also rife and parties are held at the river when young teenagers obtain money from parents on cheque days. In both cases, these styles of drinking would not be tolerated in hotel settings.

Eckermann (1976) gives an indication of the intensity of drinking to be found amongst the Aboriginal community of a small rural town in the southern central inland region. In Mitchell, during the early 1970s, 45% of the adult Aboriginal population drank to excess either every week-end or every pension day. Half of these did so more than once a week. All of the men drank at weekends which they saw as a time to get drunk and stay drunk. Eckermann describes (1976:23) two periods of particularly heavy drinking at Mitchell during Easter rodeo time and from early December to Christmas. 'During the Easter Rodeo break a number of men and women drank so heavily that it took six weeks of drinking, fighting and finally, total physical illness before they "swore off the grog" again ...' One of Eckermann's Aboriginal consultants explained (1976:21) that many of the men who came in from bush employment drank out of loneliness, and spent their money shouting other Aboriginals to 'buy friends'. Eckermann also indicates (1976:22) that almost half of the men who got drunk on a weekly basis were single and hoping to find female partners in the town bars.

It was during holiday times at Mitchell that individuals were most likely to 'bust' and 'go on a drunk'. Such individuals may have been weekend drinkers, heavy drinkers, occasional drinkers, even, but more rarely tee-totalers. Some women who rarely drank except with their husbands, 'busted' when there was unusual family tension or financial problems, or when the monotony and repetition of their lives became too much for them. This drinking style involved continuous consumption of liquor, day and night without eating for a least several days. (Eckermann 1976:22, 23.)

It is unclear how many of the deaths in custody victims were drinking in rural town hotels prior to their deaths. Kulla Kulla is alleged to have become drunk behind the Coen hotel. But it seems this was in a regular creek-side setting in much the same style as river-bed drinking in Mt Isa or Cunnamulla. Dunrobin and West were both detained in Cherbourg on the eve of their deaths but may have each spent at least part of their day drinking at hotels in Murgon. Tiers drank all night at a Rockhampton hotel before retiring to a motel with some friends for a late night and early morning drinking session. Links between hotel drinking style and deaths in custody are therefore not as strong as in the cases of canteen style and outside drinking style.

Conclusion

This paper contains limited samples of data on Aboriginal social organisation in Queensland. These data are clearly not comparable in a fine-grained sense, due to unevenness and differences in their types and properties, arising largely from the differing interests of the researchers involved. What then can be concluded from this overview of Aboriginal Queensland?

In the first place, what is clear is that despite the assimilationist policies of the Department of Aboriginal and Islander Affairs there are widespread localised Aboriginal communities scattered in most parts of the State. These are not just confined to reserve or DOGIT communities. In many rural towns it seems Aboriginal people have maintained a social distance and a distinct social character, either because of the forces of discrimination, or because of their substantial numbers in relation to the White population. Only in the regional centre of Mt Isa with numerous suburbs and a White population of many thousands has this overview detected effective processes of assimilation to have been possible. It is hypothesised that similar patterns have occurred in other large regional centres (Townsville, Brisbane) although such assimilation processes may vary in relation to the severity of discriminatory practices.

In the second place, despite the diversity of histories of cultural change in the State's communities, a distinct and shared pattern has emerged from this survey concerning the transformation of modes of social organisation in communities. This pattern may have important implications for the maintenance of social control. It can be characterised as follows.

- (i) In a number of communities the following attributes are observable:
 - (a) the retention by older people of knowledge of their traditional land-based social organisation systems and associated forms of leadership and authority; and
 - (b) the application of such knowledge in a variety of modes of collective social action. This second aspect only appears to continue in certain northern reserve communities which either have been fortunate enough not to have incurred the strong forces of change experienced in other areas, or which have been resilient to such forces.
- (ii) In many communities (reserve and rural), one finds the presence of (i)(a), but not (i)(b). The removal of traditional elders (senior men in control of land-based ritual and marriages) from the sphere of political action occurred in reserve communities, as well as the dismantling of values concerning adult responsibility for the socialisation of children. The destruction of these modes of social control has been further exacerbated by the dispersal and mixing of traditional groupings. In these communities, informal social action appears to proceed along kinship lines. However the retention of bodies of traditional knowledge appears to have occurred in many diverse parts of the State, even if such knowledge is not being applied in the context of collective social action.
- (iii) There appears to have been a failure by older people to transmit systematically, their knowledge as defined in (i)(a), to younger people, due to a complex of reasons which involve imposed changes, shifts of values amongst the younger generations, and a resentment by old people of the behaviour of youth.
- (iv) Despite the process of (iii), there has been a retention and elaboration of some selected cultural elements as components of individual and group identity by all age groups in the communities examined.

In addition to these processes, there has, in the last two decades, also occurred the establishment of new structures intended to be vehicles for community-based action:-

- (a) The establishment of councils in reserve communities by the State government and missionaries, which are reported in many cases to lack adequate resources and empowerment, and are at times noted to be not representative of their constituent social groupings.
- (b) The establishment of community-based co-operatives and associations in non-reserve communities by the Commonwealth government, which display family factionalism in many cases, also leading to an absence of effective representativeness.

There are widespread reports of both of these structures (a) and (b) being limited in the extent of their effectiveness to deal with community issues due to their incongruence with the actual forms of social organisation present.

The reader should note that the above conclusions only deal with some of the broader structures potentially capable of maintaining social control.

ABORIGINAL DEATHS IN CUSTODY REGIONAL REPORT 15/11/90.

Notes on referencing:- Reference to the transcript of hearings is by speaker and date, e.g. (Martin Ts, 29/08/88)

Aboriginal Co-ordinating Council (ACC). 1987. [Correspondence to the President of Human Rights and Equal Opportunity Commission, plus attachment:- "Submission for review and Reform - Aboriginal Police and Courts within the legal system of Queensland"], Cairns, Queensland.

Aboriginal Co-ordinating Council (ACC). 1990a. Aboriginal Deaths in Custody; Underlying Issues, [Prepared for the Royal Commission into Aboriginal Deaths in Custody], Cairns, Queensland.

Aboriginal Co-ordinating Council (ACC). 1990b. Annual Report 1988-89, Cairns, Queensland.

Anderson, C. 1981. "Queensland" in Peterson, N. (ed) Aboriginal Land Rights -A Handbook. Australian Institute of Aboriginal Studies, Canberra.

Anderson, C. 1986. "Queensland Aboriginal People Today" in Holmes, J.H. (ed) "Queensland. A Geographical Interpretation" in Queensland Geographical Journal, 4th series, V 1.

Anderson, C. 1990. "Poor Billy Blanket Lost Among The Lawyers" in The Independent Monthly, Sept, pp 8-9.

Anderson, C. & Coates, S. 1989. Like a Crane Standing on One Leg on a Little Island: An investigation of factors affecting the lifestyle of Wujal Wujal Community-. North Queensland, Research Study No. 1: National Aboriginal and Islander Legal Services Secretariat (NAILSS), Sydney.

Armstrong, R.E.M. 1980. The Kalkadoons - Warriors of Queensland, William Brooks and Co. Pty. Ltd., Brisbane.

Atkinson, J. (n.d.) "Violence in Aboriginal Australia", Mooloolah, Queensland, Ms.

Australia, Commissioner for Community Relations, 1980. "Appendix K: Queensland Aboriginal Reserves: Policies, Administration and Discrimination", in Annual Report of the Commissioner for Community Relations, Canberra.

Barber, J.G., Punt, J, Albers, J. 1988 "Alcohol & Power on Palm Island" in Australian Journal of Social Issues. V 23, No 2, pp 87-101.

Beckett, J. 1958. "A Study of a Mixed-blood Aboriginal Minority in the Pastoral West of New South Wales", M.A. Thesis, Australian National University, Canberra.

Beckett, J. 1964. "Aborigines, alcohol & assimilation" in Reay, M. (ed) Aborigines Now, Angus & Robertson, Sydney, pp 32-47.

Beckett, J. 1965. 'Kinship, Mobility and Community Among Part - Aborigines in Rural Australia' in International Journal of Comparative Sociology. Vol. 6, No. 1, pp 7-23.

Beckett, J. 1988a. "Introduction" in Beckett, J. (ed), Past and Present. The Construction of Aboriginality, Aboriginal Studies Press, Canberra, pp 1-10.

Beckett, J. 1988b. 'The past in the present; the present in the past: constructing a national aboriginality', in Beckett, J. (ed), Past and Present. The Construction of Aboriginality, Aboriginal Studies Press, Canberra, pp 191-217.

Beckett, J. 1990. 'The 'problem' of Aboriginal Identity', [Submission to Royal Commission into Aboriginal Deaths in Custody], Anthropology Department, University of Sydney.

Berndt, R.M. 1974. Australian Aboriginal Religion, E.J. Brill, Leiden, Netherlands.

Berndt, R.M. & Berndt, C.M. 1977. The World of the First Australians, Ure Smith, Sydney (1st Edition 1964).

Blake, T. 1990. "Community Profile - Cunnamulla", [prepared for Royal Commission into Deaths in Custody], Aboriginal Data Archive, Department of Architecture, University of Queensland.

Brady, M. 1988. Where the Beer Truck Stopped: Drinking in a Northern Australian Town, North Australia Research Unit Monograph, Australian National University, Darwin.

Buchanan, C. 1988. "Cheryl Buchanan talks about the Bicentennial and Expo 88" [interview by Jeannie Bell] in Social Alternatives, V 7, No 1, pp 7-11.

Carmody, K. 1988. "The Bitter Cake" in Social Alternatives, V 7, No 1, pp 3-6.

Cawte, J. 1972. Cruel, Poor and Brutal Nations, University Press of Hawaii, Honolulu.

Chase, A. n.d. "The Coen Races - An Aboriginal Meeting time", Brisbane, [Ms in author's possession].

Chase, A. 1980. "Cultural Continuity: Land and Resources among East Cape York Aborigines" in Stevens, N.C. and Bailey, A. (eds), Contemporary- Cape York Peninsula, The Royal Society of Queensland, Brisbane, pp 83-8.

Chase, A. 1981. "Empty vessels and loud noises: Views about Aboriginality Today" in Social Alternatives, V 2, No. 2, pp 23-27.

Christie, M.J. 1986. "What is a part Aborigine?" in Aboriginal Child at School, Vol 14, Feb/Mar, pp 37-40.

Collman, J. 1979. "Fringe Camps and the Development of Aboriginal Administration in Central Australia", in Social Analysis, No 2, Nov. pp 38-57.

Craig, D. 1979. "The Effect of State Policy and Queensland's Laws on an Aboriginal Reserve: A look at Yarrabah" in AIAS Newsletter (N.S.) No 11, March, pp 69-71.

Dixon, R. 1980. The Languages of Australia, Cambridge University Press, U.K.

Eades, D. 1981. "That's our way of talking: Aborigines in South-east Queensland", in Social Alternatives, 2 (2), pp 11-14.

Eades, D. 1988. "They don't speak an Aboriginal Language or do they?" in Keen, I. (ed) *Being Black*, Aboriginal Studies Press, Canberra, pp 97-115.

Eades, D. 1990. "A case of communicative clash: Aboriginal English and the Legal System", University of New England, Armidale, Ms.

Eckermann, A.K. 1971. "Report on field work in Ipswich, Mitchell and Cherbourg, May 1970/Feb 1976", Australian Institute of Aboriginal Studies, Canberra.

Eckermann, A.K. 1976. "Half-Caste ... Out-Cast" in Occasional Papers in Anthropology, No 6, pp 13-27.

Eckermann, A.K. 1988. "Culture Vacuum or Cultural Vitality?" in Australian Aboriginal Studies, No 1, pp 31-39.

Edmunds, M. 1990. "Doing Business. Socialisation, Social Relations and Social Control in Aboriginal Society" [Discussion paper for the Royal Commission into Aboriginal Deaths in Custody], Australian National University & AIATSIS, Canberra.

Foundation for Aboriginal and Islander Research Action (FAIRA), 1986. [FAIRA Musgrave Park Research Project], Brisbane, Ms.

Gibson, M. 1987. "Anthropology and Tradition: A Contemporary Aboriginal Viewpoint", paper delivered to the Australian and New Zealand Association of Anthropology and Sociology Conference, James Cook University of North Queensland, Townsville.

Gracey, M. 1985. "Aborigines and Health" in The Medical Journal of Australia, V 143, No 9, pp S43-44.

Gray, A. 1989. "Aboriginal Migration to the Cities" in Journal of the Australian Population Association, V 6, No 2, pp 122-144.

Greeley, J. & McDonald, D. 1990. "Alcohol and Human Behaviour" [Research paper No 14 for the Royal Commission into Aboriginal Deaths in Custody], Canberra.

Guthrie, G. 1975. "Aboriginal Migration: A survey amongst Cherbourg residents", in Aboriginal Child at School, V 3, No 4, pp 49-59.

Guthrie, G. 1976. "Authority at Cherbourg" in Occasional Papers in Anthropology, No 6, pp 1-12.

Guthrie, G. 1977. "Images of Aborigines" in Australian and New Zealand Journal of Sociology, V 13, No 1, Feb, pp 69-75.

Healy, B., Turpin, T., and Hamilton, M. 1985. "Aboriginal drinking: a case study in inequality and disadvantage" in Australian Journal of Social Issues, v 20, No 3, pp 191-207.

Heppell, M. (ed) 1979. A Black Reality: Aboriginal Camps and Housing in Remote Australia, Australian Institute of Aboriginal Studies, Canberra..

Hezel, F. 1985. "Trukese Suicide" in Hezel, F. Rubinstein, D. and White, G. (eds), Culture. Youth and Suicide in the Pacific. University of Hawaii, Honolulu.

Johnson, C. 1988. "The Growth of Aboriginal Literature" in Social Alternatives, V 7, No 1, pp 53-54.

Keeffe, K. 1988. "Aboriginality: Resistance and Persistence" in Australian Aboriginal Studies. No. 1, pp 67-81.

Keesing, R.M. 1987. Cultural Anthropology. a Contemporary Perspective, second edition, CBS Publishing Asia Ltd, New York.

Koepping, K.P. 1976. "How to Remain Human in an Asylum: Some Field-Notes from Cherbourg Aboriginal Settlement" in Occasional Papers in Anthropology, No 6, pp 28-47.

Koepping, K.P. 1977. "Cultural pattern on an Aboriginal Settlement in Queensland," in Berndt, R.M. (ed), Aborigines and Change - Australia in the 70s, Humanities Press Inc., New Jersey, USA, pp 159-176.

Langton, M. 1981. "Urbanising Aborigines, The Social Scientists' Great Deception", in Social Alternatives, V 2, No 2, pp 16-22.

Langton, M. 1988. "Medicine Square", in Keen, I. (ed), Being Black, Aboriginal Studies Press, Canberra, pp 251-168.

Larson, K.S. 1980. "Aboriginal Group Identification and Problem Drinking" in Australian Psychologist, V 15, No 3, Nov.

Martin, D.F. 1987. "Nobody Boss for Me: A Preliminary Account of Conflict and Fighting at Aurukun, North Queensland," Bioscope Seminar, Anthropology Department, Australian National University, Canberra.

Martin, D.F. 1988a. "Background Paper on Social and Family factors for the Aurukun Case", [Document prepared for Royal commission into Aboriginal Deaths in Custody], Dept of Prehistory and Anthropology, Australian National University, Canberra, Ms.

Martin, D.F. 1988b, [Statement made for the Royal Commission into Deaths in Custody, 29/08/88], Canberra, Ms.

Martin, D.F. 1988c, [Addendum to statement made by D.F. Martin for Royal Commission into Aboriginal Deaths in Custody, 29/08/88], Canberra.

Martin, D.F. 1990. "Mortuary Rituals in Aurukun following the cell death", [Document prepared for Royal Commission into Aboriginal Deaths in Custody], Canberra, Ms.

McKellar, H. 1981. "Aborigines in Rural Queensland. Land and Identity not 'Ethnicity'" in Social Alternatives. V 2, No 2, pp 61-63.

McKellar, H. 1984. Matya-Mundu, A History of the Aboriginal People of South-west Queensland. Cunnamulla Australian Native Welfare Association, Cunnamulla, Queensland.

McKnight, D. 1982. "Conflict, Healing & Singing in an Australian Aboriginal Community" in Anthropos. V 77, pp 491-508.

McKnight, D. 1986. "Fighting in an Australian Aboriginal Supercamp" in Riches, D. (ed) The Anthropology of Violence, Oxford, Basil Blackwell, pp 136-163.

Memmott, P. 1973. "A Contemporary Aboriginal Natural-Cultural Region in North-West Queensland", Aboriginal Data Archive, Department of Architecture, University of Queensland, Brisbane.

Memmott, P. 1979. "Lardil Properties of Place: An Ethnological Study in Man-environment Relations", PhD Thesis, Department of Architecture, University of Queensland, Brisbane.

Memmott, P. 1983. "Social Structure and Use of Space Amongst the Lardil" in Peterson, N. and Langton, M. (eds) Aborigines. Land and Land Rights. AIAS, Canberra, pp 33-65.

Memmott, P. 1988a. "Aboriginal housing: The state of the art (or non state of the art)", in Architecture Australia, June, pp 34-47.

Memmott, P. 1988b. "Humpy, House and Tin Shed - Aboriginal Settlement History on the Darling River", Ms, Department of Architecture, University of Queensland & University of Sydney.

Memmott, P. 1989. "The Political Determinants of Aboriginal Lifestyle in Northwest Queensland, 1966-1976" [Document prepared for the Central Land Council for use in the Wakaya-Alyawarre Land Claim], Department of Architecture, University of Queensland, Brisbane.

Memmott, P. 1990. "Sociospatial structures of Australian Aboriginal Settlements", Department of Architecture, University of Queensland, University of Queensland, Ms.

Memmott, P. & Mainwaring, J. 1973. "A Report of a visit to Mt Isa (and Dajarra) by P. Memmott & J. Mainwaring representing the Aboriginal Development Group (under the auspices of Dept of Architecture, University of Queensland.)", Dept of Architecture, University of Queensland, Brisbane.

Miller, B. 1990a. "Report on Social Control Project", Aboriginal Co-ordinating Council (ACC), Cairns, Queensland.

Miller, B. 1990b. [Submission to the Royal Commission into Aboriginal Deaths in Custody from The Aboriginal Co-ordinating Council (ACC)], Cairns, Queensland.

Mullard, C. 1974. Aborigines in Australia Today [commissioned by the National Aboriginal Forum], Centre for Continuing Education, Australian National University, Canberra.

Myers, F.R., 1986. Pintupi Country, Pintupi Self-Sentiment. Place & Politics among Western Desert Aborigines. Smithsonian Institution Press, Washington, USA.

Neill, H. (n.d.), "One of the Mission Blacks: Girlhood and Education on a Queensland Aboriginal Reserve", in Taylor, S. and Henry, M. (eds), Battlers and Bluestockings. Women's Place in Australian Education, Australian College of Education, ACT.

Neill, H. 1988. "The Beating Heart of Australian Culture", in Religion: The Dead Heart of Australia? Conference papers of the Annual Conference of Religious Education, Archdiocese of Brisbane Catholic Education, Brisbane, pp 18-26.

O'Neil, J.D. 1986. "Colonial Stress in the Canadian Arctic: An Ethnography of Young Adults Changing", in Janes, C.R., Stall, R. and Gifford, S.M. (eds), Anthropology and Epidemiology: interdisciplinary approaches to the study of health and disease, Dordrecht Boston: Reidel, 1986, pp 249-74.

O'Sullivan, D. 1985. "The Cherbourg Tribe. Some of their Beliefs" in Nelen Yubu, No 24, pp 10-17.

O'Sullivan, D. 1986. "The Cherbourg Tribe. Some of their Ceremonies and Customs", in Nelen Yubu, No 27, pp 3-12.

Olbrei, E. (ed) 1982, Black Australians: the prospects for change, Students Union, James Cook University of North Queensland, Townsville.

Peterson, N. 1976. "Re Natural and Cultural areas of Aboriginal Australia" in Peterson, N. (ed), Tribes and Boundaries in Australia, Australian Institute of Aboriginal Affairs, Canberra, pp 50-71.

Queensland Government, Department of Aboriginal & Islander Advancement, (DAIA), 1983. Annual Report [for the year ending 30 June 1983], Government Printer, Brisbane.

Queensland Department of Family Services, 1989. Queensland families: Facts and figures, Queensland Dept of Family Services and Australian Bureau of Statistics, Brisbane.

Queensland Domestic Violence Task Force (QDVTF), 1988. "Beyond These Walls", Report for P. McKechnie, MLA, Minister for Family Services and Welfare Housing, Brisbane.

Reser, J.P. 1979. The Status of Individual Environmental Control: An Underemployed Construct in Environmental Psychological Research. Paper submitted to Journal for the Theory- of Social Behaviour, March.

Reser, J.P. 1989a. "Aboriginal deaths in custody and social construction: A response to the view that there is no such thing as Aboriginal suicide", in Australian Aboriginal Studies, No 2, pp 43-50.

Reser, J.P. 1989b. "An assessment of Vincent Roy Ryan from a Clinical and Social Psychological Perspective". [Document prepared for the Royal Commission into Aboriginal Deaths in Custody], James Cook University of North Queensland, Townsville.

Reser, J.P. 1989c. The Design of Safe and Humane Police Cells: A Discussion of some Issues Relating to Aboriginal People in police Custody. Research paper No. 9, Royal Commission into Aboriginal Deaths in Custody, Canberra.

Reser, J.P. 1990. "A Perspective on the Causes and Cultural Context of Violence in Aboriginal Communities in North Queensland: A Report to the Royal Commission into Aboriginal Deaths in Custody", School of Behavioural Sciences, James Cook University of North Queensland, Townsville.

Reser, J.P., Reser, P., Smithson, M.J., Taylor, J.C. 1990. "Alcohol consumption patterns and consequences in North Queensland: A report of preliminary findings concerning the association between alcohol use and attempted suicide in Aboriginal communities in North Queensland", School of Behavioural Sciences, James Cook University of North Queensland, Townsville.

Riches, D. (ed) 1986a. The Anthropology of Violence, Basil Blackwell, Oxford, U.K.

Riches, D. 1986b. "The Phenomenon of Violence" in Riches, D. (ed), The Anthropology of Violence, Basil Blackwell, Oxford, U.K. pp 1-27.

Rigsby, B. 1990. "Monty Salt - Family Background", Department of Anthropology, University of Queensland, Brisbane.

Robbins. H. 1973. "Identity, Culture, and Behaviour" in Honigmann, J.J. (ed) Handbook of Social and Cultural Anthropology, Rand McNally Co, Chicago.

Ross, A.H. 1982. "Fringe Camps and Aboriginal Autonomy", in Survival Int. Rev., V 7, No 1, pp 9-12.

Roth, W.E. 1897. Ethnological studies among the North-west Central Queensland Aborigines. Government Printer, Brisbane.

Roth, W.E. 1902. "Games, Sports and Amusements", North Queensland Ethnography: Bulletin No. 4, in Queensland Parliamentary Papers, V 1.

Roughsey, E. 1984. An Aboriginal Mother tells of the old and the New. McPhee Gribble/Penguin Books, Victoria.

Sargent, M. 1979. Drinking and Alcoholism in Australia: A Power Relations Theory, Longman Cheshire, Melbourne.

Schultz, J. 1977. "Cunnamulla revisited. A profile of a black majority depression town" in National Review, 21-27 July, pp 13-5.

Sheppard, L. 1990. "Notes on Dress Fashion and Design in Aboriginal Queensland", Aboriginal Data Archive, Department of Architecture, University of Queensland, Brisbane, Ms, 31 July 1990.

Spicer, E.H. 1971. "Persistent cultural systems: a comparative study of identity systems that can adapt to contrasting environments" in Science, V 174, pp 795-800.

Stratton, J. 1989. "A Question of Origins", in Arena, No 89, Summer, pp 133-151.

Strehlow, T.G.H. (1970) "Geography and the Totemic Landscape in Central Australia: A Functional Study," in Berndt, R. (ed) Australian Aboriginal Anthropology, AIAS, Canberra, pp 92-140.

Sutton, P. 1980. "Language groups & Aboriginal land ownership", Paper for AIAS Biennial conference on Land Rights, AIAS, Canberra.

Sutton, P. 1988. "Myth as history, History as myth", in Keen, I. (ed) Being Black, Aboriginal Studies Press, Canberra, pp 25 1-268.

Sutton, P. 1990. [Manuscript prepared on Aurukun for the Royal Commission into Aboriginal Deaths in custody], South Australian Museum, Adelaide.

Tatz, C. 1979. Race Politics in Australia. Aborigines. Politics and Law. University of New England Publishing Unit, Armidale, NSW.

Tatz, C. 1981, "Aborigines and the Brisbane Games", in Social Alternatives, V 2, No 2, pp 48-51.

Taylor, J.C. 1979. "Housing Programs at Edward River and Mitchell River Aboriginal Reserves" in Heppell, M. (ed) A Black Reality: Aboriginal camps and housing in remote Australia, AIAS, Canberra, pp 207-228.

Taylor, J.C., Smithson, M.J., Reser, P., Reser, P.J. 1989. "A community profile of Yarrabah", [Document prepared for the Royal Commission into Aboriginal Deaths in Custody], James Cook University of North Queensland, Townsville, Queensland.

Tennant Kelly, C. 1935. "Tribes on Cherbourg Settlement, Queensland," in Oceania, V 5, No 4, pp 461-73.

Thiele, S.J. 1984. "Anti-Intellectualism and the 'Aboriginal Problem': Colin Tatz and the 'Self-Determination' Approach" in Mankind, V 14, No 3, pp 165-178.

Thomson, D.F. 1935. 'The joking relationship and organised obscenity in North Queensland', in American Anthropologist, V 37, pp 460-90.

Tindale, N. 1974. Aboriginal Tribes of Australia, University of California Press, Berkley, California, USA.

Trigger, D.S. 1983. "Land Rights Legislation in Queensland: The Issue of Historical Association" in Peterson, N. and Langton, M. (eds) Aborigines. Land and Land Rights, AIAS, Canberra, pp 192-201.

Trigger, D.S. 1985. "Doomadgee: A study of power relations & social action in a North Australian Aboriginal settlement", PhD Thesis, Dept of Anthropology & Sociology, University of Queensland, Brisbane.

Trigger, D.S. 1986. "Blackfellas and Whitefellas: the Concepts of Domain and Social Closure in the Analysis of Race - Relations", in Mankind, V 16, No 2, pp 99-117.

Trigger, D.S. 1988. [Document on Doomadgee prepared for the Royal Commission into Aboriginal Deaths in Custody], Perth, Ms.

Trigger, D.S., Anderson, C., Lincoln, R.A., Matis, C.E., 1983. "Mortality rates in 14 Queensland Aboriginal Reserve Communities Association with 10 socioenvironmental variables" in Medical Journal of Australia, V 1, pp 361-65.

Turrell, G., Western, J. and Williams, N. 1990. "Violent and self-destructive behaviour among Aborigines: The cases of Barbara and Fay Yarrrie", Dept of Anthropology and Sociology, University of Queensland, Brisbane.

Vallance, G.A. 1970. "Part-Aborigines in a North Western N.S.W. Town", M.A. Thesis, University of Sydney.

Von Stunner, J. 1973 "Changing Aboriginal Identity in Cape York" in Tugby, P.J. (ed), Aboriginal Identity in Contemporary Australian Society, Jacaranda Press, Brisbane, pp 16-26.

Watego, C. 1988. "Being Done to Again", in Social Alternatives, V7, No 1, pp 32-24.

Watt, D. 1983. "32 Metho deaths in fourteen months", Telegraph

Wattridge, A.F. 1989a. "Report on Yarrabah suicides", [correspondence to the Under Secretary, Dept of Community Services], Dept of Community Services, Brisbane, 25/02/87.

Wattridge, A.F. 1989b. [Submission prepared for the Royal Commission into Aboriginal Deaths in Custody], Dept of Community Services and Ethnic Affairs, Brisbane.

Weatherall, R. 1988. "Talking to Robert Weatherall on the Bicentenary and Expo" [interview by Julie Go-Sam], in Social Alternatives. V 7, No 1, pp 27-31.

Weatherall, R. 1989. "Assessing the Bicentennial, Interview with Robert Weatherall" [Interview by Julie Go-Sam, Garry Cole and Mark Sherry], in Social Alternatives, V 8, No 1, pp 3-7.

Wilson, P. 1982. Black Death. White Hands, Allen & Unwin, Sydney.