UNSETTLING WHITE NOISE
YARNING ABOUT ABORIGINAL EDUCATION
IN WESTERN AUSTRALIAN PRISONS

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B.Ed, BSW (Hons)

This dissertation is presented for the degree of
Doctor of Philosophy with Murdoch University

Year of submission: 2014
I declare that this thesis is my own account of my research and contains as its main content work which has not previously been submitted for a degree at any tertiary education institution. This research has been conducted with approval of the Murdoch University Human Research Ethics Committee (approval number 2010/184).

.................................................................

(Roslyn Carnes)
Abstract

Though representing less than 4% of the Western Australian population, almost 40% of incarcerated adults and more than 70% of juveniles in detention in Western Australia are Aboriginal. Despite these figures prisoner education is rarely investigated in Australian academic research especially from an Aboriginal perspective. In response, this research focuses on what Aboriginal people themselves have to say about their experiences of education in Western Australian prisons. The intent is to identify what they believe helps and hinders education for Aboriginal prisoners.

Consistent with critical theory this research questions society, structures and systems in context. Specifically it is grounded in critical race and whiteness theory which argues that racialised categories are socially constructed by dominant Settler systems with whiteness unmarked as a racial grouping. Attempting to counter this often unrecognised privilege, Aboriginal and other Indigenous academic voices are prioritised in this thesis. From the standpoint of a critical ally, the culturally appropriate methodology of yarning is adopted to learn from the experiences of Aboriginal ex-prisoners who volunteered to participate in this research.

What is revealed relates to and goes beyond prisons and education, reflecting the interrelatedness of Indigenous life, worldviews and problem solving. Therefore experiences in prisons cannot be divorced from the broader structural and cultural influences shaping participant’s experiences of life. Based on experiences of the participants two major areas of hindrance to prisoner education can be identified. First is the impact of intergenerational trauma. Second are a range of
challenges inside and outside prisons. Inside prisons there exists a lack of physical and human resources. Outside prisons Aboriginal inequality such as housing, employment, education and health are raised. Such hindrances are exemplars of white noise created by historical legacies, unquestioned white privilege and denial of Aboriginal sovereignty. What participants identify as helpful is programs, practices and relationships that value Aboriginal agency and reciprocity where non-Indigenous people and systems become informed of Aboriginal processes and perspectives of history.

Having recognized that white noise requires systemic transformation, the thesis attempts to move beyond deficit and victim-blaming approaches to Indigenous prisoner education with a view to closing ‘educational gaps’. Building strong relationships is the major goal in constructing this transformative educational framework based on the four cornerstones of Honouring Aboriginal Sovereignty and Healing of Historical Trauma and actions of transformative education that recognise the need for starting with Aboriginal Agency and Becoming Informed as Whitefellas.

Ultimately, it is not appropriate for Indigenous people alone to be expected to make shifts in thinking in order to match expectations of dominant Settler cultures. Changes are also required of non-Indigenous, mainstream systems, habits of mind and cultural self-awareness. Without such mutual transformation the din of white noise continues and reciprocal dignity and respect remains elusive whether inside or outside a prison.
Acknowledgements

I begin by acknowledging the sovereignty of the First Peoples of the Noongar Nation on whose country I live, work, have conducted this research, written, read and learned and where the dissertation will be stored at Murdoch University. I pay my respects to Elders past and present.

By far the biggest debt of thanks is owed to each and every Aboriginal friend, colleague, companion, client, researcher and author who has helped me be more aware of white noise in my own life and work. I cannot put in words the change this has wrought in my life. Special thanks to those teacher/participants who agreed to yarn with me and spend time teaching me about their experiences and what they see as important and valued. Given the history of oppression and appropriation of knowledge of Aboriginal people I do not take lightly the gift you have given here. This dissertation may have my name on it because that is what the academy demands but it belongs to you as much as it does to me. Thank you!

Finally, huge thanks go to my two supervisors who have been my companions on the journey. Professor Barry Down’s experience and unending patience in supervision pointed me in the right direction and his unassuming, quiet way of asking just the right question or making just the right comment helped find exactly what I needed to from readings and teachings. Dr Greg Thompson’s commitment to detailed feedback on my writing and challenges to my thinking also deserves my thanks. To both of you, your differing theoretical stances always provided me with food for thought and made me think for myself. Thank you both for your words and silences of wisdom!
Publications and Presentations

The following outcomes have been achieved from this research at the time of submission.

Award

Recipient of 2011 Australian Association for Research in Education (AARE) Postgraduate Research Award for outstanding conference paper

*Education for incarcerated Aboriginal Western Australians: “Education revolution” or just plain revolting?*

Refereed publications


Conference presentations and published abstracts


Australian Critical Race and Whiteness Studies Association (Adelaide, December 11-13, 2012; Racism and Desire) Historical trauma and yet to be acknowledged First Nations sovereignty
Chair of a concurrent session on History

Murdoch University Postgraduate Student Association (MUPSA), Murdoch University (September 27, 2012) In Western Australia what gaps need to be closed in prisoner education?

Racisms in the New World Order (Cairns, August 30-31, 2012) Education is colonial it ain’t ours… I’ll tell ya who needs educatin’ … whitefellas

Western Australian Institute of Educational Research, (Notre Dame University, Fremantle WA, August 11, 2012) Decentring colonial discourse

Australian Critical Race and Whiteness Studies Association (Gold Coast, December 7-9, 2011; Directions and Intersections) Where do I belong and what map do I use to get there? The dilemma of a critical, activist ally.

International AARE (Australian Association for Educational Research) (Hobart, November 27-December 11, 2011; Research Crossing Boundaries) Education for incarcerated Aboriginal Western Australians: “Education Revolution” or just plain revolting?

Murdoch University Postgraduate Student Association (MUPSA), Murdoch University (September 28, 2011) “Education revolution”…or just plain revolting? Aboriginal prisoner education in Western Australia

Western Australian Institute of Educational Research, (Notre Dame University, Fremantle WA, August 2011) Incarcerated Aboriginal Western Australians: missing out on an “education revolution”

Native American and Indigenous Studies Association, UC Davis, Sacramento, California (May 2011) “Does race come into it?” what the most recent Custodial Inspector Reports and the words of Indigenous ex-prisoners reveal about Western Australian prisons
Inaugural National Indigenous Policy and Dialogue, University of New South Wales, Sydney (November 2010)  “They would not listen, they did not know how”: Some thoughts from a white student learning from Indigenous research methods

Murdoch University Postgraduate Student Association (MUPSA), Murdoch University (September 30, 2010)  Shades of grey: experiences of a first year PhD student in exploring Indigenous research methodologies

OTHER UNREFEREED PRESENTATIONS

State Community Legal Centre Association of WA National Conference (Perth, October 2012)  Preparing firm foundations for cultural awareness. Facilitator of two 2-hour workshops for Community Legal Centre staff.

National Association of Community Legal Centres National Conference (Adelaide, August, 2012)  Whether we like it or not (Un-refereed paper on aspects of cultural self-awareness presented to staff from Community Legal Centres)
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Glossary of terms and abbreviations

Aboriginal/Indigenous
These terms are often used interchangeably in the literature and in discourse (Purdie, Milgate and Bell, 2011: xxi). The convention I use is as follows:

- specific clan names are used where known,
- where this is not known by me or I am speaking more broadly about a number of nations from the state of Western Australia I use the term Aboriginal.
- Where I am unsure of the individual’s country or when they are from outside Australia I use the First Nation name if known and, if not, either Indigenous, First Nations or First Peoples.
- When quoting or referring to an author I use the terminology they use.

ACARA
Australian Curriculum Assessment and Reporting Authority

AIATSIS
Australian Institute of Aboriginal and Torres Strait Islander Studies

ANTA
Australian National Training Authority

ATSIC
Aboriginal, Torres Strait Islander

ATSIC
Australian and Torres Strait Islander Commission

CDEP
Community Development Employment Program

COAG
Coalition of Australian Governments
Office of Inspector of Custodial Services (OICS)
A statutory body located in Western Australia. The OICS website\(^1\) states that, “The role of the Office is to bring independent external scrutiny to the standards and operational practices relating to custodial services within the state. The Office, which falls within the general portfolio responsibility of the Minister for Corrective Services, is answerable directly to the Parliament”.

DICWC
Deaths in Custody Watch Committee

Educational Gap
Defined by the Coalition of Australian Governments (COAG, 2012: 3) in terms of literacy and numeracy and the number of students going on to year 11 and 12, the COAG goal is to halve the gap for

1. Indigenous students in reading, writing and numeracy within a decade;
2. Indigenous 20–24 year olds in Year 12 or equivalent attainment rates by 2020—we report proxy indicators: apparent retention to Year 10 and Year 12, and school attendance.

Inverted comas around the term “gap” represent my questioning of use of the term as it is usually based on Settler criteria and indicators.

First People(s)/First Nation(s)
“Those people who have been present in a place as long as oral history remembers”. (Mehl-Madrona, 2010: 301)

HREOC
Human Rights and Equal Opportunity Commission

Learning
Revising understanding or meaning of experience as a guide to future action, “learning may be intentional, the result of deliberate inquiry; incidental, a by-

\(^1\) http://www.custodialinspector.wa.gov.au/
product of another activity involving intentional learning; or mindlessly assimilative” (Mezirow, 2000a: 5).

**Nyoongar, Noongar, Nyungar**

Noongar people include the various peoples of the south west of Western Australia. “This word has various spellings which reflect the various dialects and pronunciations...[there was for example] a difference between “Nyoongar” the people and ‘nyoongar’ the man... mistakes can occur when translating an oral language into the written English word” (Van Den Berg, 2002: 7) and the nuances of meaning and pronunciation lost. I spell this word Noongar, and where possible refer to more specific names where known; for example, Wadjuk people of the Noongar nation.

**Royal Commission into Aboriginal Deaths in Custody (RCIADC)**

This Royal Commission was held from 1987 to 1991. It studied and reported expected high rates of deaths of Aboriginal people in custody across Australia. It found that, though the rate of death was not higher than that of non-Indigenous people, the rates of incarceration were unacceptably higher. Hard copies of all volumes of this report can be difficult to find. They are available online from www.austlii.edu.au/au/other/IndigLRes/rciadcr

**RIP**

“Rest in Peace”. This is added where quotes contain the name of an Aboriginal person known to be deceased. This is done as a sign of respect and recognition that it is taboo for many Aboriginal people to mention the name of a deceased person.

**Settler/Settlers**

This term refers to mainstream dominant culture which has evolved post ‘settlement'/colonisation. It also refers to those groups of Europeans who colonised various parts of the Australian continent.
**Three strikes public housing policy**
Under this Western Australian state legislation, once a public housing tenant has three proven incidents of disturbances at their property they are automatically evicted. The tenant has no right of appeal. Incidents can include times when the tenant has called police as they fear for their own safety. If children are involved, the Department of Child Protection is informed; this raises the spectre of stolen children in the minds of many Aboriginal people.

**Two way learning**
Purdie et.al. (2011: xx) say, “‘Two ways’ has the same meaning as ‘both ways’ – it infers a partner relationship between First Peoples and Settler cultures in Australia. By extension that means that both cultures have much to learn from each other, and that teaching and learning should occupy a neutral, negotiated place in which neither presumes superiority or authoritarian dominance. It is sometimes called the ‘third space’ ...It is a difficult space to negotiate because it is dynamic and fluid...”

**VET**
Vocational Education and Training

**Whitefella**
This does not directly refer to the colour of someone’s skin. Rather it describes a non-Aboriginal, non-Indigenous person, usually of European descent. I use it here, interchangeably with Settler and colonisers to describe people not descended from a First Nations people.

**Yarning**
Yarning is defined by Yindjabarndi academic, Bessarab (2012: 5) as “an informal conversation that is culturally friendly and recognised by Aboriginal people as meaning to talk about something, someone or provide and receive information.” Bessarab (2012: 7) identifies yarning as a way of engaging Aboriginal people as well as an important aspect of Indigenous pedagogy.
Chapter 1  One Way to Gain Trust is to Locate Yourself

Identifying, at the outset, the location from which the voice of the researcher emanates is an Aboriginal way of ensuring that those who study, write and participate in knowledge creation are accountable for their own positionality...We are of the opinion that neutrality and objectivity do not exist in research, since all research is conducted and observed through human epistemological lenses....When it comes to research by/about Aboriginal peoples... the actual research cannot take place without the trust of the community, and one way to gain trust is to locate yourself.  (Absolon and Willet, 2005: 97)
1.1 Introducing the dissertation

The purpose of this introductory chapter is to locate myself as suggested by Absolon and Willet (2005: 97) because, as they state, “the actual research cannot take place without the trust of the community, and one way to gain trust is to locate yourself.” To this end I introduce the dissertation and its structure, the value of the research as well as some underlying assumptions about education and the nature of research. I also introduce myself personally, as the researcher.

1.1A The thesis stated

I argue in this dissertation that educational disadvantage of Aboriginal people in Western Australian prisons is perpetuated by white subjectivity that is often neither noticed or acknowledged by the state’s dominant systems, institutions, policy makers or governments. This white noise, as defined by Carnes (2011a), occurs in the thinking, decision making and communication of dominant Settler cultures in relation to Indigenous people. Like the indistinct, fuzzy static of a badly tuned radio white noise inhibits a clear reception and prevents hearing messages distinctly. As much a systemic issue as an individual one, it results from assumed privilege and lack of knowledge of worldviews other than the dominant.

Attending to this disadvantage, I maintain, requires a shift from what Freire (1972: 47) refers to as the “banking concept of education [which] regards men as adaptable, manageable beings.” In its place are required more transformative learning and educative practices that provide opportunities for shifts in what Mezirow (2000: 17) calls our habits of mind, defining this as “a set of assumptions – broad, generalised, orienting predispositions that act as a filter for interpreting the meaning of experience”. Otherwise referred to as norms, values, attitudes, thoughts and beliefs, they are considered by English and Peters (2010: 105-106) to
“shape, among other things, our psychological self-image, cultural expectations, and epistemic frameworks about what counts as important knowledge”. It is not enough I contend for Indigenous people alone to have to make such shifts in thinking in order to match expectations of white world views. Changes and shifts are also required of non-Indigenous people’s habits of mind.

The dissertation models a way in which a white researcher can, from a shared space, learn from rather than about Aboriginal people. It also models some of the struggles and challenges a researcher encounters on this journey. The first stage of the modelling takes place as I listen to and learn from academic voices, prioritising those who are Indigenous alongside allies who recognise the impact of colonisation on First Nations people. I then hear the stories of Aboriginal participant-teachers from Western Australia in relation to issues surrounding prisoner education. The stories of the participant teachers and theories of Indigenous academics reveal not only the impact of colonisation on prisoner education but, as Chilisa (2011: 143) states, also contain “analysis of the problem and the prescribed solution”.

1.1B The dissertation structure

When I began the process of conducting this research and writing it up I was focused on finding out what a white researcher could learn if he/she listened to Indigenous voices in the context of Western Australia. Due to the context of my background and community involvement, the vehicle for this learning evolved to be a consideration of prisoner education with a focus on voices from Aboriginal ex-prisoners in Western Australia as well as Indigenous academics. There are, therefore, two equally important stages to the learning that has occurred in this project which is reflected in the dissertation structure.
The first four chapters reflect my understanding of the theoretical and historical context of the research project as well as an appropriate conceptual methodological framework and research method for a white woman conducting research with Aboriginal people. In these chapters Aboriginal and other Indigenous academic voices are privileged. In Chapters Five and Six my attention turns to learning from Aboriginal ex-prisoners yarning about the research question “what helps and hinders prisoner education in Western Australia?” Chapters Seven, Eight and Nine draw together the contextual teaching and participant teaching to develop a framework for transformational education that could be applied to prison settings, as well as other locations.

While the structure of this dissertation shares similarities with many traditional doctoral theses, its approach and way of writing is heavily influenced and inspired by what has been learnt from Indigenous people. Four Arrows (2008: 5) believes that “any thesis format can be sufficiently ‘valid’ if it makes a unique and substantial contribution to understand the world better or to making it a better place to live”. I therefore allow the finer points of the structure and approach to develop organically in order to tell the story that best aligns with the research journey. Figure 1 reflects this journey and the resulting dissertation structure in a visual way.
Each step in Figure 1 impacts on those that come before and those that follow. In this sense the dissertation is somewhat circular in nature. The curved connecting arrows indicate the twists and turns taken on the journey; it is not a straightforward, linear progression. That research is not a neat, linear endeavour has also been expressed by Vicars (2012: 488.). It is this journeying back and forward, learning and reflecting, seeking new information and learning again that eventually leads me to the centre and heart of the topic. Even then the journey is not ended, as indicated by the line from Chapter Nine back to Chapter One. The journey I have been on thus far now influences my current positionality and begins a new stage of enquiry based on the learning so far.
Documenting and learning from the process has been as valuable as documenting and learning from the gathered content. I therefore utilise journal reflections that delve into the impact of the learning on my thinking and practice.

1.1C  A critical race and whiteness studies perspective

This research is grounded in a critical race and whiteness studies approach in the Australian context. An emerging field in Australia, critical race and whiteness studies explores “the connections between whiteness and race in intellectual and cultural contexts” (ACRAWSA, 2013: 3). Its beginnings have focused on extending conversations about race to consider the privilege and power associated with whiteness. Early work focused on racial issues surrounding native title, such as the writing of Moreton-Robinson (2004b), *The possessive logic of patriarchal white sovereignty: The High Court and the Yorta Yorta* decision. Whiteness does not relate to the colour of someone’s skin. It is defined by Moreton-Robinson (2004a: vii) as “the invisible norm against which other races are judged in the construction of identity, representation, subjectivity, nationalism and law”. This will be discussed further in Chapter Four. The hub of critical race and whiteness theory is “the relationship between whiteness and race infused by class, gender, sexuality and culture” (ACRAWSA, 2013: 4).

1.1D  The significance of this research

As long ago as 1987 Ekstedt (1987: 86) reported that “without doubt, the most problematic element of prison education in Western Australia is the attempt to

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2 The outcome of the Yorta Yorta case in 2002 was that the High Court upheld the Federal Court ruling that, when establishing whether laws and customs are traditional for the purposes of native title, laws and customs must be like those practised at the time the British claimed sovereignty over the land. Behrendt (2012: 418) relates that the Yorta Yorta people “believed the court had looked at their culture in a time warp instead of understanding that their culture – like European cultures – evolved over time.”
provide a programme of relevance to the large number of Aboriginal prisoners”.
This was still an issue in 1991 when the need for the voices and active inclusion of
Indigenous people in planning of education programs was noted by the Royal
Commission into Aboriginal Deaths in Custody (RCIADC, 1991). The Royal
Commission made twelve recommendations targeting education.

*Figure 2* lists four recommendations of the Royal Commission related
specifically to education of Aboriginal people in prisons. This research finds little
evidence of action taken on these recommendations within Western Australian
prisons. Education for Aboriginal prisoners has a history of not being high on the
agenda of governments as identified by Semmens (1998: 1-2) when he wrote that
education provision for Aboriginal prisoners is “probably the most persistently
serious problem that the various governments of Australia have never faced with
much resolve or dedication”.

Despite the increasing rate of Indigenous prisoners in Western Australian
prisons, illustrated in *Figure 3*, this research reveals that a limited educational
experience remains the norm. Aboriginal people are less than 4% of the Western
Australian population yet represent almost 40% of the adult prison population in
Western Australia and usually more than 70% of the juveniles in detention
(Carnes, 2011c). Some regional prisons can have a 100% Aboriginal population.
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Summary</th>
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<tbody>
<tr>
<td><strong>Recommendation 183</strong></td>
<td>Aboriginal support groups in prisons to</td>
</tr>
<tr>
<td></td>
<td>- Liaise with Aboriginal service organisations outside the prison</td>
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<tr>
<td></td>
<td>- Negotiate with corrective service authorities for provision of educational and cultural services to Aboriginal prisoners</td>
</tr>
<tr>
<td></td>
<td>- Represent the interests and viewpoints of Aboriginal prisoners</td>
</tr>
<tr>
<td><strong>Recommendation 184</strong></td>
<td>All Aboriginal prisoners in all prisons have the opportunity to perform meaningful work and to undertake educational courses in</td>
</tr>
<tr>
<td></td>
<td>- Self-development</td>
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<td></td>
<td>- Skills acquisition</td>
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<td></td>
<td>- Vocational education and training</td>
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<tr>
<td></td>
<td>- Education in Aboriginal history and culture</td>
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<tr>
<td></td>
<td>(taking into account where appropriate teaching methods and learning dispositions of Aboriginal prisoners)</td>
</tr>
<tr>
<td><strong>Recommendation 185</strong></td>
<td>Development of a comprehensive national strategy</td>
</tr>
<tr>
<td></td>
<td>- aimed at developing suitable mechanisms for delivery of education and training programs to prisoners</td>
</tr>
<tr>
<td></td>
<td>- designed to improve the opportunities for the education and training of those in custody.</td>
</tr>
<tr>
<td></td>
<td>This should be done in cooperation with state Corrective Services, adult education providers (including independent Aboriginal controlled providers) and State departments of employment and education.</td>
</tr>
<tr>
<td><strong>Recommendation 186</strong></td>
<td>Prisoners, including Aboriginal prisoners, should receive remuneration for work performed. In order to encourage Aboriginal prisoners to overcome the educational disadvantage which most Aboriginal people presently suffer, Aboriginal prisoners who pursue education or training courses during the hours when other prisoners are involved in remunerated work should receive the same level of remuneration.</td>
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*Figure 2 Aboriginal prisoner education: Recommendations made by the Royal Commission into Aboriginal Deaths in Custody (RCIADC, 1991)*
Each state has a different ratio of imprisonment when rates of Indigenous and non-Indigenous inmates are considered. Australian Bureau of Statistics data reveals that Western Australia has the highest ratio of Aboriginal to non-Aboriginal inmates in the country. *Figure 4* below illustrates that, in 2012 Aboriginal people in Western Australia were imprisoned at twenty times the rate of non-Aboriginal people.
Despite these figures, education in Western Australian prisons is based largely on the Australian National Vocational Education and Training framework (ANTA, 2001) which has been developed in a Western education system and therefore unlikely to be inclusive of Aboriginal epistemologies, axiologies or ontologies. Given the high numbers of Aboriginal prisoners it is pertinent to consider why this remains so and what can be learned from Aboriginal people about what helps and hinders education provision in prisons.

More than twenty years ago, then Prime Minister Paul Keating (1992) said, “The starting point might be to recognise that the problem starts with us non-Aboriginal Australians.” Over a decade later Blagg et. al. (2005) found that structural racism plays a significant role in the over representation of Aboriginal people in the Victorian justice system. More recently, however, Western Australia’s Premier Barnett wrote to the Deaths in Custody Watch Committee in response to concerns about institutional racism in the justice system. In the letter dated September 21, 2011, Premier Barnett concludes by saying that he is more than satisfied that “while there is room for improvement, the issues the Department is currently experiencing in the management of indigenous (sic) prisoners are not symptomatic of any kind of institutional level racism.” This suggests that he does not recognise the need for acknowledgement of the role of non-Aboriginal institutions or world views in perpetuating disadvantage. A significant aspect of this research is flipping the focus to consider the part of non-Aboriginal world views and structures as part of creating disadvantage experienced by Aboriginal people (Keating, 1992) and perpetuating disadvantage experienced by Aboriginal people (Blagg et al, 2005).
1.1E  Research and education as a contextualised learning journey

Oglala Lakota academic Four Arrows (2008: 18) refers to two related French terms for research: *recherché*, which means to look for, to seek and *parcourir en cherchant* which means to traverse while seeking. This research and resulting dissertation represents part of a journey of constant learning rather than providing an endpoint of definitive truth. The dissertation thus becomes in part about my own *parcourir en cherchant*; my own travels while seeking and learning.

This is congruent with my understanding of education as a life-long process that is not the sole domain of schools. It can also occur in life outside of educational institutions and did so in Indigenous communities before colonisation where education was believed by Welch (1988: 207) to be “not so much a preparation for life, as an experience of life itself”. Not only is this view of education one of a life long journey, education is also seen as located in a specific context. As Freire (1972: 66) reminds us,

> many educational plans have failed because their authors designed them according to their own personal views of reality, never once taking into account (except as mere objects of their action) the men-in-a-situation towards whom their programme was ostensibly directed.

This research takes note of these words of Freire along with a belief articulated by Indigenous authors and outlined by Iseke and Brennus (2011: 247) who speak of research being about learning, about finding out things. Learning, as Mezirow (2000: 5) defines it, leads to revision of understanding or meaning of experience. The revised or new understanding or meaning is then used to guide future action. Mezirow (2000: 5) continues to say that “learning may be intentional, the result of deliberate inquiry; incidental, a by-product of another activity involving intentional learning; or mindlessly assimilative.” These
understandings of education, research and learning all inform this research project and support my belief that not all learning happens in a classroom and not all learning in a classroom is based on pre-determined content. Much learning happens when student interests or questions take the learning in new and meaningful directions.

If I am to learn and find out things I need teachers. In my learning journey, those teachers are the Indigenous authors whose work I read, the participants in this project and all the Indigenous people in my life who have been gracious enough to take the time and patience to teach me and provide me with the opportunity to adapt and transform my understanding and meaning making of the world.

At the start of the research journey the questions came thick and fast. What might I learn if I listen to Aboriginal people; to Indigenous authors from around the world? How can I be respectful in conducting research on issues of importance to Aboriginal people? How can I investigate Indigenous education without actually making things worse? What will be of some use to Aboriginal people and not just a theoretical academic exercise? It soon became apparent that to have a clear context within which to respectfully and meaningfully work required a firm anchoring in the community. Therefore I looked for a partner in an area that was familiar to me, the not for profit sector in which I have worked in Western Australia for over a decade.

1.1F  Research partners

I turned to the places with which I have the strongest connection and where I could connect and work with Aboriginal people on an issue of interest, concern and need for them. I identified the Deaths in Custody Watch Committee (DICWC).
I was aware that this committee works with Aboriginal people and has connections with various Elders and families around the state. I learned over time that membership of this network is very fluid as people come and go for a variety of personal, professional, family and community reasons.

The partnership with DICWC has been usually smooth though at times somewhat rocky, depending on what has been happening within the committee itself politically. As with any not-for-profit organisation, the way of working can change dramatically as personalities change and it is not hard to find myself embroiled in the politics and clashes that can occur. However, the Board of Trustees welcomed me with open arms (see letter from DICWC in Appendix 2) and I started by working on the ground at an activist level, something I am very comfortable with. This enabled building of relationships and getting a clearer idea of the kind of issues of importance to DICWC members. It was a busy time with a major grass roots campaign underway.

It was via DICWC that I promoted the project and connected with potential participants (see flyer in Appendix 1). I am very, very grateful to DICWC for this and to the individual people who support this project and speak with me. People self-select in and speak at the level with which they feel comfortable.

Given the partnership with DICWC, the topic and the question it became apparent that the research was related to the context of correctional services and legal issues. This led to another area of my experience. Since 2005 I have worked on a part time, casual or consultancy basis with Peel Community Legal Services (PCLS) as an advocate or community educator. I learn from this environment about issues facing many Noongar and other Aboriginal people living in or close to the Peel region of Western Australia.
Over time this connection with PCLS fed into the research, though mostly in an informal way as a site of employment. As with DICWC the relationship varied from smooth to rocky, as the day to day needs of a not for profit organisation working under pressure to provide a service sometimes conflicted with the requirements of academia where the time frames were longer.

Overall, my involvement as an activist with DICWC during the highly publicised Ward campaign (see Appendix 5.6) and my professional involvement with PCLS, an organisation committed to human rights in action, informed, challenged and helped shape the project and this final dissertation.

1.1G The research question

The research question is framed in the context of the current Australian political climate that espouses policies to ‘close the gap’ in housing, education, income and other social determinants of health. There even exists a Federal government Closing the Gap Clearinghouse\(^3\) which brings together evidence-based research on overcoming disadvantage for Indigenous Australians. I recalled the words of Freire (1972: 66) when he said, “the oppressors are the ones who act upon men to indoctrinate them and adjust them to a reality which must remain untouched”. At this point I was struck by the way in which, as Freire’s words suggest, there is an industry that seems driven largely by those who are most advantaged and wondered where the voices of those deemed disadvantaged are to be found. A preliminary investigation of the academic literature revealed very little focus on education for Aboriginal people in prisons, despite the high incarceration rates of Aboriginal people referred to in Chapter 1.1A.

\(^3\) Located at http://www.aihw.gov.au/closingthegap/
During the initial months I talked with members of DICWC and identified various areas of interest to them. One of the identified areas was prisoner education from the point of view of Indigenous prisoners. In the context of a political agenda of closing the gap and the interest identified by DICWC, the research question became, “What do Aboriginal people from the Deaths in Custody Watch Committee networks say helps and hinders education in Western Australian prisons?”

Answering this question required me to draw on a variety of disciplines as appropriate answers, suggestions or potential recommendations to those questions cannot be rooted in only one discipline. The disciplines utilised by this multi-disciplinary dissertation include education, social work, health, legal studies, Indigenous studies, criminology, activism and politics. Not surprisingly, this reflects my multi-disciplinary academic, life and work background and it is to this level of introducing myself that I now turn.

1.1H  Speaking the ‘truth’

As the researcher I cannot be kept out of the research therefore I need to make my presence as transparent as possible throughout both the process and representation of that process in this dissertation. As Said (1994: 88) declares, “how does one speak the truth? What truth? For whom and where?”

Embarking upon an educational endeavour of any kind involves working with people and working with people raises moral questions, moral dilemmas and ethical choices. Carspecken (2005: 120) believes that “big questions in education involve moral issues” and I am faced with moral issues, big questions and ethical dilemmas in the course of this PhD. I therefore have a choice that has been clearly delineated by Said (1994: 32-33) as to either “side with ... the less well represented, the forgotten or ignored or to side with the more powerful.” While
intellectually this appeared for me to be a simple choice to make, to side with the less well represented, in reality it has proven to be demanding and complex. I aim in this dissertation to be transparent about dilemmas surrounding this choice as I encounter them. Therefore, I have included journal entries kept over the course of the project. It is these entries that represent the grappling with dilemmas and instances of uncertainty as my standpoint butts heads with other ways of working and viewing the world. In the journal entries the reader will also be reminded of some of my personal history as it impacts on the research I am doing.

I use three different fonts to represent the different perspectives in this research and to honour Indigenous participant teachers and what they have taught me. The reader can then clearly see which of the three voices present in this research is being used and how they interact to be "co-participants in the development" (Tierney and Lincoln: 1987: viii) of the thesis. I use the fonts as a means of challenging and, as Kincheloe (1997: 63) states "undermining traditional narrative formulas.” By using the differing fonts I aim to mirror the more dialogical process of learning that takes place. Such dialogue leads to a reciprocal, ever engaged relationship of knowledge building that Kincheloe (1997: 75) and Freire (1997: 75) refer to as the world informing the word and the word informing the world. Martin (2008a) utilises a similar technique as she argues that it allows the reader to “not only see but hear the different voices” as they inform one another.

1. Firstly, I use this font when I am speaking with an academic voice. Here, though I privilege the voices and writings of Indigenous academics and learning from what they say, I also draw on non-Indigenous authors at times. When
speaking using this voice I aim to remain conscious of the impact of my dominant white world view on how I synthesise and present information.

2. *Secondly, this italicized font is utilised when I am conveying personal reflections and stories. Reminded of the words of Wilson (2008: 135) who states that “if research doesn’t change you as a person, then you haven’t done it right”, I include reflections that are likely to capture life changing moments or the struggles as well as the joys of this kind of research. It is here that I am most transparent in my impact on the project and dissertation and its impact on me.*

3. *Thirdly, further on in the dissertation I adopt this bold font when the Aboriginal participant-teachers are speaking. This reflects the desire to ensure that their voices remain privileged and not subsumed by my voice as the researcher.*

1.2 Introducing myself

Moreton-Robinson (2000: xv) states, “the protocol for introducing one’s self to other Indigenous people is to provide information about one’s cultural location, so that connection can be made on political, cultural and social grounds and relations established.” I am a whitefella and by identifying as such at the outset establish the location from which my voice, as the researcher, emanates.

Who I am and how I relate to the world, rather than an objective analysis of what is happening in the world ‘out there’ seems to be an appropriate starting point for Indigenous learning a view supported by Townsend-Cross (2004: 3). It is also important to begin with an introduction to me because, as a socially constructed being, I cannot separate where I stand in the world and how I understand or represent that world. Non-Indigenous authors including Kincheloe
and Steinberg (1998: 3) have also noted that positionality indicates a different meaning making to people from different backgrounds to our own. To be transparent in my starting point is therefore essential to me in my research.

1.2A Clarifying my positionality

The next pages are the story of where I have come from and provide the basis for the reader to be able to ascertain both the potential impact my positionality has on the research and, as the dissertation proceeds, the impact the research has had on me. The dissertation that follows this chapter of introduction then relates what I have learned since embarking on a journey of research in which I commit to prioritise Aboriginal and other Indigenous voices as the experts on their own lives, thereby learning from what I hear.

1.2B Heritage

I was born in 1958 and grew up in rural Tasmania. My father worked on farms and my mother was a full time housewife. Dad had left school at the age of 12 to work on farms alongside his father. My mother had finished year 10 and worked as a junior teacher in a small local school until I was born. In various ways they were involved in local community causes. I was an only child until the age of 11 when my sister was born. My second sister was born when I was 13.

I loved nature and animals and was happiest outside ‘exploring’ and watching the world. It is no wonder that, as an adult, I always long to go to places of nature where there are trees and birds and animals to watch; always seek out such places to renew my soul and cleanse my mind. I also learned the rhythm of life on the land; the fluctuations of good and bad years and the need to live within the means of what it provided us.
My mother’s family had a strong Union affinity, with her grandfather, Daniel Kelty, being one of the earliest members of the Australian Labour Party in Tasmania. Her family had a potent Union heritage and were fiercely proud of it.

My father’s great grandfather was a convict, (Charles Cleave). He was transported from England to Van Diemen’s Land in 1832 at the age of 28 for stealing a lamb to feed his wife and several children. In 1838 he applied to have his wife and children sent out from England; their arrival never eventuated. After completing his sentence, he settled in Ross, Tasmania and remarried, beginning a whole new life and family. The story of Charles Cleave had been lost to my family until I started searching family history only a few years ago. I can only imagine what it must have been like for Charles to leave his family behind, be removed from the place his family had lived for hundreds of years and be forced to shut the door on all of that.

His granddaughter Edith (my grandmother) lost her mother at the age of 3 and, along with her sister was raised by a benevolent woman (the granddaughter of the first Governor of Van Diemen’s Land, Governor Collins) in Oatlands Tasmania. Edith received a good education at the local Catholic convent school. She believed strongly in the personal and work related value of education.

Edith married my grandfather, William who was illiterate. My father, David was the youngest of eight children. William was the son of Michael Carnes. There is no record of Michael’s birth, sometime in the mid 1800’s, and the name of his mother is not known. Despite our best efforts, no one in the extended family has been able to verify or disprove the family story that Michael’s mother was an Irish servant girl who married a Captain Carnes on a
ship coming from the UK to Van Diemen’s Land. Nor have we been able to verify the story that Michael was born under a bullock dray at the property of Nant just outside Bothwell in Tasmania and his father died at sea. Michael had no brothers or sisters that we are aware of.

So, in short, my heritage is one of unionism, working class struggle, life lived on, and in tune with, the land; people stolen from their family, incarcerated for a minor offence, displaced and losing links to the past, finding strength in solidarity and family and valuing education as a way of “getting ahead”.

1.2C School

I was often sick as a child and missed quite a lot of school. My mother made sure I kept up with the intellectual things at home so my reading skills were quite advanced. My parents were both avid readers, I was surrounded by classic novels and books were a common birthday and Christmas present. I loved to read and felt as if the world was at my fingertips through books, at the same time as they were an escape from my own world.

I did well at school and became the first person from Oatlands District School to gain a University degree in 1980 (a Bachelor of Education). My memory is that my parents received a lot of ridicule in the community for encouraging me to go to University, especially given that I was a girl. The derision also came from some of their families who saw going to University as ‘having tickets on yourself’ and a waste of time for a girl. My father was adamant that gaining that ‘piece of paper’ was going to serve me well and provide me with something to fall back on whenever I needed it. I recall him saying, “Even if you fail at Uni, you can’t tell me you can spend that time there
around all that knowledge and not come away knowing more and being some kind of better person.”

It is worth mentioning, however, that once educated at a University level I felt as if I did not quite fit or belong in either the world of my home and family or with the middle class academic milieu. This has also often revealed itself in my writing as writing in academic settings requires me to first write as I speak and then return to ‘translate’ to something academically acceptable. Sometimes I felt a traitor to one world and a fraud in the other. That feeling sometimes still gnaws inside me to this day.

1.2D Later life

While teaching years 11 and 12 at Launceston College in the late 1980’s and early 1990’s I became frustrated with not being able to address the underlying issues of why students did not always do well academically. The social and life factors impacting on their daily lives were often overwhelming and I yearned to be able to work at that level. Eventually I returned to University and gained a second degree, Honours in Social Work.

Social Work influenced and helped me clarify my values; a commitment to social justice, sharing of power, equity, non-directive work practice and a passion for community development practice and methods. Its code of ethics (Australian Association of Social Workers, 2010) continues to influence the manner in which I approach any work, especially the importance of people’s self-determination in their own life and doing no harm as a professional. I am not sure how well this code of ethics translates across different cultural groups as it has been formed from a profession that is based on western, Euro-centric assumptions, world views and values.
As well as my years of teaching, I have also worked in Tasmania in Adult Aboriginal Education, Domestic Violence, a Women’s Crisis Service and establishing the Full Service Schools concept at Launceston College in the late 1990’s and eventually moved to Western Australia in 1999.

1.2E The first invitation

Managing the state-wide Youth Affairs Council of Western Australia for four years was a privilege and taught me so much in so many, many ways. There is one instance that stands out in my mind.

In 2001 I was travelling on my own across the Kimberley, rolling out a project that assisted not for profit organisations implement good governance principles and practices. I spent a few days in Halls Creek as I travelled to Kununurra. I met an Aboriginal woman who had just returned to the town to take up a teaching position. I offered to take her out to see some old friends at one of the communities. While there I just sat quietly while she caught up and yarns were told. Before we left the elderly man (who I only knew as Old Joe) spoke to me saying “you gotta come work with my people girl. You can help.” I was very surprised – and even more ignorant. “Oh, I don’t think so Joe. I have a job in Perth and my daughter down there…” “No. You meant to work with my people and help.”

Embarrassed, I shrugged off these words and travelled on to Kununurra. I was astounded the following week when, on my return journey to Broome I had a call at the bar just as I walked back into the Halls Creek hotel to stay the night. It was Joe. “Hear you’re back in town. You staying this time? We need you to work with us.” I moved on to Broome and received a call on my mobile from Joe again proposing I return to Halls Creek to work with his people. I
came back to Perth. I am ashamed to say that I found Joe’s offer and response and the subsequent calls from Halls Creek overwhelming and brushed them off, not knowing what to do with the request. I kept thinking, “What could I do? I wouldn’t know where to start”. At that point I did not realise that I didn’t need to “know”. All I needed was to ‘be’; be open, be willing, be available.

1.2F Subsequent invitations

I worked in management at a youth organisation and learned from Aboriginal people there – and everywhere else since then. The wonderful Noongar folks from Winjan Corporation welcomed me to do a needs analysis with them. I must admit that, looking back, I could have done things better at times but was always treated with respect, dignity and the most unending patience.

I recollect one day when another white woman attended a meeting at Winjan and I was spewing forth about what people needed and her not having the right to speak for people. The women quietly said, “Rose, we invited her to speak for us.” I was so full of my own self-importance, unacknowledged assumptions and privilege that I hadn’t stopped to consider that possibility. It was one of those ‘ah ha’ moments when I knew I had learned something I would never forget. Another time I recall being told “Rose, it’s not the colour of your skin makes you a blackfella; it’s what’s in here (hits his chest) and in there you a blackfella.” Even when I felt like I was falling short of the mark in what I could offer or give, there was always a warm welcome; always learning to be had.

There followed other brief stints in Aboriginal Health but my own health reached a crisis point and I needed to take some time out to look after myself
and find a less frantic, more balanced way to live. I needed to learn some more before I could be of any real, sustainable use.

1.2G Some more study

I knew that I had a lot to learn. So, I sought out a course run in intensive blocks that could teach me practically and experientially about Indigenous world views and ways of being and doing. I enrolled in a Masters in Indigenous Studies (Wellbeing) at Gnibi College Of Indigenous Peoples, located at Southern Cross University in Lismore. The course was taught by Indigenous people. While I realise that there are differences within and between Indigenous peoples, there are many core ways and meta-beliefs that are shared. I began to open my heart as well as my mind at this intensive.

1.2H And so to a PhD

The deep desire to keep learning from, rather than about, Indigenous people is what has driven the research topic, research design, conduct and analysis of this project. In my research travels I am not so concerned about gaps Aboriginal people may or may not need to act and fill. My focus is on the gaps non-Aboriginal institutions and individuals are challenged to fill in our own ways of knowing, doing and being. I am still learning as I write and will keep learning long after the dissertation is finished. As my grandfather William taught my father David and he taught me, “There is always more to learn and you are never too old to learn.”

The next leap in clarity came for me as a result of a three day Master Class intensive on Indigenous Research Methodologies that I completed in July 2010. Led by Aileen Moreton-Robinson and Maggie Walter it introduced me to the concept of there being things I would, could and never should know
about Indigenous epistemology, axiology and ontology. In this course I was in the minority, one of only three whitefellas in the room. As I sat in that course, listening and learning, it seemed to me that I wanted to move along a continuum of worldviews from my largely western, Settler society place towards inclusion of Indigenous ways of viewing the world. I wanted to sit somewhere in the middle. I wanted to acknowledge and own my whiteness, learning from Indigenous ways of knowing, being and doing while simultaneously respecting the limits my whiteness placed on the extent of what I should/could know “about” Aboriginal knowledge and experience. Diagrammatically I represent it in Figure 5. This was the starting point of clarifying the way this PhD would be conducted.

![Figure 5 A world of paradigms](image)

So it was that I embarked on a voyage of self-education in the theory that resonated with my own social positioning and to put words to my own ways of knowing, doing and being. And that’s where the research story really gets underway. My starting point with the PhD was firstly where I had left off in the Masters of Indigenous studies and secondly from what I had learned from Aboriginal people over time. Therefore, I began by considering the impact of
colonisation of Australia and the concept of historical trauma. Given my history of activism and political involvement it was not a surprise that I considered these two topics through a critical lens.

1.3 **Introducing the conceptual framework of a critical ally**

Gibson (1986:3) argued that a multitude of viewpoints fall under the broad umbrella of “critical theory”. The work of a critical ally, I argue, falls under this broad umbrella, which I further explore in the remainder of Chapter 1.3.

1.3A **Critical theory**

Gibson (1986:16) emphasised that all critical theorists have a common focus on society, structures and systems in context rather than the search for positivist truth. This research project, and my way of working are, as with all critical theory, committed to seven principal characteristics identified and published (Carnes, 2011b: 21) during the time of this research project. The seven characteristics are:

- Privileging of Indigenous voices as the experts on their own lives,
- A vision of justice and equality,
- Alleviation of disadvantage and suffering,
- Acknowledging education as an inherently political act,
- Ensuring that people are not hurt in the process of education or research,
- Being critical of itself, its approach and “of the social forces that make up its own basis” (Marcuse, 1968: 156),
- “Reading of the word alongside the world” (Freire, 1997: 75),
- Awareness and analysis of how power works, what it is and how it might be more equitably distributed (Smyth et. al., 2006: 6-7).

Indigenous academic Sandy Grande has been a significant player in the development of an Indigenous critical pedagogy which has its own place in critical theory from its own unique frames. Grande (2007: 320) cautions about the
limitations of critical theory as it has been largely developed using “Western epistemological frames”. These words resonate with those of Allen (2004:134) who declares that a vital part of the journey for critical pedagogy involves admitting that

white identity politics has structured critical pedagogy from its inception, regardless of its anti-colonial intentions. Its rebirth can only be had through a new focus on white supremacy, not just within society and schooling, but also within critical pedagogy itself.

Awareness of the inherent advantage of whiteness therefore becomes paramount in this research methodology, method and analysis in order to effectively acknowledge and address the dehumanisation of Aboriginal people by Settler cultures. Not focusing on such advantage risks perpetuating invisibility of Indigenous voices and views.

1.3B  **Privileging Indigenous voices as a critical ally**

The guides for non-Indigenous academics on how to respectfully utilise learning from Indigenous people are far and few between because, as revealed by Cross-Townsend (2011: 74), “the social reality of Indigenous oppression and inequity can be difficult to intellectually and emotionally relate to for dominant culture learners.” An additional challenge identified by Harding (1991: 20) is that of not being able to simply add ways of thinking, being and doing of the marginalised to the pre-existing paradigms of the mainstream. Rigney’s (1997: 114) comment resonates with this sentiment,

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4 An earlier version of Chapter 1.3B formed part of a publication during the course of this PhD research and is listed in the Bibliography. See Carnes, R. (2011b). *Signposts that helped a white activist find her way as a critical ally.*
racism will not be overcome by simply changing the attitudes and values of researchers nor will it be overcome by simply adding Indigenous researchers to the academy of research and stirring. Indigenous Peoples must now be involved in defining, controlling and owning epistemologies and ontologies that value and legitimate the Indigenous experience.

As a whitefella I can learn from Indigenous people based on their own voices and it is this approach that I take in this research project.

In an education context Williams (2007: 9) has identified that because of its fixity in the Western worldview Australia’s mainstream education system is not structured to advance learning programmes that expressly affirm our culture and promote our Indigenous identity.

What is required is a new, third way of working that synergises the two to create something new that is respectful of each way without one subsuming the other. This research has aimed to take steps towards such a space, starting with privileging and learning from Indigenous voices and acknowledging shortfalls in western epistemologies.

The significance of privileging Indigenous voices in ethical research was raised by Rigney (1997: 111) when he agreed with Marcia Langton that “historically, Australian policies and educational institutions have been marinated in cultural and racial social engineering theories... [and] have continued to influence policy, research and government debates”. Riggs (2004: 6) also refers to the importance of starting with the voices of those who are marginalised as a way to engage with analyses of issues related to race in ways that do not as he says, “reify or fetishise.” I include Indigenous voices in this dissertation in two ways. At times I make a somewhat arbitrary judgement call about inclusion of non-
Indigenous authors whose words seem to resonate with the views of the Aboriginal authors I read. In doing this I am mindful of the signpost questions referred to in Figure 6. Elsewhere I use non-Indigenous voices to exemplify the thinking of their time or as a contrast to what Indigenous authors say.

Tatum (2009: 285) believes that allies are necessary for oppressed groups to move beyond despair, and suggests that there is a history of such people “who have resisted the role of oppressor and who have been allies to people of color (sic)”. At rallies and meetings in Perth I often hear Elders welcome those white brothers and sisters who are there to “walk beside us”. That is how I see myself as a critical ally, as someone who is walking beside my Aboriginal brothers and sisters united in our humanness and a common goal of social justice for all people.

The profile of a critical ally has also been generated and published as part of this PhD research process (Carnes, 2011b). The profile acknowledges the paradox of being part of the problem I was seeking to address.

Alongside the essential aspect of privileging Indigenous voices a critical allied standpoint also includes fundamental and inter-related components of
standpoint theory, critical theory and theories of whiteness, power and activism, generally as adopted, structured or utilised by Indigenous academics.

Figure 7 Conceptual map for a critical ally (Carnes, 2011b: 16)

*Figure 7* visually denotes the conceptual and theoretical foundation of what it means to be a critical ally. Together these concepts, under the broad umbrella of critical race and whiteness theory, provide a specific conceptual underpinning to this thesis and its methodology. I have introduced the concepts of critical theory and the privileging of Indigenous voices above as they are particularly relevant to the manner in which I approached the literature. In Chapter Four I return to this conceptual map and further explore the concepts of working from a third space that draw on Indigenous worldviews along with a whiteness perspective, standpoint theory, power and privilege, activism which are particularly relevant to the research method utilised. Outlining these concepts also establish a basis for
transparency of me as a researcher who wishes to conduct ethical and appropriate research alongside Indigenous people.
The term 'decolonisation' is a reactive notion; it immediately puts the coloniser and the history of colonisation back at the 'centre'. In moving to transformative politics we need to understand the history of colonisation but the bulk of our work and focus must be on what it is that we want, what it is that we are about and to 'imagine our future'. (Smith, 2003)
As identified in Chapter 1.1G, this is a multi-disciplinary dissertation, drawing on theory from a range of academic disciplines that resonate with the beliefs, values and education I have received in life. The purpose of Chapter Two is to introduce the foundational issues and accompanying theory from which the research has drawn and upon which it rests. The chapter, indeed the whole dissertation, endeavours to remove the coloniser and colonisation from the centre. To do this is to be part of the de-centring implied by Smith (2003) in the quote on the previous page. The chapter’s first goal is to provide an understanding of the history and impact of colonisation in creation of a cycle of historical trauma that requires acknowledgement and appropriate healing. Secondly, the chapter suggests that a tool for this journey of healing and creation of a shared future lies in transformative education, defined by Mezirow (2000: 9) as “communicative learning and a critical assessment of assumptions supporting the justification of the norms.”

This chapter, therefore, considers firstly Aboriginal sovereignty in light of colonisation of Australia on the basis of terra nullius. Discussion then turns to the resulting historical and intergenerational trauma and the potential impact of this on learning and education before finally considering transformative education as a potential tool in addressing the impact of colonisation and historical trauma.

2.1 Aboriginal Sovereignty and Terra Nullius

Henry Reynolds’ landmark book, *The other side of the frontier: Aboriginal resistance to the European invasion of Australia* was published in 1981 and considered the issue of settlement from the point of view of Europeans violently invading rather than settling the continent peacefully. This was acknowledged in a review of the book by Howe (1981: 81) as a new approach to Australian history
As “for almost 200 years Aborigines have been left out of Australian history books, just as they have been left out of the mainstream of social, economic and political life of their country.” Howe (1983: 82) concluded the book review by saying that historians of culture contact in Africa, the Americas, New Zealand and the Pacific Islands have been looking at ‘the other side’ for twenty to thirty years now, and many of the issues Reynolds examines are déjà vu in any context other than Australian history.

Reynolds book provided a new way of seeing settlement which unsettled many non-Indigenous historians who still maintained a belief in the traditional view of history. Some remain unsettled three decades later. Windschuttle (2002) for example, maintains that the revisionist view of history and Indigenous understandings of history are nothing more than a fabricated myth. This thesis does not support his beliefs, rather choosing to hear the voices of those First Peoples who have experienced the history of colonisation and its impact first hand.

The concept of terra nullius is viewed by Maddison (2011: 50) as having been used as a justification, rather than a motivation for colonisation of Australia. Behrendt (2012: 82) substantiates this view when she explains that terra nullius means,

vacant or without a government...neither of those assertions was correct in fact because Aboriginal people were there and they did have a system of laws and government – this became known as a ‘legal fiction’ and remained in Australian law until 1992.

Every law, policy and decision made by the colonisers regarding Indigenous people in Australia has, therefore, been based on what Behrendt (2012: 82) refers to as a doctrine of discovery that was an understanding between colonial powers and not with the people of the land being claimed by the Settler society. Maddison (2011:}
51) goes so far as to suggest that “Settler societies are in fact premised on the violent and traumatic displacement or destruction of the original Indigenous inhabitants of a territory.” Later in this chapter, I explore the notion of trauma resulting from such displacement for Indigenous communities and how it continues to impact today on First Nations peoples.

Sovereignty of First Nations people in Australia has never been acknowledged. Hocking (2005: 268) notes that there has been no treaty or constitutional protection of Indigenous rights in Australia. When the land was settled under the doctrine of discovery the “Indigenous peoples inhabiting this ‘Great Southern Land’” says Hocking (2005: 277), “suddenly became British subjects without their consent being obtained or even required”. Caught between being what Biskup (1973) described as “not exactly slaves or citizens”, Aboriginal peoples have been the focus of numerous government policies, as outlined in Figure 14 on page 97. The aim of most policies since colonisation has been to ‘civilise’ or assimilate Aboriginal people but the inclusion, as McGregor (2011) points out, has been somewhat ‘indifferent’. As an Aboriginal friend of mine says “when I was a kid mate we were counted with the cattle, not in the census”.

There have been a number of reports and inquiries including The Royal Commission into Aboriginal Deaths in Custody (1991) and Bringing Them Home (HREOC, 1997) as well as High Court challenges such as Mabo and Wick5. Unfortunately, as Hocking (2005: 268-269) suggests official and government responses to these reports and outcomes “have contributed to the failure to

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5 The Mabo case in 1992 led to the High Court of Australia overturning the myth of terra nullius and finding that Indigenous people held a native title over their traditional land if they could show a continual connection to or occupation of their land (Behrendt, 2012: 415). Another High Court case, the Wik case in 1996, found that native title rights could co-exist with pastoral leases. This gave native title holders the ability to negotiate Indigenous land use agreements with other parties (Behrendt, 2012: 415-416).
achieve full reconciliation in Australia”. This dissertation concerns itself with the legacies of some of these official responses which have left Aboriginal Australians stuck on a merry go round of seeking constitutional recognition and fighting for respect as Australia’s First Peoples. I contend, as proposed by Short (2008: 180), that “if Australia was genuinely interested in addressing the harms that flow from colonisation and become truly post-colonial it cannot ignore the problem of indigenous nationhood and sovereignty.”

Cunneen (2005: 52) points out that ‘sovereignty’ has been variously used to refer to domestic, dependent Native American nations as in the USA, connected to Indigenous self-government as in Canada and as little more than “a state of denial” in Australia. At a practical, grass-roots level it seems that sovereignty has proven a slippery term to understand and implement. I argue that a definition of sovereignty is dependent on whose view is being considered.

2.1A What is sovereignty?

It is not my intention to engage in a lengthy debate about the nature of sovereignty and the legal implications of its use. Rather I aim to consider Western and Indigenous use of the term ‘sovereignty’ and how non-Indigenous people, organisations and systems might begin to honour a way of working and viewing the world that is different to their own.

What sovereignty is in a Western, Settler world view

Mainstream academics Falk and Martin (2007) portray sovereignty as developing in Europe as a way of ensuring the power and privilege of a hierarchy headed by the ultimate power of the monarch or the church. Falk and Martin (2007; 35) further explain that over time the meaning of the term changed to mean
independence of a state from any other state. In the western world sovereignty is therefore a term of power that is connected to an individual; the sovereign, the king or queen, or the political entity, the state. Consequently in colonised countries, lands were claimed in the name of the sovereign king or queen. Philpott (2010) observes that although the meaning of sovereignty has changed and varied across western history its core meaning has always related to supreme authority over a given geographic territory and power over all within that territory.

Given such a perception of the term, it would be understandable if some non-Aboriginal people feared a coup d’état from Aboriginal people, taking over the way everything is done and that they may fear losing control of supreme authority. This is not generally what is mean by “sovereignty” in Aboriginal circles, however.

**What sovereignty is in an Indigenous, First Peoples world view**

As Red Bird (1995) remarks, sovereignty as it is understood by white people is only recognised and understood in the political way outlined above. To an Indigenous world view, as explained by Behrendt (2003: 102), it is much more than this and does NOT refer to statehood. The following explanation by Brady (2007: 142) provides a comprehensive introduction to the concept for a whitefella like me,

Indigenous Australians regard the family and nation as being supported by interdependency, which is an arrangement that encompasses authority and the reliance both on self and others to maintain the family/nation and the individual. The rules and laws of the nation are those of the family. The sovereign Indigenous nation is formed through the ancestral and communal relationship. Unlike the sovereign of the European nation, authority does not reside in one figurehead and is not exercised downwards through layers of ever-declining levels of power. In the Indigenous nation, each individual is
part of the fabric of both authority and power that is interdependent on
the other. Although elders retain authority and the administration of
law, it is a communal exercise, carried by those who are designated to
exercise particular forms of authority derived from ancestral and
kinship relationships. There is a common engagement in the
governance of the sovereign nation.

Thus for Aboriginal people sovereignty is imbued in the community, the
family, the country and the individual. It determines who someone is, how they
identify and where they belong in the world. It encompasses the five ‘R’s listed by
Atkinson (2012) of Respect, Reciprocity, Relatedness, Rights and Responsibilities
to family and community. The ‘belonging’ is therefore much more than
geographical; it is spiritual. Sovereignty as it is held within the individual does so
in the context of the family, community and country. As Brady says (2007: 148)
“when Indigenous Australians are removed from, or choose to leave, the land of
their nation, we do not locate it outside of ourselves, but in contrast carry that
connection within our being.”

Sovereignty of self is inextricably tied with where an Aboriginal person is
from and their kinship system. It is also strongly linked, for Australia’s Indigenous
peoples, to self-determination. This is in contrast to how the term is so often used
in Australian organisations. Cunneen (2005: 55) claims that, in Australian politics,
self-determination has been used to represent a distinct administrative policy that
may or may not lead to Aboriginal people having the right to make choices and
decisions for themselves. For Indigenous Australians self-determination includes
the collective with sovereignty being, in the words of Waters (2005: 192), “about
having political power to exercise community or individual self-determination”.
Behrendt (2003: 87) notes that sovereignty and self-determination are the areas of restitution most often sought by Aboriginal people in Australia.

2.1.B Aboriginal sovereignty does not have to be proven

In relation to the existence of the sovereignty so often sought by Aboriginal people in Australia, Birch (2007: 107) issues the following prompt, sovereignty within Indigenous communities themselves is not reliant on either European law or occasional state paternalism. It is maintained through pre-existing, pre-European models of governance. Such models continue to be culturally and politically sustainable, regardless of a lack of legal recognition by Australian governments.

Birch's argument is that, having always existed on this continent, Indigenous people do not need to prove sovereignty to those who colonised in recent centuries.

Given this argument, educators, teachers and trainers both inside and outside prisons do not have to wait for governments to recognise Aboriginal sovereignty. We can act now while the background debate about treaties and the legal meaning of sovereignty trudges on. We do not have to wait for governments to honour something that exists, to implement good manners in relating with fellow human beings and, as Brennan, Gunn and Williams (2001: 8) express, to “get on with tackling the rules of co-existence”.

2.1.C Denial of Aboriginal sovereignty perpetuates trauma

Not acknowledging Aboriginal sovereignty and its attendant trauma, grief and loss have been noted by Swan and Martinek (1998) as a by-product of colonisation for First Peoples of Australia. When Settler groups arrived in Western Australia in 1829 it was not surprising that Aboriginal nations protected
their country in response to what Hunter (2012: xi) describes as the “invading settlers and their disregard for Noongar laws and country”. Sovereignty gives Aboriginal people the responsibility to protect the country, land and people who are all part of one whole. For Indigenous Australians at that time, as Atkinson (2002: 29) depicts, “the land grew the people and the people grew the country”.

The kind of belonging was, and remains, much more than geographical. It is also spiritual. Behrendt (2003: 33) describes this with the words of her father, “ownership for the white people is something on a piece of paper. We have a different system. You can no more sell our land than sell the sky”. Denying this sovereign link with country denies the very existence of Aboriginality which in turn perpetuates trauma for Indigenous Australians. Atkinson (2002: 29-30) provides further clarity in relation to this link when she says it is the inter-relationships, interdependencies, interconnections and continuities that form the whole. These inter-relationships must be considered in any developing understanding of the traumatic impacts of colonisation where irrevocable intrusion has occurred, and continues to occur, into the soul and fabric of the relationships that people had with each other and their country...it is important to understand people’s relationship with land in considering trauma, for country can hold healing or traumatic memory and energy, by the human activity or ceremony that has made a place unique, sacred or profane.... If the country is sick, people are sick. If the country is well, people are well.

Denial of sovereignty serves to perpetuate disconnection from country and the trauma of colonisation.
2.2 Potentially One of the Most Traumatised People in the World

“Aboriginal Australians are arguably one of the most traumatised people in the world” Nadew (2012: 2). These words reflect the depth of trauma that the actions related to not acknowledging sovereignty have created and continue to create for First Nations people. Addressing the impact of unacknowledged sovereignty and ways to address it may well need the work of Indigenous and non-Indigenous world views working alongside one another. As Lemelson, Kirmayer and Barad (2007: 472) observe, when it comes to trauma, “there may be no one story that gets it right from biological, clinical, cultural, and political perspectives.”

Atkinson (2002, 2012) combines learning from white man’s psychology and First Nations practices of healing through story in her We Al-li healing program. The experiential programme utilises both Indigenous and conventional approaches to psychological healing (Atkinson, 2008; Atkinson and Ober, 1995). Stories are reclaimed through art, music, dance, story telling and connection with nature. The principles of respect, reciprocity, rights, responsibilities and relationship are at the core, while an understanding of psychology informs the activities and practice.

Healing, includes more than the individual and his/her brain which Mehl-Madrona (2010: 10) points out is already known to Indigenous people. He claims that approaching psychological healing in a narrative/story way can combine both Indigenous knowledge and western knowledge to bring together psychological healing and healing of the spirit. Such attention to both psychological and spiritual aspects of healing is noted by Atkinson (2002: 30) as essential for healing “the soul and fabric of the relationships that people had with each other and their country”.

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This section of Chapter Two defines trauma with a focus on historical and inter-generational trauma, considers the impact of trauma and subsequent behaviour. There are implications for education, educator behaviour and provision of an educational environment conducive to healing. Downey (2007: iv) tells us that “the role of teachers in the lives of traumatised children cannot be underestimated”. I argue that the role of educational settings and education providers for adults and communities also cannot be underestimated.

2.2A What is trauma?

Trauma is defined by Kirmayer, Lemelson and Barad (2007: 5) as originating from the Greek word for wound and is found in use in a variety of health disciplines such as medicine, nursing, psychology and psychiatry and, in these contexts, generally refers to a violent event that causes injury. Psychologically, Herman (1992) noted that traumatic events “overwhelm the ordinary systems of care that give people a sense of control, connection and meaning”. Psychological trauma is a normal response to terror and fear of death. In a psychological sense, the ‘wound’ is deep, penetrating and threatens emotional and mental survival, sense of self and life itself.

Non-Indigenous authors White and Epston (1990) utilise a narrative approach to healing that is based on the concepts of “reauthoring” or “restorying” which involves replacing old, erroneous and unhelpful stories with those that are more helpful and positive. Fellow narrative therapist Morgan (2000: 8) reports that there are many different stories by which we live our lives and relationships – including stories about the past, present and future. Stories can also belong to individuals and communities. There can be family stories and relationship stories.
This narrative approach to trauma explains, from a whitefella perspective, how replacing the terror and loss of power, experienced as part of trauma, with empowerment and reconnection with self and others requires exchanging erroneous stories with new, strong stories. The responsibility for re-storying and restoration of safety belongs with the whole community. Danieli, for example (1998: 7) believes that being exposed to trauma causes a state of being “stuck”, disorientation and disruption to the normal flow of life. She says that recovery from trauma and restoration of equilibrium cannot be accomplished by the individual alone. It must include local, national and international communities and “re-establish the victim’s value, power and dignity through reparation ... accomplished by compensation, both real and symbolic; restitution; rehabilitation and commemoration” (Danieli, 1998: 7).

A descendant of Jiman and Bundjalung peoples, Atkinson (2002: xi) takes this broad community and relatedness context into account in her definition of trauma which she describes as “an event or process which overwhelms the individual, family or community, and the ability to cope in mind, body, soul and spirit.” For Indigenous people a history of intergenerational and ongoing trauma has shattered the reality and stories of relatedness, which, as Martin (2008a: 83) reveals “is to know who you are, where you are from and how you are related”. Such narrative definitions permit consideration of the contextual and related nature of historical and intergenerational trauma for Indigenous peoples.

### 2.2B Historical trauma/intergenerational trauma

To Indigenous authors the world over, ongoing historical and intergenerational trauma is a reality which is one reason for publications with names

Historical trauma refers to the trauma, usually of First Nations people, that occurs when a population has been subjugated by a more dominant group. As presented by Raphael, Swan and Martinek (1998) and noted above in Chapter 2.1C, not acknowledging sovereignty and the attendant trauma, grief and loss are a by-product of colonisation for First Peoples of Australia.

Sotero (2006: 100) says of historical trauma that, in addition to any ongoing and direct trauma, “subsequent generations also experience vicarious traumatization” through the collective memory, storytelling and oral traditions of the community and families as traumatic events become embedded in the social memories of the population and they are passed from one generation to the next.

When a population is subjugated by a dominant group Sotero (2006: 95) believes these four components are evident,

- Overwhelming physical and psychological violence
- Segregation and/or displacement
- Economic deprivation
- Cultural dispossession

Given such cultural, personal and community level violence it is not surprising that people then, as described by Gajdos (2002: 315) “numb themselves with alcohol and drugs”. Sotero (2006: 99) believes that even after quashing of
explicit policies and laws that lead to segregation or prohibit freedom of movement, cultural expression and freedom, the legacy of historical trauma “remains in a form of racism, discrimination and social and economic disadvantage”. Consequently, common ongoing issues for subjugated populations can include difficulty in parenting, transferred trauma to later generations through learned behaviour or direct traumatisation by abuse.

Such behaviours are viewed by the Council of Australian Governments (COAG: 2009, 2012), in Australia as ‘gaps’ to be repaired by, or for, Indigenous people. These behaviours can, however, be perceived in a way other than ‘gaps’, as seen in the literature on historical trauma which has emanated extensively from the North American context. One example, based on a culturally safe partnership with four North American reservation communities, is provided in a study by Walls and Whitbeck (2012: 1271). They conclude that at the centre of historical trauma is

the erosion of intergenerational influences. Grandparents were separated from their sons and daughters and grandchildren. They could not teach the cultural ways of parenting by providing appropriate role models of strong parents and elders. Their children, in turn, were more at risk for demoralization (depressive symptoms) and substance abuse. This eroded their abilities as parents, so that the next generation was more susceptible to early substance use and delinquent behaviours. And so it goes until the cycle is broken.

Intergenerational trauma is a term that is often used interchangeably with the expression historical trauma. Danieli (1998: 3) outlines how intergenerational trauma was first considered in the 1960’s in relation to survivors of the Nazi holocaust. In more recent times, however, the consideration of ongoing and intergenerational trauma has been contemplated by a number of authors around

In North America Cajete (1994; 189) used the term "ethnostress" to mean, a result of a psychological response pattern that stems from the disruption of a cultural life and belief system that one cares about deeply. Such a disruption may be abrupt or occur over time and generations. Its initial effects are readily visible, but its long-term effects are many and varied, usually affecting self-image and an understanding of one's place in the world.

Cajete goes on to provide examples of the manifestation of ethno-stress amongst Native Americans such as community disintegration, health problems, suicide, inadequate education, dysfunctional relationships, cynicism and self-invalidation.

Similarly, Brave Heart and DeBruyn (1998: 56) say that “high rates of suicide, homicide, accidental deaths, domestic violence, child abuse and alcholism, as well as other social problems” plague Indigenous North American communities and “suggest these social ills are primarily the product of a legacy of chronic trauma and unresolved grief across generations.” They label this phenomenon “historical unresolved grief.”

Also speaking from a North American context, Brave Heart (2003; 7) defines historical trauma as “cumulative emotional and psychological wounding, over the lifespan and across generations, emanating from massive group trauma experiences. The historical trauma response (HTR) is the constellation of features in reaction to this trauma.”
Such a constellation of features of historical trauma listed by Cajete (1994), Brave Heart and DeBruyn (1998) and Sotero (2006) read similarly to lists of ‘gaps’ to be closed in current Australian government policy such as that outlined by the Council of Australian Governments (COAG, 2009, 2012). COAG’s headline indicators, as listed by the Australian Productivity Commission (SCRGSP, 2011: 12), are family and community violence, substantiated child abuse and neglect, chronic disease, imprisonment and juvenile detention. This list reflects the features of trauma. While Cajete (1994), Brave Heart (1998), Braveheart and Yellow Horse (2003) and Sotero (2006) refer to these issues as outcomes of colonisation, dispossession and the history of loss and grief for Indigenous people, to COAG they are deficits in Aboriginal communities that according to the Productivity Commission (SCRGSP, 2009: 4) “require commitment and actions by Indigenous people themselves, with support from the private and non-profit sectors and the general community, as well as governments.” This description places an onus of change on Indigenous communities rather than the mainstream agencies and community who will provide ‘support’.

2.2C Healing historical trauma

Speaking in the New Zealand context, McGibbon and Etowa (2009: 96-110) see “colonialism as a foundation for the struggles of Indigenous peoples” and that moving forward includes “embracing the larger contexts which are part of Indigenous knowing and life and shaping ways to bring them into our everyday practice worlds and into the policies that shape them.” In Australia, I argue, such an embrace comprises whitefellas increasing awareness of our own white privilege not as some kind of “bourgeois self-indulgence..a psychological attempt to ‘feel
good’ about the angst of privilege” as described by Kincheloe and Steinberg (1998: 26) but to genuinely build respect and relationship.

Prime Minister, Paul Keating (1992) stated in his renowned Redfern Address “the starting point might be to recognise that the problem starts with us non-Aboriginal Australians”. Not doing so enables the cycle of historical trauma to continue and ensures unmet desires in education such as those identified in this research.

Healing of ongoing intergenerational trauma created by history requires respectful, strong relationship building. The conundrum is that white noise makes relationship building difficult but without relationship building as equals white noise remains dominant and Aboriginal agency can be denied by the dominant Settler mainstream. Myhra (2011: 36) speaks of such agency when he says of the Indigenous participants in a North American study, “Although [they] have all endured trauma, they have overcome numerous barriers to wellness and are resilient and proud, which has allowed for healing to begin taking place in their lives and in their families.”

Mehl-Madrona (2007; 31) outlines the different approaches of conventional and narrative ways of healing and comments that narrative approaches are “very similar to the common principles of Indigenous knowledge systems and provide a bridge between cultures.” Mehl-Madrona (2007, 2010) and Atkinson (2002) both believe that people have within them the resources they need to heal, if they are given the opportunity to access and utilise those resources in appropriate ways. This dissertation utilises story in its methodology and structure as a way of modelling the power and use of story in learning as well as highlighting challenges and ways to address those challenges.
2.2D Whitefellas need healing too

Four Arrows (2008: 46) reveals that story is integral to teaching and learning as well as healing in relational Indigenous communities around the planet. Atkinson (2002: x) tells us that, for Aboriginal people, story refers to “a personal history”. This personal history can be complex and its “stories of human survival across many generations” are held in country (Atkinson, 2002: 27).

Whitefellas too can benefit from learning about our vanished stories and losses. Gajdos (2002: 315-316) claims that the white mainstream... may have fled from their own grief smack into a materialism that denies death. ... Perhaps we need to return to the healing of ourselves, our ancestors, and our descendants, through an acknowledgement and understanding of our intergenerational griefs and traumas.

It may well be that whitefellas too could benefit from an approach to healing of trauma that ensures community context, safety, recovery of stories of relatedness and a focus on strengths and agency. Many Indigenous people I speak to are aware of this and wait patiently for whitefellas to also listen and become aware.

Ungenmerr (ND) has spoken of it this way,

We know that our white brothers and sisters carry their own particular burdens. We believe that if they let us come to them, if they open up their minds and hearts to us, we may lighten their burdens. ...There are deep springs within each of us. Within this deep spring, which is the very spirit, is a sound. The sound of Deep calling to Deep. The time for rebirth is now. If our culture is alive and strong and respected it will grow. It will not die and our spirit will not die.

Discussion on the role and importance of story in teaching and learning will be revisited more extensively in Chapter Four.
2.2E *Trauma impacts on the individual, family and community brain*

I begin this explanation of the impact of trauma on the brain with a caution. While, as Sitler (2009: 119) states, “educators are often unaware of the effects of psychological trauma on learners” and could benefit from a greater awareness, they are not usually trained, professional psychologists, medics or healers and are not therefore in a position to diagnose or provide mainstream therapy to those they teach. They do, however, have an important role to play in providing an environment that is conducive to fostering of Aboriginal agency and building positive relationships supportive of healing processes. Behrendt (2003: 137) tells us that “the recognition of a multiplicity of canons will allow for the acknowledgement of racial experiences, teach the value of difference and allow children from previously excluded groups to feel their difference is appreciated and important.” She believes that such reform of educational institutions is the first step in countering inequality. I believe this step also to be essential in ensuring and sustaining long term healing.

Atkinson (2012) draws on the work of non-Indigenous authors and practitioners such as Perry (2002, 2003, 2006, 2009) in acknowledging the sequential neurodevelopmental pathway required for healing of trauma. I find this pathway a useful tool in understanding why connection with each of self, others and nature is so important in healing processes. While described here in terms of the individual, it can also be used as a framework for considering family and community which are areas that could benefit from further development and understanding.

As illustrated in *Figure 8*, the brain and central nervous system develop sequentially from conception to adulthood. Firstly, the very essential functions of
the brainstem develop which ensure body functions are sustained. Next the midbrain develops. This part of the brain assists the senses to work effectively. Then follows development of the limbic system which regulates emotional responses and finally, the cortical level develops which enables abstract thought. Atkinson (2012) has identified appropriate healing activities depending upon the stage of development in which the trauma occurred (see Figure 8). Healing of trauma, based on this approach requires connection with self, others and nature in various ways, depending upon which stage of development the major traumas occurred in. For those who experience intergenerational trauma healing at all of the levels of brainstem, midbrain, limbic and cortex may be required.

![Figure 8 Healing required by a brain affected by trauma (based on Atkinson, 2012)](image)

When under threat or in times of trauma the brains higher functions close down to ensure survival from a perceived, imminent threat. For example, if
someone has been recently traumatised it is impossible to take part in abstract thinking and this is often coupled, understandably, with an overwhelming desire to forget the trauma. Such forgetfulness, is explained by Rousseau and Measham (2007: 283) to play “the role of erasing or dimming the intensity of unbearable or confusing aspects of the experience...often a key element in achieving coherence.. Not recalling traumatic experiences can play an important part in being able to function day to day.

When caught in a cycle of violence or re-traumatising, the individual may never fully develop the abilities of multiple sections of the brain and so may need healing at multiple stages of development. I find the explanation of Perry (2003) regarding the impact on the brain of a life-threatening, existence-threatening experience useful to apply at each of individual, familial and community levels.

Perry’s (2003) explanation reveals that initially a traumatic event leads to a prolonged reaction of alarm. The body is on high alert and vigilant and this in turn leads to altered neural patterns that become automatic responses when the brain is reminded of the initial traumatic event. Dr Perry (2003: 6) notes “as this event plays itself out again and again in the mind ... not only will the thoughts of the event be recalled, the emotions and feelings (fear, anxiety, pain) of being out of control and threatened will be re-experienced as well. Each intrusive thought [and] nightmare ... also re-evokes the emotional or affective memory of being in the midst of the threatening event.” The unique neural systems of the response at the time of trauma are re-evoked automatically leading to what observers may see as ‘acting out’ behaviours.

De Vinar (2012: 95) maintains that terror can become “imprinted upon the psyche of victims of violence, and the effects of the transmission of that imprint
from one generation to the next if there is no treatment". Perry (2003: 12) identifies the two primary adaptive response patterns in the face of such terror as fitting along either the hyper arousal continuum (defence as fight or flight) or the dissociation continuum (the freeze and surrender response). Together these form what Perry (1995: 13) refers to as the adaptive response continuum.

These responses provide a framework for mapping the common symptoms of historical, intergenerational trauma experienced by Indigenous people worldwide. I do this in Figure 9 where I map some common experiences of colonised people along this continuum, either as hyper-arousal responses to trauma or dissociative responses to trauma.

The issues raised by Cajete (1994), Brave Heart and DeBruyn (1998) and Brave Heart (2003), such as homicide, accidental deaths, domestic violence, substance abuse, child abuse, alcoholism and community violence, can be placed along the Perry continuum of responses to trauma in this way. Similarly some of the issues raised in the teachers yarns, such as the sense of helplessness and powerlessness can also be placed on this continuum.

Whether referring to individuals or the broader community, the impact on the brain and subsequent development of survival behaviours based on that time of trauma has long standing implications and outcomes. Without acknowledging this impact it is easy to blame the victims of colonisation for what is considered bad behaviour. When such behaviours are punished without there being an opportunity to heal, the historical and intergenerational trauma and the brain’s learned pattern of response are reinforced.

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6 Permission for use of Dr. Perry’s chart as the basis for this figure has been given by Dr Perry and The Child Trauma Academy.
**Figure 9 Common responses experienced by traumatised First Nations people**

### 2.2F Implications for learning and education

People who have been traumatised have, as identified by Sitler (2009: 122), experienced a sense of loss of control and need opportunities to take control over some aspect of their lives. This understanding of trauma has implications for ‘behaviour management’ in classrooms. What has traditionally been seen as an issue of control over people, be they children or adults, may be as much about healing trauma responses and providing opportunities for experiencing control as a positive thing as it is about dealing with bad behaviour. Along these lines, Figure 10 provides an example of potentially de-escalating and escalating educator behaviours identified by Perry (nd).
Figure 10 Teachers potential escalating and de-escalating behaviours in response to student behaviours

In adopting teaching strategies, it is important to not further isolate individuals or groups of people. Sitler (2009: 120) provides this pertinent reminder,

Has every student who exhibits one or more of these behaviours been traumatized? No. However, some have experienced trauma. The point is, as teachers, we may be unaware that a student has experienced psychological trauma. Therefore, we need to teach in supportive ways ... The task is to teach with a pedagogy of awareness that provides ongoing support for the needs of all learners.

As Sitler implies, all learners can benefit from educational settings that focus on support and encouragement.

Some of the experiences of participant-teachers in Chapters Five and Six show that life in prison contains exposure to escalating behaviours from those in control. This, on a day to day basis, can be retraumatising in itself. Living with the after effects of trauma is like wearing a wired in sensitive alarm system that takes very little to set it off and once set off responds best to de-escalating behaviours. Aggressive behaviour from a prisoner can be an automatic, hyper arousal “fight” response from a traumatised brain. Unfortunately in prisons, the high likelihood of
aggression from individuals and the punitive colonial system of punishment makes healing an unlikely occurrence. Where education provided is focused on training and moulding to conform to a standardised world outside of prison, personal healing and rehabilitation can be difficult to achieve. In contrast, Ball (2004: 472) tells us that true engagement and optimal learning requires a curriculum that is personally meaningful, adding that “a participatory approach is essential within an anticolonial agenda”.

A participatory approach to education is defined by Ball (2004: 476) as requiring opportunities to “explore, discuss, and evaluate various sources of knowledge with respect to their potential utility in local contexts. Students can experience a high degree of agency in determining what they learn and how they learn it, and their education can reflect the settings in which they live and intend to work.” Such a participatory, transformative approach to learning and education has purposes beyond skills training and becomes more generative where a different and localised form occurs with different groups of people who have different needs in different contexts and communities.

2.3 Teaching to conform or to be transformed?

The potential for conflict in the purposes of education is inherent in the word itself. Craft (1984: 9) explained that education derives from two root words that sometimes clash in purpose and application. *Educare* means to train or to mould which stresses social conformity. This approach to education emphasises instruction, obedience and conformity. The term ‘education’ also has its roots in *educere* which means to lead out and is more representative of developing individual curiosity, creativity and critical thinking. Craft suggests that an ideal focus for education would address both of these meanings. While skills
development is important, Bass and Good (2004: 162) argue that “a person who is schooled only to pass the test is ill prepared to cope with today’s rapidly changing world. Something more is needed to make the student successful in today’s world”. I believe that the ‘something more’ referred to by Bass and Good is the ability to adapt to change, to make informed choices and to go beyond reproducing what Darder (2002: 58) refers to as, “the traditional social arrangements that support and perpetuate inequality and injustice [aiming for] the transformation of these social arrangements”. Education in prisons, I maintain, should also have this broader purpose of transformation.

2.3A  What is the purpose of education in prisons?

What then is the purpose of education in prisons? Is there a goal of rehabilitation and transformation of traditional social arrangements? Foucault (1977: 233) said that “penal imprisonment, from the beginning of the nineteenth century, covered both the deprivation of liberty and the technical transformation of individuals.” As there are conflicts in the meaning of education, so too are there inherent conflicts in the dual purposes of deprivation and transformation connected to imprisonment. These tensions are considered in the light of education in prisons in Chapter 3.5, Aboriginal people and prisoner education in Western Australia but here I would like to consider the conflict between mainstream education in prisons and the requirement of rehabilitation.

Chavez and Dawe (2007: 30) conclude that “research findings from Canada, the United States of America and the United Kingdom confirm that appropriately supported rehabilitation programs for adult prisoners and offenders can save the community the costs associated with repeat criminal behaviour”. This has a positive ring of growth and learning however, their next sentence indicates that
the expectation for change rests largely with the incarcerated individual who, they claim, will ideally experience interventions that tackle a range of problems ... since offenders often have multiple issues and risk factors. To address as many issues as possible, a program may include learning life skills, basic education (such as literacy and numeracy, oral English language competency and missed secondary school education), VET and community-based work experience. (Chavez and Dawe (2007: 30).

I am struck by the underlying assumption of the community being defined by a mainstream, dominant world view. There is, for example, no mention of cultural learning or spiritual growth.

Education based on deficits to be filled and gaps to be closed in order for the individual to be, as Chavez and Dawe (2007: 45) say, “reintegrated into the community upon release” is to me reminiscent of repairing cracks in walls with spakfilla and a trowel. A surface is created that conforms to all around it but the underlying cause of the crack has not necessarily been addressed and the crack will keep resurfacing.

Freire (1972: 45-46) refers to this as a banking model of education where the teacher issues communiqués and ‘makes deposits’ which the students patiently receive, memorise and repeat...knowledge is a gift bestowed by those who consider themselves knowledgeable upon those whom they consider to know nothing.

Being, as Darder (2002:11) claims, “driven by the forces of the marketplace and interest of corporations”, such education is also likely to concentrate on skills development as required by the market rather than focusing on the needs of the learner.
The role of such education in prisons mimics Foucault’s (1977: 233) view of prison when he says that, “by locking up, retraining and rendering docile, it merely reproduces, with a little more emphasis, all the mechanisms that are to found in the social body”. Rather than transform people and the world, prison aims to prepare people to conform to the mainstream to look and act to meet the norms of the dominant world view. This is also true of prisoner education. While the Australian National Training Authority (ANTA) was abolished in 2005 and its responsibilities taken over by the Department of Education, Science and Training (Dawe, 2007:7), the policy for prisoner education remained based on vocational education. Since 1996, at a national level the policy for prisoner education has remained based on the goal of providing “adult prisoners and offenders with educational and vocational pathways which will support their productive contribution to the economic and social life of the community” (ANTA 2001: 3).

Given a lack of definition of “the community” in this original ANTA document I assume that it refers to mainstream society as constructed by Settler groups and agencies. This is also the Settler rhetoric of economic dependency which Darder (2002: 5) argues “has instilled in both dominant and subordinate populations the socially destructive notion that there is only one legitimate way of being an acceptable and “free” human being.” I argue that it is this underlying assumption that requires a transformation on the part of Settler society.

2.3B Education as an act of transformation

The term transformative education was coined from a 1970’s study conducted by Mezirow that followed the experiences of women returning to college education. Mezirow (2000a: xi-ii) identified “perspective transformation as the central learning process occurring in the personal development of women”
returning to college education. The study found that, once transformation had occurred, old perceptions were not likely to return. It also found that transformation was not a smooth, steady process but occurred in fits and starts. It was also likely to stall, particularly in the early stages of transformative learning because of “its threat to a long-established sense of order, and later when awareness and insight call for a commitment to action that may seriously threaten important relationships” (Mezirow, 2000a: xii). Transformative education then, is likely to mirror this stop, start process and face hurdles at similar stages in implementation.

Transformative education acknowledges and bases itself on the strength and inherent agency within communities, populations, families and individuals. As highlighted by Mezirow (2000a: xiii), its roots are in the work of critical theorists, most notably Paulo Freire, especially his Pedagogy of the Oppressed (1972). Critical theorists such as Freire are identified by Darder (2002: 41) as aiming to “achieve a liberatory practice...challenge the conditions that limit social agency and capacity to intervene and change the world”. There are similarities between the words and works of Freire and the principles underlying traditional Indigenous education that mean his approach to education has been adopted in various settings by Indigenous practitioners and theorists.

In Australia, for example, the work of Freire informs the broad theoretical framework of PEARL in Queensland which is provided by Mackinlay and Barney (2012). This teaching and learning project in Indigenous Studies at higher education level began by focusing on problem based learning (PBL) and looking to close deficits. Mackinlay and Barney (2012:10) relate that an initial focus on problem based learning (PBL) evolved into “PEARL to describe the Political,
Embodied, Active, and Reflective aspects of this teaching and learning approach in Indigenous Australian studies. In this programme, the behaviour of the teacher and the way they developed and presented programmes was focused on more than transfer of skills and knowledge. The focus was on what Freire refers to a number of times in Chapter Two of Pedagogy of the Oppressed (1972) as the person ‘becoming’; always able to grow and always unfinished.

Transformative education tackles the issue of the dehumanisation of colonised peoples head on and aims, as Freire (1972: 26) believes, to present oppression “not as a closed world from which there is no exit, but as a limiting situation” which can be transformed.

In working with adults it is important for students of any age to be able to, as outlined by Freire (1974: 48) “achieve critical consciousness so that they can teach themselves” in new situations. Learning continues beyond the formal classroom and requires critical thinking and the ability to keep learning so that in the prison context prisoners can begin to “successfully create and sustain the enduring personal change required to create a new life” (Carnes, 2011c: 2). Traditional Indigenous education has of necessity been transformative. As explored briefly in Chapter Three, Aboriginal people have been on this continent for tens of thousands of years and adapted to changes over that time. Without the ability and agency to adapt to colonisation they would not have survived.

Smith (2003) speaks of successful transformative education in New Zealand based on critical pedagogy and the work of Freire. Whereas the work of Mezirow (2000a) defines transformation as a linear process, Smith (2003) notes that there is not a linear progression from critical consciousness raising to a stage of resistance to the mainstream and then a final stage of transformative action and
ultimate change. These are not steps or stages but elements of an ongoing process of growth and becoming. Smith (2003) describes his view of transformative learning like this:

Maori experience tends to suggest that these elements may occur in any order and indeed may all occur simultaneously. [There is also the] idea of simultaneous engagement with more than one element. ... All Maori can be plotted somewhere ... (some are standing still, some are going backwards, others are well advanced) - the point is that every Maori is in the struggle whether they like it or not, whether they know it or not.

Such a transformative understanding of learning includes everyone in some way. They do not have to pass a test or jump through hoops of selection to be involved, included and valued.

Indigenous world views and ways of working place relationship at the centre, as I have expressed in a publication written during this research (Carnes, 2011a: 176-177). Similarly, Freire (1972: 61) believes that dialogue and being in relationship are essential to transform the current reality of those who are oppressed, revealing his belief that “no one can say a true word alone – nor can he say it for another, in a prescriptive act which robs them of their words”. Dialogue and relationship with one another and the world of which we are a part are at the heart of both transformative education and Indigenous world views.

Where the view is, as in mainstream Settler societies, “one voice only as the accredited source of knowledge” (Corradi Fiumara 1990: 19) listening respectfully to different ideas becomes impossible. Freire (1998: 107) elaborates on this point when he adds that “respecting differences ...always requires of us a large dose of humility that would alert us to the risks of overvaluing our identity, which could, on the one hand, turn into a form of arrogance and, on the other, promote the
devaluation of other human beings”. Humility acknowledges power and the possibility of abuse of that power in defining the world. Adichie (2009) in her address to Ted.com says, “Power is the ability not just to tell the story of another person, but to make it the definitive story of that person. ... Start the story with the arrows of the Native Americans, and not with the arrival of the British, and you have an entirely different story.” Transformative education acknowledges who has been defining and telling the mainstream story. In addition transformative education provides spaces for different, often silenced stories, to be heard.

Love is another central facet of transformative, liberatory education considered by Freire (1972: 63-64) which is not surprising given the focus on dialogue and connectedness expressed throughout his works. Freire does not limit the concept of love to that between individuals and points to collective solutions to oppression and subjugation. He does not, however, as Aronowitz (1998: 17) explains, excuse individuals who fail to intervene in oppressive acts and situations. bell hooks (2009: 178) echoes this sentiment when she speaks of the role of “loving justice and making a commitment based on that love” in resisting domination, having seen love as the force leading individuals to “resist domination culture, to stand against racist domination and oppression”. Challenging and standing against domination and privilege requires both a collective and individual response.

2.3C Education as an act of love and humility

Freire (1972: 32-33) asserts that an inability to love perpetuates oppression as “it is not the unloved who cause disaffection, but those who cannot love because they only love themselves.” He does not see transformation in the adoption of the ways of the mainstream society by the colonised. Rather he sees transformation in
a search for freedom. This freedom is for all and occurs when individuals are able to “choose values and rules of conduct that violate conventional social norms” (Aronowitz, 1998: 19). Therefore both oppressed and oppressors, colonised and colonisers can co-create and work from what Purdie, Milgate and Bell (2011: xx) call a “third space”. The following is an example of a successful university degree programme in Canada that works from such a shared space of humility and openness.

**The First Nations Partnership Program: A ‘both worlds’ approach to curriculum**

Speaking in a Canadian context, Ball (2004) outlines a community based approach to education that incorporates both Indigenous and western education theory and practice in an equitable partnered and transformative programme. Ball (2004: 454) describes how, using “a ‘generative curriculum model’ Indigenous knowledge is brought into the process of teaching and learning by community Elders, and this is considered alongside Eurowestern theory, research, and practice.” Such a generative model does not focus on best practice or a one size fits all curriculum. This university level program, as Ball (2004: 460) describes it, is focused on “uncovering new, community-relevant knowledge sources, considering knowledge that resides in communities, and creating fresh understandings from reflection and dialogue.” The specific course content is developed from a broad framework and evolves within each community. Students do not have to leave their community to study this course. Reciprocal relationships between community and university are essential. Such a generative model operates in a third space and shares the power of knowledge, not assuming it lies only in a western epistemology. It provides for what Williams (2007: 10) describes as “a
solid and undividable relationship ...between cultural sovereignty and educational autonomy.”

Freire (1972: 141) says, the aim of transformation is “to make it possible for the oppressed...to transform an unjust reality” that in effect binds and prevents both colonised and colonisers from being truly free. Without transformation Aboriginal and Settler people in Western Australia can remain bound by largely unacknowledged yet entrenched histories such as that of colonisation with policies based on the original myths and harm likely to be recreated. In this way any institutional racism can become entrenched and indiscernible to those perpetuating it and it is to this topic that Chapter Three now turns.
In the Australian context, the high rates of unemployment, lower average income, high rates of arrest and imprisonment, of poor health, low education and low life expectancy are indicators of the consequences of entrenched institutionalised racism. (Dudgeon et.al., 2010: 13)
Research occurs in a specific time and place and it is the purpose of this chapter to clarify a context of entrenched institutional racism in the Western Australian context. The chapter begins by defining systemic, or institutional, racism. This is followed by an overview of the history of colonisation, government policies relating to Aboriginal people, education of Aboriginal people, justice, law and Aboriginal people, and education in prisons that illustrates systemic institutionalised racism. The chapter concludes by considering, in the context of education, three events that exemplify the existence of ongoing systemic racism.

As with Chapter Two I prioritise what I have learnt from Indigenous authors. I incorporate non-Indigenous authors where their writing is synchronous with what Indigenous writers say or who have been cited by Indigenous writers and academics.

### 3.1 What is systemic or institutionalised racism?

Western Australian’s have the highest rate of individual self-identified racism in the country, as recognized in *Challenging Racism: the anti-racism research project* (University of Western Sydney, 2011). The word “racist” can elicit strong emotional responses. Nicoll (2007:25) for example believes that “in the six or so years of Howard’s campaign against ‘political correctness’ the very idea of suggesting that someone might be racist has been elevated into a crime to rival (if not displace) racism itself”. Racism, however, can go beyond individual prejudice alone. Western Australia is, for example, the only Australian state without racial vilification laws which suggests a more deeply rooted, insidious systemic racism.

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7 John Howard was Prime Minister of Australia from 1996 to 2007.
As Van Dijk’s (2002a: 322-333) explanation of racism explains, individual acts can only be sustained in a system that legitimizes them;

Racism, defined as a system of racial and ethnic inequality, can survive only when it is daily reproduced through multiple acts of exclusion, inferiorization, or marginalization. Such acts need to be sustained by an ideological system and by a set of attitudes that legitimate difference and dominance.

This understanding of the context in which racism occurs moves the discussion away from being simplistically about individual attitudes and actions of prejudice by individual people to a consideration of the kinds of ideological and social structures that support acts of exclusion and marginalization of those least empowered in the social structure; it becomes more a consideration of how power and privilege are used systemically to oppress.

Eroding individual prejudice, claim Goldberg and Essed (2002:6), will not thwart racism in historically racist societies; where there is a history of racism, institutions will reflect racist processes. In Australia where white settlement, as discussed in Chapter Two, was based on the belief that Aboriginal people were savages and the land unused, it will therefore be insufficient to merely focus on acts of individual prejudice and vilification as a way of addressing racism.

A definition of institutional racism which is still widely used is found in The Stephen Lawrence Inquiry (Macpherson, 1999: 6.34) which stated that institutional racism refers to

the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance,
thoughtlessness and racist stereotyping which disadvantage minority ethnic people.

The Macpherson Report and this definition moved the conversation in the British system from a focus on individuals, ethnic identity and blame of people to a focus on workings of institutions, departments and states. I argue that this definition has an inherent flaw, however, in referring to *unwitting* prejudice, ignorance, thoughtlessness and racist stereotyping. While practices can be unwitting they can also be intended as pointed out by Holdaway and O’Neill (2006: 350). For any definition of systemic, institutionalised racism to be useful I argue that it needs to be applied in context. Holdaway and O’Neill (2006: 366) also believe that institutional racism has to be “conceptualized as a process of negotiation about its taken-for-granted meanings and actions related to them. Particular meanings will be in the ascendancy in some contexts, different emphases will mingle in others”.

When considering systemic, institutional aspects of racism Blagg (2008: 9) reminds us that it is important to take into account the *outcome* of activities and processes rather than focus on the *intention* and attitudes of individuals within the system. This need to consider outcomes as an indicator of institutional racism is also alluded to by the WA Equal Opportunity Commission (2005: 6) when they say that “substantive equality recognises that equal or the same application of rules to unequal groups can have unequal results”. Combining the thoughts of Holdaway and O’Neill (2006), Blagg (2008) and the Equal Opportunity Commission (2005) highlights the need to consider outcomes of activities and processes in the specific context of Western Australian justice and corrective services systems.

The application of the tough on crime approach in Western Australia, for example, has done nothing to bring about more equal results for Aboriginal people.
even though, on the surface, these laws appear to apply equally to all people. Specifically, the Western Australian three strikes home burglary laws look fair and equitable on the surface. Upon looking closer however, Blagg et al., (2005: 13) noted that 80% of children caught under these laws were Indigenous with a disproportionate number from regional and remote areas. While the laws were introduced due to concern about the level of “home invasion” in metro and urban Perth, they seem to have disadvantaged Aboriginal children throughout the state. The underlying assumptions that have led to such outcomes were not conceptualised or negotiated as part of the lawmaking process.

Taking into account these concerns, the definition I am using in the context of this research is, *institutional systemic racism in Western Australia can be detected in policies and processes that lead to actions and/or outcomes that disadvantage Aboriginal Peoples*. While we cannot ignore the impact of individual choices and underlying individual issues that lead to high rates of Aboriginal incarceration, “we simply cannot discount the contribution of institutional practices and legal frameworks within which criminalization and the use of imprisonment is embedded” (Cunneen, 2005/2006: 340). The high incarceration rates are enough, without any other indicators, to be evidence of outcomes that disadvantage Aboriginal people.

Ultimately, I maintain, the white noise of colonisation in Western Australia established and sustains ingrained privilege for Settler society and disadvantage for Aboriginal peoples that is evidenced in the outcomes of policies and practices in education, justice and prisons. That such entrenched systemic racism still exists is exemplified in the outcomes of three recent examples, namely outcomes from the *Royal Commission into Aboriginal Deaths in Custody* (1991), the *Bringing Them
Home (HREOC, 1997) report and the preventable death of a Gibson Desert Elder in 2008. It is therefore on each of these specific areas I now concentrate in turn.

3.1 Colonisation as the context for racism in Western Australia

There is an increasing volume of critical literature available about Australian history that is written by and from the point of view of Australian Indigenous authors such as Watson (2007, 2009), Behrendt (2003), Moreton-Robinson (2000, 2005, 2007) and specific to Western Australia, Van Den Berg (2002), Kwaymullinu (2008) and Dudgeon (2008). These writings provide a critical perspective on history as portrayed in traditional educational texts written by non-Indigenous writers such as Bolam (1927), Moorehead (1966) and Blainey (1966). The perspective of critical Indigenous writers is widely utilised both in this chapter and throughout the dissertation as a whole.

When considering the current situation of education in the Western Australian prison system it is essential to, as Hennessy (1995: 148) relates, make connections between the power inherent in past historical situations and the structures and institutions that organise current social life. It is the way that historical context and institutional structures interact that have led to the present-day experience of who can speak, who has the authority to do so and what assumptions are made in decision making processes.

3.1A Maintaining harmony in relationships (Pre-colonisation)

In the first two chapters of Nyoongar People of Australia Van Den Berg (2002) provides a comprehensive overview of life for Noongar Western Australians prior to the colonisation of the continent. In her opening chapter Van Den Berg (2002: 2) outlines that Aboriginal people from all over Australia believe their origins have
always been in this land with the people being the caretakers of the country. Aboriginal people are part of the earth, custodians to look after it as it in turn looks after Aboriginal people. It is not their role to own and be lord of the land. The Aboriginal flag reflects the commonality of worldview of Australia's First Nations peoples. AIATSIS\textsuperscript{8} explains what the colours of the flag stand for in this way: the golden yellow sun that gives life, the red of the earth to which people are tied spiritually and the black of Aboriginal peoples of Australia. 

It is not known exactly how long this continent has been peopled, although we know it is many millennia. Some say it is as long ago as 60,000 years (Raphael, Swan and Martinek, 1998: 327). Van Den Berg (2002: 1) notes that artefacts from the Kimberley region of Western Australia have been dated at between 116,000 and 176,000 years of age. Suffice to say it has been a very, very long time and, during that time First Nations people adapted to environmental changes and lived in harmony with an often harsh environment.

As Figure 11 illustrates, Aboriginal Australia at the time of colonisation consisted of many hundreds of clans of Aboriginal people. They lived on this continent in a complex web of social law with one another described by Raphael, Swan and Martinek (1998:328) as relationships, communities and kinship that “were complex and governed by requirements for behaviour, relating and understandings that were sophisticated and balanced and showed among other things, gender equity”. All parts of life in pre-colonised Aboriginal Australia were interwoven and complex with education, law, death, fun, laughter, punishment, science, the arts, music, hunting, cooking, child rearing all part of ensuring wellbeing and harmony. Atkinson (2002: 41) points out that this does not mean

\textsuperscript{8}Australian Institute of Aboriginal and Torres Strait Islander Studies 
\url{http://www.aiatsis.gov.au/fastfacts/aboriginalflag.html}
that there was not conflict but, where conflict occurred, very clear processes existed for resolution that valued everyone and gave time and space for all to be heard (Atkinson, 2002: 35-36). As Ungemerr (ND) has said,

we wait for the right time for our ceremonies and meetings. The right people must be present. Careful preparations must be made. We don’t mind waiting because we want things to be done with care.

Figure 11 Aboriginal Australia⁹

⁹ This map is just one representation of many other map sources that are available for Aboriginal Australia. Using published resources available between 1988–1994, this map attempts to represent all the language or tribal or nation groups of the Indigenous people of Australia. It indicates only the general location of larger groupings of people which may include smaller groups such as clans, dialects or individual languages in a group. Boundaries are not intended to be exact. This map is NOT SUITABLE FOR USE IN NATIVE TITLE AND OTHER LAND CLAIMS. David R Horton, creator, © Aboriginal Studies Press, AIATSIS and Auslig/Sinclair, Knight, Merz, 1996. No reproduction allowed without permission.
As this statement illustrates, before colonisation decision making was not rushed by Indigenous people. It was more important that the process be done properly to avoid ongoing conflict. In relating with Aboriginal people, I witness these aspects of Aboriginal Australia still in operation in many ways today.

The adaptability, resilience and resourcefulness of Aboriginal people cannot be questioned. As the longest surviving culture on the planet, Aboriginal knowledge and ways of doing and being have been developed, adapted, tested and ‘peer reviewed’ within their own specific community over thousands of centuries. These ways of knowing and being have held strong and enabled the sustainability of a people and country and nations in relative harmony for tens of thousands of years.

### 3.1B Conflict, confusion and being controlled (Post-colonisation)

When he landed in the far north west of the continent in 1688 William Dampier wrote that

> the Inhabitants of this Country are the miserablest People in the world... who have no Houses and skin Garments, Sheep, Poultry and Fruits of the Earth ... and setting aside their humane shape, they differ but little from Brutes” (cited in Purdy, 2010: 7).

Such dehumanisation of Aboriginal peoples persisted long after Dampier’s visits in the seventeenth century and was part and parcel of colonisation. When, in 1829, Stirling arrived on the shores of the Swan River with the first colonisers from Britain, the continent had already been settled terra nullius in the eastern states for more than forty years and dehumanisation of First Nations people well established.
After countless generations of clarity for Aboriginal people about how to live with their country and in harmony with nature, the white newcomers took what they wanted without seeking permission. More and more whitefellas kept coming, invading and pushing Aboriginal families away from their country. Retaliation was further punished and Aboriginal peoples became, as described by Carter (2005: 87-89) “outlaws in their own country”. From an Indigenous perspective, these newcomers were likely to have been a curiosity and writers, such as Van Den Berg (2002: 18) portray how many Noongar people believed that Settlers were ghosts of ancestors returning to look after Aboriginal people.

The Wadjuk people, who first encountered the colonising Settlers initially gave food, shared their culture and were noted by both Van Den Berg (2002: 19) and Carter (2005: 129) as being generally peaceful. In return they were removed from their country via dispersal policies. Such policies have since been compared by Tatz (1999, 2011) with genocide and the ethnic cleansing of Jews by Hitler. At the time of colonization of Australia in the late 1700’s and Western Australia in 1829, Cole (2004: 41-42) notes that the “general mood of the times was that the ‘inferior races’ of the colonies were a direct threat to the ‘superior white races’." Aboriginal people were seen as a dying race of simpletons and segregation the only way to ensure purity of the white race. While there seemed to be some awareness of the potential impact of colonisation on Aboriginal people, in the time of Darwinism their eventual demise was commonly considered a fete accompli. Bolam (1927: frontispiece) for example, expressed his experiences in this poem,

*A Wonderland of truly wondrous things

That nowhere else upon this Earth are found;
Of reptiles rare, and birds that have no wings;
And animals that live deep in the ground;*
And those poor simple children of the Earth
(A disappearing race you here may meet),
Whom whites have driven from their land of birth
To regions still untrod by booted feet.

The early stages of colonial domination pushed Aboriginal peoples towards extinction through what Moses (2004: 28) identifies as “violence, disease and relentless pressure”. That poisoned flour was distributed is documented; that there were massacres is also verified by both Indigenous and non-Indigenous authors including Van Den Berg (2002: 18), Fitzgerald, (1984:16-25), Fletcher (1984: 1-6) and Elder (2003). These authors describe the impact of some outcomes of colonisation on Aboriginal communities including introduction of European diseases such as measles, chicken pox, sexually transmitted diseases and other viruses. With introduction of such diseases, Aboriginal people became sick and died from illnesses to which they had no immunity. Taken away from their traditional foods which kept them healthy to missions to be fed on white flour, sugar and tobacco they entered a cycle of sickness and early death. Purdy, (2010: 24-25) describes how, in the late 1830's around Albany on the south coast of Western Australia, white Settlers increasingly hunted kangaroo to sell the fur to fashion houses in Europe. She reveals that, as a result, Aboriginal people in this region thereby not only lost their major food source but also their chief supply of warmth and clothing and as a consequence many became sick and died.

While, as noted earlier, Dampier believed that the people of Australia’s north-west were “the miserablest people in the world” (cited in Purdy, 2010: 7) Captain Cook appears to have been confused by, yet envious of, the lifestyle of the Aboriginal people he encountered at Botany Bay. He described them as living “in a tranquillity which is not disturbed by the inequality of condition: the earth and the
sea of their own accord furnish them with all things necessary for life” (cited in Moorehead, 1966: 117). Similarly, not all colonisers were of the frame of mind that Aboriginal people were ‘savages’ but recognised them as healthy, proud and happy. This is noted in several early accounts such as that of Bolam (1927, 69-70) who described Aboriginal people

as they come in from the ranges, in the pink of condition, after their trip of nearly 300 miles, their skins shining with the glow of health, their carriage graceful...and then see them a month later, arrayed in the vilest of rags, themselves dirty, and their old-time customs being superseded by the traces of “civilisation”, ...and you see two different people.

According to Carter (2005: 129), however, the predominant view of those Settlers in power was that the culture of Australia’s First Nations peoples had no redeeming features. It was, therefore, imperative for the ‘savages’ to be civilised which meant removal of cultural practices. Harrison (2009: 155) reminds us that “it wasn’t just our children that was so forcibly removed, but a lot of our laws and practices, a lot of our languages and a lot of other things that were forcibly removed”. Noongar Elder Robert Bropho (RIP) (cited in Carter, 2005:v-viii) put it this way, “Nothing has changed since the white man stepped upon the foreshores of this continent with his Flag in one hand, the Gun in the other hand and his Bible in his back pocket.” Sadly, these three symbols represent much of the approach of the Settlers to Aboriginal people described in the literature I read as part of this research:

1. The Bible for saving Aboriginal souls was the purpose of many of the educational missions of the nineteenth century, denying Aboriginal children access to their own spirituality;

2. A gun represents violence against Aboriginal people;
3. The British Flag symbolises Aboriginal people being driven from country, dispossessed by the colonisers with Aboriginal sovereignty denied. It was not uncommon as Neville\textsuperscript{10} (1947: 74) revealed for non-Indigenous Australians to believe that Aboriginal people “were doomed to die anyway, therefore it is better to let them die”. Thus policies and practices were often at best little more than ‘soothing the pillow of a dying race’. The white colonisers were assumed to be superior and had the privilege of making all decisions in relation to the ‘inferior’ people. This is exemplified in the meeting of representatives of each state and commonwealth government who met in 1937 for the first time to discuss “Aboriginal Welfare” (Commonwealth of Australia, 1937). Until this point Aboriginal welfare resided with each state and the Federal government was not involved at all.

The 1937 meeting consisted of white men working in colonially established government departments who, at this gathering, decided what a “native” was, that “full bloods” could not be eligible for welfare benefits, that female protectors were not generally a good idea and that the destiny of the natives of aboriginal origin, but not of full blood, lies in their ultimate absorption by the people of the Commonwealth, and [the conference] therefore recommends that all efforts be directed to that end (Commonwealth of Australia, 1937: 3).

This was decided without any involvement of Aboriginal people before, during or after the meeting. The white noise of privilege left no room for another world view.

\textsuperscript{10}Auber Octavius Neville was chief protector of Aboriginals in Western Australia from 1915 until 1936. At this time the position was renamed the Commissioner for Native Affairs. Neville remained in that post until 1940. For a total of twenty five years he was legally responsible for directing the lives of all Aboriginal people in Western Australia.
A major omission in discussions of treatment of Aboriginal people by colonisers was, and remains, an understanding of who ‘Aboriginal people’ are. Shroff (2011: 53) argues that there are, amongst Indigenous peoples across the globe, common concepts of social, psychological and spiritual interconnectivity such as valuing of relationships, community and family, connection to country and an ability to live in harmony with the land. Within this commonality, the Aboriginal people of Australia are, as reflected in Figure 11, many nations. These diverse groups, at the time of colonisation were living lives in harmony with their own unique surroundings. For at least sixty thousand years there have been many languages, stories, law and history unique to family groups that ensure the longevity and sustainability of country and all living things within it. Just as white European countries have a history of not all agreeing, of having localised customs and beliefs, so it is with Aboriginal nations. Aboriginal nations are no more homogenous than any other collection of nations living on one continent.

To look more closely at the number of nations in Western Australia, Figure 12 and Figure 13 provide a glimpse into the number of Aboriginal communities today. The isolation of these communities is visible, almost palpable. Many of these communities are not accessible by road during the wet season, are very small and do not have ready access to health care or other facilities taken for granted in colonised, western towns. Some of them no longer have a school.

For example, as explained to me by local people, in 2010 the Patjarr school was closed down as students were not attending school. Patjarr is marked in Figure 13 north of Warburton in the Gibson Desert area of eastern Western Australia. Apart from a slow four wheel drive trip on rough roads, the only way in and out of Patjarr is by plane. For a time in 2009 the children did not go to school
Figure 12 Aboriginal communities in Western Australia\textsuperscript{11}

\textsuperscript{11} Figures 12 and 13 are reproduced with permission of Department of Indigenous Affairs
because their law dictates families must leave a community for a period of time after a death and funeral has been held. When the families returned at the end of this time the school had been closed. They now receive distance education in English which is not their first language and for some is a third or fourth language. Learning in language has been shown by Muro (2012: 4) to mediate learning and provision of learning materials in other than first language disadvantages the learner. The importance of learning in language is well documented by both Muro (2012) and Nicholls (2005). It is also an article in the United Nations Declaration on the Rights of Indigenous Peoples (Streich, 2009) to which Australia is a signatory, but the distance education in remote Western Australian communities is provided in English and is overseen by children's parents for whom English is also a second, third or fourth language.

Figure 13 Aboriginal communities in the Kimberley
3.1C Aboriginal people as commodity and possession

Colonisation filled the purpose of achieving more space and land for colonial powers such as Britain. Concurrently, there was a rise in the importance of the prison as a way of providing a cheap labour force (1977: 128), with the individual, as described by Foucault (1997), appropriated as the property of society to be put to work on public works. Foucault (1977: 208) also argued that discipline as incarceration aimed to “increase production, to develop the economy”.

These views of the prison and punishment coincided with convict transportation to and colonisation of Australia. In Western Australia, as noted earlier, transportation of convicts came decades after white Settlers. In the interim, Aboriginal people were a potential source of cheap labour which may have contributed to the recommendation in the 1937 Report of the Select Committee into the condition of native peoples that a more friendly relationship with Aboriginal people can “materially contribute to and promote the civil and commercial interests of Great Britain” (cited in Purdy, 2010: 22).

That Aboriginal people continued to be an essential cheap labour force in the twentieth century was also noted by Elkin (1947a: 366-367) when he said, it may be asked, whether, apart from humanitarian reasons, the effort on behalf of the natives is worthwhile. The answer is Yes. The northern parts of Australia…and the central and arid regions would not have been developed to the present limited extent if aboriginal labour had not been available. And there is no reason to think that it will be developed further without the aborigines, unless Australia is prepared to import coloured labour, a very unlikely contingency.

The objection of sovereign peoples of Australia to their country being annexed seems to have surprised and angered the early colonisers. The Settler reaction to Aboriginal resistance was to exercise their unquestioned privilege and
teach Aboriginal people a lesson. The ways in which the lesson were taught have been thoroughly documented elsewhere such as in Elder’s (2003) significant book *Blood on the Wattle*. He describes, for example, the Battle of Pinjarra in 1834, on the shore of the Murray River approximately eighty kilometres south of the Swan River settlement in Western Australia. Elder (2009: 249) argues that like all of the massacres of Aboriginal people it was more a case of wholesale slaughter than of some equally poised, European-style battle. It was the same story which had been enacted on every frontier; the same overreaction to ‘black atrocities’, and the same desire to ‘teach the blacks a lesson’, the same random killing.

The Aboriginal people who remained alive after the ‘battle’ were, as described by Fletcher (1984: 4), herded together, taken prisoner and threatened with annihilation if they in any way sought revenge on what had just happened.

To this day, there is no signage at the commemorative site of the Pinjarra massacre and emotions run high amongst descendants of both Aboriginal and Settler peoples. As related to me by local Binjareb Aboriginal people, the lack of signage is because the local council insists that it was a ‘battle’ and the local Binjareb people want any signage to indicate a massacre. There was a sign erected, they tell me, but some local wadjella people tore it down. This signage issue is an example of the politicisation of settlement and colonisation. It is a case in point of what Patrick Dodson et.al., (2006: 260) describe this way;

the life of an Aboriginal person is tremendously caught up in politics, as of necessity, not as of choice. … Reconciliation, treaties, constitutional change: fundamentally the recognition of the Indigenous people within the modern politic of Australia hasn’t been resolved.

These words and the example of the Pinjarra massacre also hark back to Freire (1972: 36) who speaks of "maintenance of the oppressive order through
manipulation and oppression” as being in some measure due to “a lack of confidence on the part of oppressor groups in the people’s ability to think, to want and to know”. Put more simply, the Pinjarra Massacre and ongoing signage issue seems to me to be an ongoing exemplar of ‘whitefella knows best’.

Moorehead (1966: 117) referred to this situation as the tragic future: the white man and the blacks competing for possession of the natural resources of the country…and there was not much doubt about what the outcome would be. The blacks were weak and they had to lose.

It is questionable if this attitude has changed very much as we continue to see conflict between the commercial interests of coloniser groups and First Nations peoples about who has the right to determine what happens to resources on Aboriginal country.

The Yindjibarndi people for example, have fought Fortescue Metals Group (FMG) over several years for the right to determine who should be involved in determining resource use on their country in the Pilbarra region of Western Australia. On 12 February, 2013, Federal Court Justice, Neil McKerracher, handed down a decision in Perth, Western Australia, that validated the vote of the Yindjibarndi people to authorise a new and unified group to run the Yindjibarndi Number One Claim (Yindjibarndi Aboriginal Corporation, 2013). The conditions that were attached to the authorization means that the written consent of Yindjibarndi Aboriginal Corporation is required for any agreement that affects the Claim Area. Yindjibarndi Corporation (2013) describes the effect of this decision in this way on their website, 12 “the division sponsored by FMG for the purpose of tying up all Yindjibarndi native title in a land access agreement, is finished”.

12 (http://yindjibarndi.org.au/yindjibarndi/?page_id=1024)
Decisions such as this one by Justice McKerracher serve to bring into focus the sense of entitlement of Settler groups that Aboriginal people still face today. From settlement to the present time power, decision making and the view of what/who is right or wrong rests with the colonisers and it is through a colonial power, in the court, that the right of determining what is right or wrong ultimately rests.

### 3.2 Government Policies and Aboriginal People in Western Australia

Volumes have been written about the history of Aboriginal policy in Australia and I do not intend to re-iterate all of that information. A brief overview, however, can provide the backdrop against which history, education, policing and correctional services have been and continue to be developed in Western Australia.

The issues of sovereignty, terra nullius, colonisation and their impact on policy in Australia is referred to in Chapter Two of this thesis and it is from there that I pick up the thread of this discussion. Aboriginal people were excluded from the Australian constitution when it was drafted in the 1890’s. No representatives of Indigenous nations took part in the drafting process and Williams (2000: 648) notes that “in fact, the operative provisions ... were premised upon their exclusion and even discrimination against them”. Indicatively, the preamble to the Australian constitution makes no mention of the prior occupation of Australia by the continents’ Indigenous peoples.

Even when permission has been given at times for Aboriginal access to what non-Aboriginal Australians take for granted, consideration of the ‘fine print’ often reveals underlying paternalism and disadvantage. For example; when discussing the issue of payment of pensions and maternity allowances to Aboriginal people,
the meeting of States in 1937 (Commonwealth of Australia, 1937; 4) passed the following resolution, “That all natives of less than full blood be eligible to receive invalid and old-age pensions and maternity allowance on the recommendation of the State authority, to whom the grant should be made in trust for the individual”.

From what I hear anecdotally from Aboriginal people, they are unaware of any of the payments ever reaching their families. The same is true for retention by government of income earned from employment. A scheme to redress this in Western Australia opened in March 2012. It offered a small ex-gratia payment of $2000 to those whose wages were stolen in this way. It closed at the end of November 2012. To be eligible the applicant had to meet the following criteria.\textsuperscript{13} The onus of proof was on the applicant. The Aboriginal person had to still be alive (descendants could not apply) and be able to prove that they were

- Born prior to 1958, and
- From the age of 14 years or older, resident at a Government Native Welfare Settlement in Western Australia, and
- While resident at one or more of the Government Native Welfare Settlements in Western Australia, under direct Western Australian Government control with regard to their income and all or part of their income was withheld from them, and
- Were never repaid the outstanding monies owed by the Western Australian Government.

\textbf{3.2A  A brief summary of government policy frameworks}

A timeline of major policy rhetoric in Aboriginal welfare and policy is presented in Figure 14. For this I am indebted to the work of Green (2004) whose thorough analysis of Aboriginal education in Western Australia provides the

\textsuperscript{13} As listed on the Department of Indigenous Affairs website \url{http://www.dia.wa.gov.au/en/Stolen-Wages}
Figure 14  Timeline of major rhetoric in Aboriginal welfare and policy

<table>
<thead>
<tr>
<th>Years</th>
<th>Policies of</th>
<th>Features of these policies</th>
</tr>
</thead>
</table>
| 1840 to 1880’s | Amalgamation               | • Aboriginal people not recognised as civilised people.  
• Are British subjects but not citizens  
• Native schools in Perth at which all Aboriginal children are enrolled (had closed by 1855) |
| 1880’s to 1970’s | Protection                | • Aborigines Protection Act 1886, later the “1905” Act that gives unprecedented powers to the “Chief Protector” (later the Commissioner of Native Affairs) to make decisions for and about Aboriginal people.  
• The 1905 Act used as model for apartheid in South Africa  
• Police designated as ‘protectors’ in regional areas |
| 1905 to 1960’s | Segregation                | • Aboriginal children can be refused entry to school if a white parent objects to their presence (some experience after the end of the official policy)  
• Aboriginal people not permitted in Perth city without a permit, cannot drink at same bar as white people |
| 1937 to 1970’s | Assimilation               | • Until 1937 Aboriginal Affairs is the province of states  
• 1937 state and federal department reps meet to discuss Aboriginal Welfare; assimilation the official policy  
• Stolen Generations |
| 1972 to 2002  | Self-determination         | • Whitlam government, land rights  
• Australian and Torres Strait Islander Commission set up  
• Self-governance of communities and projects encouraged and funded but still largely under control of government agencies and purse strings.  
• ATSIC established in 1990 |
| 1992 to ?     | Reconciliation             | • Paul Keating government, Mabo  
• Reconciliation movement, Bridge walks, Talking circles |
| 2000 to present | Practical Reconciliation and Intervention | • Howard ultra-conservative government  
(1996-2007)  
• ATSIC reviewed and disbanded. Funding returned to mainstream government departments (2004)  
• Rudd/Gillard governments (2007- present)  
• The Apology by Prime Minister Rudd  
• The Northern Territory intervention  
(2007)  
• Quarantining of welfare benefit payments |

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14 See dvds made by Indigenous people such as “The Coolbaroo Club”
16 Jull (2000: 52) noted that “John Howard, the populist prime minister of Australia, has brought progress on Aboriginal relations to a standstill in that country”.
17 For details on the government directed intervention by the Military in remote Northern Territory communities see Mills, 2008 or the Yolngu dvd “Our Generation”. This intervention required suspension of the Racial Discrimination Act (Buckmaster et.al., 2012: 1)
18 “A policy under which a percentage of the welfare payments are set aside to be spent only on ‘priority goods and services’ such as food, housing, clothing, education and health care” (Buckmaster et.al., 2012: 1).
substance from which most of this information has been adapted. It is also informed by the work of Haebich and Delroy (1999) and Welch (1988). There is some overlap in the sections of this timeline as there also has been with policies. The unexpressed and covert theme threading through all of these policies is one of Aboriginal people as subordinate, inferior people with non-Aboriginal people in control of decision making, policy making and policy implementation. I recall a journal entry where I muse on the invisibility of privilege to those who have it, 

*Ironic that today it is 100 years since the sinking of Titanic... there is a metaphor there... the way an iceberg is white and most of what is most deadly isn’t seen ....”the iceberg of white power and privilege”... largely invisible to those who are white but not to those who keep running into it and getting damaged as a result of its sheer power.* (Journal, April 12, 2012)

Even though on, Wednesday February 13, 2008, then Prime Minister Rudd gave the historic apology denied Aboriginal people for so long (Rudd, 2012), such an apology is noted by Mills (2008: 40) as “a beginning: a statement of intent to work it enables rather than effects a transformation in our relationships”. The actions and intent of government policy post-apology have revealed no great change in power balance between Indigenous and non-Indigenous Australians.

### 3.3 The colonial nature of Aboriginal education in Western Australia

The nature of education for and by Aboriginal people in Australia is far too vast an area to consider in detail in the context of this dissertation. Similarly, it is far too important an area not to refer to in the context of the research project. Therefore, a brief overview and timeline of some major policy approaches is provided here followed by a description of potential points of tension. It is important to note that education in traditional Aboriginal societies happened in the context of everyday life. In contrast the term seems to be used today largely
when referring to the formal schooling of children and adults. This contrast is illustrated by considering education provision for Aboriginal people pre and post colonisation. The colonisers of Western Australia brought with them underlying assumptions about the nature of education and its location in a formalised schooling process. I argue that such an assumption of education as synonymous with formal schooling remains in mainstream policies and practices today which renders invisible significant areas of education for Aboriginal people.

3.3A Maintaining equilibrium and relationships (Pre-colonisation)

The core purpose in traditional Aboriginal societies declares Stanner (1979: 143) was the uniting of hearts and maintaining of order and equilibrium. Learning was not an added on activity. It was part of all and every day. Diversity was valued, all people of equal value and all had the right to be heard (Atkinson, 2002; 35-36).

Green (1983: 9) describes, from the viewpoint of a white observer, the education of a Ngaanyatjarra child in the Central Desert of Western Australia thirty years ago as

a type of learning that was reinforced by daily observation and practice...he came to accept the evidence of his direct relationship with the Dreaming ancestors...In addition there was the important knowledge gained by living a tribal lifestyle, which enabled every child to know who he was and where he stood in relation to a whole range of people...mostly learning resulted from involvement in community activities, building a wiltja, making a fire, hunting lizards ....It was the transfer of knowledge that had accumulated over centuries of desert existence, a wealth gained through a lifestyle that archaeological evidence proves had changed little in twenty thousand years.
Green (1983) goes on to explain the priority of learning the kinship system, the principle of reciprocity that is based on the obligation every person has to every other person and the learning of decision making processes around the campfires. A similar experience to this has traditionally occurred for young people in First Nations around the continent.

Historically then, Aboriginal people have always been educated, just differently and for different purposes to the western world which has a focus on education as a means of gaining employment and contributing economically to the wider society. Part of the focus in pre-colonised Aboriginal nations included the learning of a spirituality which helped provide the focus and unity for a holistic education that was not siloed into isolated subject learning areas as it is in white, western schooling traditions. This is described by Welch (1998: 207) who states,

Aboriginal education was not so much a preparation for life, as an experience of life itself. Spirituality pervaded the whole of life, and thus traditional Aboriginal education was entirely non-secular. Social life, and educative activities such as hunting and gathering, were all informed by religious beliefs, just as topographical features were all products of spirit ancestors. This spirituality helped impart a unity to Aboriginal traditions of education, without the subject divisions common to white schooling practices.

When the colonisers arrived they brought with them not only assumptions about education, its purpose and its models but also about who would have access to schooling and what type of education would be offered.

3.3B Settler driven education and schooling of Aboriginal people (Post-colonisation)

In discussing education in Western Australia after colonisation, I refer to the following timeframes mentioned in Figure 14,
• amalgamation to assimilation,
• self-determination and reconciliation
• practical reconciliation and intervention.

Amalgamation to assimilation

Education provided to Aboriginal people by the colonisers in the 1800’s was usually provided by Christian missions. Its purpose was to tame and bring civilisation to the ‘savage’ who, as Brooks (2007: 135) notes was believed to be inherently inferior to the white Settlers. Schooling was, therefore, provided that met the needs of the Settlers rather than focusing on the needs of Aboriginal communities, families or culture. Green (2004: 21) relates that, over time in the Western Australian colony, the underlying practices and delivery of schooling to Aboriginal children “developed from an assumption that while the parents could not be changed, the children could be educated to become ‘like white men’”.

Since colonisation formal Aboriginal schooling has largely remained in the hands of the colonisers who have had varying bases from which formalised education has been provided. Welch (1988: 208) believed these bases had, up to that time, included ignorance and disdain, separation, assimilation, integration and self-determination. The impact of this history continues to be felt in our current policy making and development of processes and programmes across the education sector as education is one area which reflects the policy approaches outlined in Figure 14.

Beresford (2003a: 43) reports that “between the 1880’s and 1930’s a set of policies and practices for Aboriginal education slowly emerged”. While specific policies and practices differed from state to state the similarity was offering only minimal schooling to Aboriginal children. In Western Australia, as noted by Green (2004: 11) throughout much of the period 1840 to 1978 “Indigenous access to
government schools was restricted and, in many cases, denied”. This is supported by the work of Haebich and Delroy (1999: 49) who recount that it was in 1948, “after thirty years of official exclusion from state schools and seventy eight years after compulsory education was introduced for white children, education was made compulsory for Aboriginal children” in Western Australia.

State run ‘native settlements’ such as Moore River ran for the first half of the twentieth century in Western Australia. At these settlements the basic three ‘R’s were taught, because, as Haebich and Delroy (1999: 30) argue, it was thought the children “were incapable of achieving more than Third Standard in Primary School”. Haebich and Delroy (1999: 30) continue to explain that the training received at such institutions was merely allocation of odd jobs by the staff with children sent out to work from the age of fourteen.

At the 1937 meeting of the states and Commonwealth of Australia (Commonwealth of Australia, 1937: 11) Neville spoke of the importance of education in assisting Aboriginal people to be educated so as to be absorbed into the general community...and educated at least to the three ‘R’s. If they can read, write and count, and know what wages they should get and how to enter into an agreement with an employer that is all that should be necessary.

David Wallace Adams (1995) refers to this kind of residential schooling policy in the United States as “education for extinction” which is eerily similar to the experiences of Aboriginal people in Western Australia as the following example illustrates. Education within state institutions and residential schools, such as Sister Kate’s Children’s Home, as reported by ‘Malcolm’ (in Haebich and Delroy,

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19 This would be Grade 3, the level of a 7 or 8 year old.
20 Malcolm is the pseudonym given by Haebich and Delroy to the child who said these words.
1999: 53) “basically just ignored the fact that we were Aboriginal. We were being brought up as whites and to live in a white society”.

In Adelaide in 1958 the Federal Council for Aboriginal Advancement was created as the first national representative body to lobby for the rights and needs of Aboriginal people. In 1964 the title was expanded to be inclusive of Torres Strait Islander people and it became known as the Federal Council for Advancement of Aborigines and Torres Strait Islanders (FCAATSI). This was a time of raising awareness of Aboriginal rights and Behrendt (2012: 166) recounts that this group was “instrumental in the campaigns to change the [Australian] Constitution”.

The referendum to change the Australian Constitution was held on May 27, 1967. For a change to be made to the Constitution a majority of people in a majority of states must vote in favour of the change. Behrendt (2012: 174) says that the proposed changes “essentially covered two main issues,

- Should Indigenous people be counted in the Australian census?
- Should the Commonwealth government be given the power to make laws for Indigenous people?”

Every Australian state voted in favour of change, though it is interesting to note that Western Australia had the lowest ‘yes’ vote. The national average was 90.77% in favour of change; Western Australia responded with 80.95% in favour. While the referendum provided for inclusion of Aboriginal people in the census Beresford (2003a: 47) reminds us that expressions of racism “were still widespread in many parts of Australia in the 1970’s and still exist in some quarters today”. 
The 1967 referendum was, however, a move towards recognising Aboriginal people as part of Australia and from this momentum built in the 1970's for increased autonomy of Aboriginal people.

**Self-determination and reconciliation**

The election of the Whitlam government in 1972 heralded a shift in official Aboriginal affairs policy from assimilation to self-determination. This was further consolidated by the establishment of the Aboriginal and Torres Strait Islander Commission in 1989. During the time from 1972 until the abolition of ATSIC in 2004, the policy focus in Indigenous affairs, including as they related to education, was officially on self-determination and reconciliation.

These changes coincided with the recognition in the late 1960’s of the poor state of Aboriginal education that Beresford (2003a: 57) believes “slowly came to be realised as a major social and educational problem” with “the extent of the failure confirmed in the 1971 Census”. This revealed a massive gap in numeracy and literacy and educational attainment and all levels of education. Beresford (2003a: 57-58) goes on to emphasize that research conducted by the University of Western Australia in 1975 highlighted that an absence of critical questioning pervaded the approach to serving [Aboriginal children]. Schools did not generally regard the problem of their Aboriginal students as an outcome of weaknesses in school organisation or policy: rather, they attributed them to the home background and general living environment of the children.

I argue that this still can apply today as a result of white noise not making it customary to critically question the assumptions of white privilege.

The first national conference for Aboriginal educators was held in 1976. Those present represented people providing formal education to Aboriginal people...
rather than educators who were Aboriginal. The keynote speaker was Director of Education for the Northern Territory, Dr J Eedle. He (Eedle, 1977: 30-31) warned of the dangers of us (non-Aboriginal institutions and people) preparing and implementing for them (Aboriginal people and communities). He advocated instead for a “combined effort by Aboriginal and non-Aboriginal people at all levels”. Eedle spoke of local communities being in a better position than government to develop effective education at local levels. Lukes’ (2000: 459) conclusion echoes these thoughts of Eedle when he refers to the need for “government getting out of the way so that “critical literacies” can be invented in classrooms. Perhaps it is absence and silence from the centre that enables.”

The first Aboriginal person to receive a University degree says Behrendt (2012: 172) was Charles Perkins in 1966. During the 1980’s and 1990’s the voices of Aboriginal people became increasingly more visible in academia. Australian Indigenous academics such as Marcia Langton (1983), Martin Nakata (1993) and Irene Watson (1993) began to appear in academic literature. As Fredericks (2009) stresses, however, a range of issues encountered by trailblazing Indigenous academics in Australia continue to be encountered by Indigenous academics today such as

- competing in grant applications with non-Indigenous people to do research about Indigenous issues rather than being asked to work alongside
- being excluded from conversations about Indigenous matters as universities only consult with the Indigenous Centres on campus
- being asked to sit on committees as a resource, regardless of whether or not they have interest or even the skills and knowledge necessary for that committee.

The presence of Aboriginal people on a school or university campus does not mean that white noise is no longer a dominant force.
In 1988 the Commonwealth Government established an Aboriginal Education Policy Taskforce. The taskforce reported being deeply concerned to note that, in spite of the improvements in educational opportunities for Aboriginal and Torres Strait Islander people over the past two decades, the disadvantages faced by Aboriginal people in securing their right to an education remain far more severe than for any other group in Australian society (Hughes, 1988: 1). These issues remain causes of concern as reflected in COAG targets (COAG, 2012) and their attendant Federal government close the gap policies.

Beresford (2003a: 64-66) provides a long list of initiatives aimed to facilitate access to mainstream education for Aboriginal school age children however he notes that a study by Watts in 1978 revealed that there were short-falls in implementation and questions about the commitment of government to create necessary change.

The existence in Australia of grand gestures, rhetoric and policies that do not transform into change have also been noted by Standfield (2007) who exemplifies this in relation to the reconciliation movement that dominated the 1990’s. Standfield (2007: 169) says,

the people’s movement for reconciliation – epitomised by the ‘sea of hands’ project, the signing of ‘sorry books’ or reconciliation marches in cities across the country – was generally held to be beyond criticism. Despite the symbolism and goodwill, however, the end of the reconciliation process led to no tangible outcomes for Aboriginal people.

The question that then arises for me is that, given the range of literature and recommendations that have been made over decades, and the range of gestures of good will, what continues to create the gap in educational outcomes for Indigenous Australians? Standfield (2007: 186) offers a clue to the answer in suggesting that
“despite the lack of progress in outcomes for Aboriginal and Torres Strait Islander peoples, the dominant representation in political discourse is that whites need do no more than show their goodwill towards Indigenous people”.

A further hint for answering the question of what perpetuates ‘gaps’ could well exist in the lack of funding and insufficient infrastructure alluded to in the 1970s by Watts and referred to by Beresford (2003a: 64-66). Bin-Sallick and Smallacombe (2003) also draw attention to a resourcing deficit that prevents effectively conducting and evaluating educational consultations at a community level. They highlight a lack of Indigenous personnel in schools, especially in senior management roles. This has meant that Indigenous employees of Education Departments and members of consultative groups are “pulled in all directions to deal with every problem in relation to Indigenous education such as resolving parent/school conflicts to dealing with requests for a school bus to facilitating cross-cultural training for teachers” (Bin-Sallick and Smallacombe”, 2003: 35-36). Such a scatter gun approach of dispersing and diverting specialist abilities and energies of Aboriginal people in an array of directions also disperses and diverts potential positive outcomes.

**Practical reconciliation and intervention**

After thirteen years of a Labor government, the conservative Howard government was elected in 1996. In speaking of the dangers of populist politics Canadian author Jull (2000: 52) declared that

John Howard...has brought progress on Aboriginal relations to a standstill in that country, which is so often compared with its sister former colony, Canada. Although in many ways Australia’s Aborigines are asking for a less comprehensive settlement of their demands than Canada’s First Nations are, they are essentially being stonewalled by Mr Howard, with the result that Aborigine-white relations are worsening.
Howard adopted a policy approach he referred to as ‘practical reconciliation’ which was effectively little more than a new name for assimilation. Maddison (2011: Chapter 5) provides a comprehensive analysis of the impact of Howard’s approach to reconciliation noting that his focus “overlooked the need to reframe and rebuild relationships on fundamentally different terms ... [and] also neglected the psychological needs underpinning reconciliation work” (Maddison, 2011: 133). Reparation of relationships under Howard was not a focus of policy which became more concerned with rights as a way of treating everyone the same and assumed an equal starting point for all.

Exemplifying Howard’s approach was the weakening and eventual disbanding of ATSIC in 2005 with the funds being dispersed amongst mainstream services. At the time, the Australian Labor Party had announced that it would do likewise if elected to government, as was noted by Pratt and Bennett (2004, introductory page) in their parliamentary briefing. The impact of practical reconciliation on education was the increased focus on mainstreaming of education as preparation for employment in line with a neo-liberal agenda. Writers such as Down (2009: 51) argue that a neo-liberal agenda around the Western world places the market as the central organizing principle for political, social and economic decisions and ensures education focuses on preparing students to be workers in the global market. In this environment even the language of education takes on the language of economics.

Kevin Rudd’s emphasis on productivity as central to his ‘education revolution’ of 2007 exemplifies that such a focus on economics in education continued after the Howard years. Rudd is described by Kayrooz and Parker (2010) as believing that education would drive productivity in a competitive,
knowledge based economy in turn bringing prosperity. The danger in such an approach is, as Down (2009: 59) cautions, that

education is valued only to the extent that knowledge and skills contribute to economic growth....the inherent problem is that the requirements of the market will ultimately determine what is taught and how it is taught.

Bass and Good (2004: 167) echo Down's words in warning that there must be a change in thinking from importance of grades to importance of learning. ... To achieve understanding, it is necessary to focus on what is learned and not learned rather than on a grade representing the learning. Employment and training alone will not guarantee a state of wellbeing for all.

Grand gestures based on economic outcomes and grades will not in and of themselves guarantee a better educational outcome or state of wellbeing for individual Aboriginal prisoners, their families and communities.

In relation to the hollowness of grand gestures referred to by Standfield (2007), McGregor (2011: 186-187) provides a conclusion that is relevant to the context of education and schooling. He says

history provides no template for resolving present dilemmas, but historical awareness might provide a depth of perception that will allow us to see beyond the crude caricatures which too often pass for reality in disputes over Indigenous affairs in Australia. It might even inject a note of humility into those disputes, converting them into genuine debates that might offer, in place of grand gestures, realistic means of bridging the gap which still yawns between Indigenous and other Australians.

Underlying this yawning gap, I argue, is a fundamental difference in world view and the need to seek or create educational frameworks that are inclusive of both world views. For Indigenous academics such as Little Bear (2000:77), understanding and accepting such a divide in world view is an essential “starting point for understanding the paradoxes that colonialism poses for social control.”
Little Bear (2000: 77) argues that one of the impacts of colonialism has been that, by the assumption of colonisers of a singular world view the diversity of worldviews has been suppressed which has led to a legacy of “jagged world views” amongst Indigenous peoples. This then creates an underlying tension within education.

3.3C A basis of tension in traditional Western and traditional Indigenous education

Figure 15 highlights the boundary to be bridged between a Eurocentric white approach to education that is the basis of mainstream schooling and a traditional Indigenous approach. Mainstream, Western education, argues Townsend-Cross (2004: 1), is more concerned with developing the “independent self who succeeds as powerful and autonomous...[as opposed to] Indigenous Australian education philosophies which have the goal of becoming the 'related individual' to family, community and environmental resonance." In mainstream systems, therefore, democracy and greater equality are seen to be achievable though economic means rather than including the inter-connected spiritual, sovereignty and self-determination prioritised by Indigenous world views.

Indigenous approaches to education place a strong emphasis on relationship. Such an approach to education is seen by Townsend-Cross (2004) to be a process of becoming aware of self and others. It is trans-generational and leaves those who are taught this way aware of their identity, how they relate to the world and the responsibilities to the world around them as described by Atkinson (2012). Somewhere between these two seemingly dichotomous positions there is the potential for a third way, that encompasses two way learning. As noted in the Glossary and Abbreviations, two ways has the same meaning as both ways (Purdie
et. al., 2011: xx) and infers a partner relationship between First Peoples and Settler cultures in Australia. By extension that means that both cultures have much to learn from each other, and that teaching and learning should occupy a neutral, negotiated place in which neither presumes superiority or authoritarian dominance.

It is important to note that experience of education by Indigenous people since colonisation has, as Kumar (2009: 53) believes, led to a much more complex picture than that indicated by Figure 15. Not all Indigenous people will be focused on what is referred to in this table as an “Indigenous World View”. As Little Bear (2000: 85) has noted, “no one has a pure worldview that is 100 per cent Indigenous...rather everyone has an integrated mind... a precolonized consciousness that flows into a colonized consciousness and back again.” The

![Figure 15 Tensions between western and traditional Indigenous approaches to education (Based on Grande, 2000b: 356 and Huff, 1997: 71).](image)

The purpose of including the two world views in contrast here is to indicate the nature of what our white, western education has not included and which has led to loss of much of what continues to be important to Indigenous cultures. Redressing this, I
maintain, requires colonising Settler consciousness to respect Indigenous peoples’ understandings of the world. Williams (2007: 179) explains it this way,

Whilst we all felt strongly that our knowledge ways are the priority for an Indigenous curriculum we nonetheless saw a place for non-Indigenous knowledge. For us, creating an Indigenous curriculum isn’t about rejecting all knowledges but our own; it’s about making sure that our knowledges have a non-tokenistic presence within curriculum.

In the twenty first century, non-Indigenous people still have the largest say in what, how and why Indigenous people are educated and Chalmers (2005: 162) believes that while this continues to be the norm conflict will occur as will ongoing injustice for Aboriginal people. Similarly, Tatz (1999, 85, cited in Beresford, 2003b: 199) believes conflict, anger and the high ongoing representation of young people in the justice system is due in no small part to the lives of most Aboriginal people having been dictated by the decisions and wishes of others. It is possible that constantly living lives that are dictated by the decisions and wishes of others also contributes to the reason for gaps in educational outcomes. Bessarab (2008: 57-58) explains that a “traditional spiritual learning basis that is related to their own country is still essential for Aboriginal people to feel strength, pride and a sense of wholeness”. This cannot be found in a mainstream schooling system that does not recognise Indigenous world views and values.

3.4 Colonial justice, law and Aboriginal people in Western Australia

3.4A Rules for living administered by community (Pre-colonisation)

There is little written academically about Aboriginal customary law. This is as it should be as only those deemed ready to know and understand it should have access. Whitefellas need to be aware that the frameworks of Aboriginal law are
not directly analogous to the models of western law. Bourke and Cox (1994: 50) explain that Aboriginal law covers the “rules for living and is backed by religious sanctions”. There are no formal courts of law and punishment can be meted out not only for acts such as homicide or assault but also, as outlined by Bourke and Cox (1994: 51) for offences of omission such as not sharing food, avoiding family members or not educating others when required. There are no gaols or fines but there are penalties such as death, wounding, being ‘sung’ or beaten. Those who know most about the law and how it should be administered are initiated Elders. Each family has the responsibility of educating their children in the law.

3.4B British justice imposed (Post-colonisation)

Colonisation of Western Australia: June 2, 1829, proclamation by Stirling

An irony of settlement in Western Australia identified by Hunter (2012: 6) is that Stirling did not, in 1829, have the official power to implement or police laws as he arrived in the Swan River colony before receiving a commission or charter. He therefore made the proclamation without the official title of Governor. Hunter (2012: 7) explains that the Commission appointing Stirling as Governor and Commander-in-Chief was passed by British Parliament on March 4, 1831 almost two years after colonisation and it was not until April 1832 that Stirling eventually received his commission. It was at this time that the colony was renamed Western Australia by the British government.

Hunter (2012: 9) also clarifies that the availability of cheap arable land was the fundamental incentive in the promotion of the Swan River Colony. British Settlers came to the new colony seeking arable land and it was this that led to conflict between Settler and First Nations peoples. This conflict was further exacerbated by the opposing attitudes of Settlers viewing land as a commodity and
the local Wadjuk people seeing land as part of being and community. As Paul Behrendt (cited in Behrendt, 2003: 33) told his daughter Larissa, "ownership for the white people is something on a piece of paper. We have a different system. You can no more sell our land than sell the sky". So, while the British Settlers saw it as their right to appropriate land, Carter (2005: 7) notes, "local landowners became extremely frustrated trying to make it known to the British that they were illegally occupying land".

It has been noted by Carter (2005: Chapter One) that, while the land of Western Australia was settled terra nullius the British colonisers were well aware that they were invading country and forcibly taking possession from those who lived there. While terra nullius described an empty land, the instructions from the British government were, as depicted by Van Den Berg (2002: 21) to show kindness to the natives, implying that the land was indeed occupied. With the clarity of almost two hundred years of hindsight the underlying contradiction in the colonisation of Western Australia is encapsulated by Hunter (2012: xxi) who asks, "How do you resolve the contradiction between British government authority taking Indigenous land for Settlers without the consent of the local Aboriginal people whose legal and political status as people or a nation was not recognised by the British government?" Pressure from humanitarian groups eventually led the British government to acknowledge that it might be presumed that the native inhabitants of any land have an incontrovertible right to their own soil; a plain and sacred right...Europeans have entered their borders uninvited and when there, have not only acted as if they were undoubted lords of the soil, but have punished the natives as aggressors (Griffiths as cited in Van Den Berg, 2002: 22).
This acknowledgement did not, however, lead to changes in colonisation and settlement practices in Western Australia. Nor did it lead to any form of recompense for the invasion of First Nations country.

Politics in Western Australia in the early decades was very much run by Settler land owners, who were, reveals Hunter (2012: xx) also the magistrates and keepers of the law. The magistrates and police were also the appointed Chief Protectors of Aboriginal people in the regions in the late 1800’s and early 1900’s. So those charged with looking after the welfare of Aboriginal people were the same people who arrested them and took them to prison, and the people sentencing Aboriginal people to prison were the same people they were in conflict with over invasion and taking of Aboriginal country. In Western Australia this has had a long legacy for Aboriginal people in not being able to trust whitefellas, lawmakers and courts.

**Australia’s First Aboriginal prison**

Australia’s first Aboriginal prison was established in August 1838 on Rottnest Island off the coast near Perth. Moran (2001: 29) reports this was a result of the colony’s first prison, the Roundhouse in Fremantle, becoming overcrowded. The crimes that people committed to be imprisoned during that period included, as described by Van Den Berg (2002: 28), stealing white people's food for which they might receive seven years’ incarceration at Rottnest. Moran (2001) says that Rottnest remained as an Aboriginal prison until pressure increased for the island to become a holiday and recreation destination in the late 1890’s and early 1900’s.
State records (State Records Office, Rottnest Gaol\textsuperscript{21}) testify that “Rottnest closed as a native prison in 1903. It was proclaimed a gaol on 8 January 1904 and ...was an outstation of Fremantle prison until it closed in 1932”. From 1904 to 1932 those prisoners remaining on the island were, according to Moran (2001), put to work building facilities for the increasing numbers of white Settler holiday makers. Today, while Rottnest is a popular holiday and tourist destination, for Aboriginal people it remains synonymous with a place of death as many Aboriginal people died or were executed there.

\textit{State Based Legislation in Western Australia}

Seventeen pieces of state based legislation were identified by AIATSIS (March 2009) as being designed specifically to run Aboriginal Western Australian lives. The legislation, listed in \textit{Figure 16}, was all written, edited, passed, implemented and monitored by non-Indigenous Western Australians. Federally, Aboriginal people continue to be discriminated against legally as part of the Australian Constitution which was, Behrendt (2003: 9) asserts, “drafted with the erroneous assumption that Indigenous people were a dying race and guided by the offensive principle that it was acceptable to discriminate on the basis of race”.

Although there have been moves in recent years to alter the constitution to recognise Indigenous people as First Peoples, the current government have postponed the requisite referendum as the changes do not appear to have popular public support. This does not, however, negate Castan’s (2011:16) belief that such a change to our constitution is long overdue.

3.4C High Aboriginal incarceration rates

During the 1880’s and 1890’s laws were changed to ensure easier convictions and harsher punishments of Aboriginal offenders (Purdy, 2010). By 1909, 42% of the prison population in Western Australia were Aboriginal (OICS, March 2005: 7). In over one hundred years little has changed, with incarceration rates still hovering around 39% as I have identified previously (Carnes, 2011c). This equates to between 1800 and 2000 Aboriginal people in prison at any time. Approximately 3.8% of all people in Western Australia are Aboriginal (ABS, 2006) so this is a huge over-representation. This increase in Aboriginal incarceration rates is reflected in Figure 3 on page 19.

Locations of correctional facilities in Western Australia are shown in Figure 17. This research has focused on prisons which are represented in Figure 17 by a green square. It must be recognised, however, that those who have participated in

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22 The weekly prison count is taken on Thursday. The published figures include raw numbers of Indigenous and non-Indigenous people imprisoned and can be accessed from www.correctiveservices.wa.gov.au
this research are also likely to have been involved in some way with other facilities around the state. As seen in Figure 17, most prisons are clustered close to Perth in the south west of the state. There are no youth detention centres outside the greater metro area of Perth. It is easy to see how far away from country and family support Aboriginal people can find themselves if incarcerated. Even regional prisons may be hundreds of kilometres from country, home and family. The

![Figure 17 Location of WA prisons](https://www.correctiveservices.wa.gov.au/utilities/locations-map.aspx)

Custodial Inspector (OICS: July 2008: 1) notes that his office first articulated the concept of an ‘Aboriginal Prison’ in 2001 when it was defined as “a prison whose normal population is predominantly (75 per cent or more) Aboriginal. The four
prisons in Western Australia falling into this category are Broome Regional Prison, Roebourne Regional Prison, Greenough Regional Prison and Eastern Goldfields Regional Prison”.

**3.4D Recent times and the present day**

More than two decades ago Cunneen and Robb (1987: 220) provided a “dual explanation for the over-representation of Aboriginal people” in the criminal justice system. They believed that whether the high rate of incarceration was viewed as the fault of socio-economic factors leading to criminal behaviour or Aboriginal people being policed in a different manner to non-Aboriginal people, the reason for the high rate of incarceration has its foundations in “a strong historical continuity in the position of Aboriginal people in white society.” Cunneen and Robb (1987, 221) point out that the highest level of over-representation in their study was in relation to charges of assault police, hinder police, and resist arrest, and concluded that “as a result of over policing, any community will show high statistics for crime.”

A lack of focus in research on the impact of what Blagg (2008: 36-37) refers to as the “powerful colonial apparatuses of control and coercion” such as the police force and criminal justice system intensifies the disadvantage of Aboriginal people. A tendency to conduct internal reviews of justice systems makes an unbiased independent review difficult to achieve. Where independent review does exist, in the case of the Office of the Inspector of Custodial Services (OICS), there appears to be a tendency for governments not to act upon recommendations. In a paper presented at the 2011 AARE conference I concluded that “the education

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revolution does not appear to be infiltrating Indigenous prisoner education in Western Australia. Despite the best efforts of dedicated staff, education receives insufficient resources to meet demand” (Carnes, 2011c: 21).

Reports from the OICS reveal many different instances of structural disadvantage. While they are too numerous to all be included here, some examples are provided of areas that have been highlighted and remain largely unaddressed over a decade of reports. A Custodial Inspector report into Roeburne Prison (OICS, February 2011: 25) noted for example that

there is little or no access to relevant and contemporary legal materials and the printed copies of legislation are unacceptably out of date. Since the prison population is predominantly Aboriginal there needs to be appropriate reading material that carries local and other news about Aboriginal people. However the Koori Mail, the Indigenous Times and other Aboriginal-targeted publications were not available.

In the same report it was also observed that inequality of access to services remained for women prisoners at Roeburne when compared to what was provided for women prisoners in Bandyup prison in Perth. The Inspector (OICS, February 2011: 27) also remarked that the “2010 inspection revealed that little progress had been made for women prisoners at Roeburne over the past ten years...services available to women at Roeburne Regional Prison remain impoverished”. This echoes comments from the Greenough Prison report of 2010 (OICS, August 2010: 9) whereby “circumstances for women in regional prisons – who are overwhelmingly Aboriginal – have not improved to the same extent as the metropolitan prisons”.

Karnet is a low security prison farm that houses minimum security prisoners and aims to help preparation for release. Despite Aboriginal people representing
close to 40% of the adult prison population at any one time only 8.5% of Karnet’s population at the time of the inspection for the 2010 OICS report, was Aboriginal. The Inspector (OICS, September 2010b; viii) recommended that “proportionately more Aboriginal prisoners should be placed at Karnet, in order to benefit from the positive opportunities it offers. Clearly this is an issue we will continue to monitor”. While the OICS does its job in monitoring the issues that are constant over time indicate that the monitoring does not necessarily translate to adequate resourcing and action in the system itself as I have highlighted in a publication produced during the course of this research (Carnes, 2011c). In considering a decade of OICS reports I identified the following five gaps

- provision of adequate resources and infrastructure;
- access to current technology;
- innovative, training programs;
- a focus on cultural education;
- access to education.

These gaps cannot be closed by action from Aboriginal people. It is the actions of non-Indigenous institutions that need to create change within if these gaps are to be closed (Carnes, 2011c: 5).

All of these gaps fit under an overarching umbrella of “erasure of Aboriginal agency”. In denying prisoners access to these five areas their ability to self-determine and fully realise their identity and sense of belonging is also blocked. Denial of Aboriginal agency and self-determination is not new and has been acknowledged by writers such as Ekstedt (1987) in relation to prisoner education and again in 1991 by the Royal Commission into Aboriginal Deaths in Custody. Behrendt (2003: 87) says that self-determination is one thing most consistently sought by Aboriginal people. Where Aboriginal agency is erased so too is the prospect of self-determination and choice on many matters of importance to Aboriginal individuals and communities.
3.5 Aboriginal people and prisoner education in Western Australia

Both Pawson (2003) and Miller (2007) have noted that there is, overall, a lack of research on prisoner education in Australia. When referring to the education of Aboriginal people in Australian prisons, Semmens (1998: 1-2) lamented that prisoner education “is probably the most persistently serious problem that the various governments of Australia have never faced with much resolve or dedication.”

Not all of the difficulties of accessibility to education in prison are unique to Aboriginal people. The minimal available education space and staffing problems I have described (Carnes, 2011c) for example, impact on all prisoners leaving an overall picture of a neglected area of education in need of major reform and increased accountability. In the twenty first century era of accountability and transparency in schools and education provision, it is high time that the education to thousands of incarcerated Australians received the same level of scrutiny as schools. While non-Indigenous prisoners share some of the disadvantage found in the corrections system, the Custodial Inspector argues in Inspection Standards for Aboriginal Prisoners (OICS, July 2008b: 18) that what is not shared is the history of dispossession and disadvantage that has resulted from the cumulative acts of colonial and State governments, and the residual level of structural bias in the criminal justice system that operates to the detriment of Aboriginal people.

What I discuss in this dissertation can apply to some non-Indigenous prisoners, however, the impact is more severely experienced by Aboriginal people whose rate of incarceration is, as illustrated in Figure 4, Ratio of Indigenous to non-Indigenous
Australians, approximately twenty times the rate of non-Indigenous people in Western Australia.

It is well documented by both Indigenous scholars such as Harrison (2011) and Sarra, (2011) and non-Indigenous scholars such Beresford and Partington, (2003) that there are unique cultural, language and individual contexts for education of Aboriginal people. Despite such diversity amongst Nations, Sarra (2011: 110) identifies the following strategies for ensuring success for Aboriginal and Torres Strait Islander:

- Challenging, developing and embracing a positive sense of Indigenous student identity
- Embracing Indigenous leadership in schools and school communities
- High expectations.

These three crucial strategies require teachers and teaching systems challenging and confronting their own assumptions and presuppositions. Similar needs were also identified by the Royal Commission into Aboriginal Deaths in Custody (RCIADC: 1991) and Semmens (1998) as relevant to prisoner education.

As long ago as 1987 Ekstedt (1987: 86) reported that “without doubt, the most problematic element of prison education in Western Australia is the attempt to provide a programme of relevance to the large number of Aboriginal prisoners”. Despite the need for relevance being known and recommended since 1987, this dissertation reveals provision of education of relevance to Aboriginal prisoners remains a problematic element of prisoner education in Western Australia.

Prisoners remain subjected to a form of residential education that prepares them to live in a white society and pays little if any attention to Aboriginality. Type of training is determined by the white majority, not in the context of Aboriginal communities. There is little in the way of Aboriginal owned, developed,
implemented and determined re-entry programmes such as those described by Keahiolalo-Karusada (2008) in Hawaii and Williams (2011) in Canada. More detail on these programmes is provided in Chapter 8.1F. These programmes are based upon a belief that it is vital for Indigenous people to be in touch with their identity as Indigenous people and the strengths that can be found in their own cultural world view. They utilise what Luke (2000: 459) describes as the practical task of students learning how to read and critique other discourses, thus utilising their own strengths in making sense of the world. Growing these strengths can assist in staying solid on re-entry and going forward from a powerful position in similar ways to other kinds of transformative education that have been referred to in Chapter 2.3B  *Education as an act of transformation.*

An example of such a transformative approach to education with adults is provided in Mackinlay’s and Barney’s (2012) experiences in PEARL where a shift in thinking led to actively deconstructing historical and contemporary issues between Indigenous and non-Indigenous Australians in a dialogic, relational way. Examples of transformational education are referred to by Smith (2003) when he says that shifting to transformational, critical education in New Zealand in the 1980’s “produced a range of societal changes for Maori, some of which are still impacting” decades on.

Unfortunately there was no mention of such an approach in “*Making our Prisons Work. An Inquiry into the efficiency and effectiveness of prisoner education, training and employment strategies*” (Community Development and Justice Standing Committee, 2010). There was also no mention of the centrality of spirituality to traditional and modern Aboriginal ways of life that many Elders speak of. Spirituality is central to learning in Indigenous cultures around the globe.
and has been noted by Williams (2007) as an essential element of healthy lives of Indigenous Australians. He says (Williams, 2007: 3) “I cannot overstate how focal our spirituality is to us; it is our life guide. It is because my cultural education has been so strong that I feel the cultural chasm that exists between Indigenous education and Western mainstream education. For me this chasm is most stark when I think about our spiritualism.” Attention to the spiritual needs of Aboriginal people is not, however, an essential fundamental element of any mainstream form of prisoner education that I am aware of.

Much has been made of the extent of sub-functional literacy levels amongst Aboriginal prisoners, for example the OICS report on Bandyup Women’s Prison (OICS, December 2008: 57) noted that “42 per cent of Aboriginal students assessed at Bandyup were at sub-functional literacy levels compared with 13 per cent of non-Aboriginal students”. Although this is definitely a large gap that demands attention, it is also crucial to remember that, 58 per cent of Aboriginal students would be what the report, on the same page refers to “functional or higher”. While it is important to ensure basic literacy needs are addressed it is just as essential that the majority receive quality education at a variety of levels. This should include the option to study at higher education level, accessing alternative entry programmes where possible. The types of learning required at a higher education level according to Batiuk et.al. (2005: 60) “comprehensively affects the thoughts, values and behaviours of student-prisoners” and has a greater impact on recidivism than other forms of education.

It is crucial to remember that education in any formal Western Australian setting occurs in an educational, legal, social and institutional context where white European derived world views remain dominant.
3.5A  *Australian prisoner education since 1991*

Prison inmates were identified by the Federal government’s *Come in Cinderella Report* of 1991 as the most neglected educationally of all disadvantaged groups (Semmens, 1998: 5). Since 1996, at a national level the policy for prisoner education has been based on vocational education and training with all goals of education in prison geared “to provide adult prisoners and offenders with educational and vocational pathways which will support their productive contribution to the economic and social life of the community” (Australian National Training Authority, 2001: 3). The *National Strategy for Vocational Education and Training for Adult Prisoners and Offenders in Australia* was developed by ANTA in 2001 and endorsed by all state and territory government departments responsible for vocational education and training as well as those in each state responsible for correctional services (Dawe, 2007: 7-8). It is unclear how much, if any, wide reaching and collaborative input or ownership there has been from Indigenous people in Western Australia in regard to this policy.

Undoubtedly much good work has been, and continues to be, done in vocational education, however a narrow focusing on vocational education does not encompass the entire gamut of educational possibilities that people have a right to access. An important concern raised by Down and Smyth (2012: 203) is that vocational education “by itself cannot resolve the fundamental causes of poverty, unemployment or economic inequality” thus echoing the words of Eedle (1977: 28) thirty five years previously, “vocational education alone does not create jobs, it creates unemployed technicians.” It is, therefore, interesting to note that the goals of the *National Strategy for Vocational Education and Training for Adult Prisoners and Offenders in Australia* do not include the personal growth and informed critical
thinking that is necessary to successfully create and sustain the personal change necessary to create a new life. So, while Resolution 1990/20 of the UN Economic and Social Council notes that “higher education shall be made equally accessible to all, on the basis of capacity” (Coyle, 2009: 94) and findings from both Slater (1994/1995) and Smiling Hall and Killacky (2008: 302) in the USA reveal that the rate of recidivism decreases with the level of education obtained, Australian states are still focused on provision of vocational training in prisons. Slater (1994/1995) notes that even completion of small amounts of higher (college) education reduced recidivism rates by 28 per cent.

The Journal of Correctional Education has been published in the United States since 1951. An initial search of this journal revealed no articles focusing on the needs of Indigenous prisoners. Both in Western Australia and throughout the world the voices of incarcerated Indigenous people are silent and all but impossible to find. Despite the over representation of Aboriginal people in prison, Miller (2007: 27) points to the dearth of enquiry into education and training needs of Indigenous people who are incarcerated. Prisoner education is a relatively new field of enquiry and was identified by Wilson and Reuss (2000: 9) as “a relatively undiscovered world”. Within this field prisoner education for Indigenous Australians seems to be embryonic, thus making this research even more significant.

Professor Bob Semmens (1998: 1-2) pulled no punches when referring to the situation of Aboriginal Australian prisoners and education when he wrote that “provision for Aboriginal prisoners is still largely inadequate, because there are few Aboriginal teachers and there is an issue of cultural relevance of many programmes that are offered.”
I argue that little has changed since 1998 and that the enormous gap in incarceration rates, the gap in knowledge about what does and does not work for Aboriginal prisoners and the gap, at state and federal levels, of attention to the needs of education in incarceration all still exist. Despite the rhetoric of “closing the gap” on Indigenous disadvantage, Russell (2011) noted that after only three years investment levels were dropping and the long term commitment of the Federal government difficult to see.

3.5B Struggles that perpetuate gaps

Vacca (2004: 297) clarifies reasons why prisoner education programmes fail when he says,

Program success or failure is hampered by the values and attitudes of those in the authority position, over-crowded prison population conditions and inadequate funding for teaching personnel, supplies and materials.... Literacy skills in learner-centred programs with meaningful contexts that recognize the different learning styles, cultural backgrounds and learning needs of inmates are important to program success and inmate participation.

Though referring to an American context, this quote encapsulates many of the struggles facing prisoner education in Western Australia that have been referred to earlier in this chapter, such as overcrowding, inadequate resourcing and approaches of those in authority.

Vacca (2004: 297) also states that “prisoners who attend educational programs while they are incarcerated are less likely to return to prison following their release.” This focus on reducing recidivism is seen by Smiling Hall and Killacky (2008: 301) to have been the centre of attention of much of the research on prisoner education and evaluating success of programmes. They deviated their
research focus to consider what prison inmates in the United States sought from education and concluded that rather than focusing on the crime and the hardened criminal who was incarcerated, it is important to remember the person behind the prison identification number – the man who merely wants to ‘make it’” (Smiling Hall and Killacky, 2008: 301).

This comment hints at underlying tensions that can occur between the purpose of education, to assist personal growth and learning, and the purpose of imprisonment, to punish.

These tensions are well described by Ekstedt (1987: 82) when he says, “The education experience proceeds best (particularly for adults) in an atmosphere of free inquiry….It is not possible to imagine an ‘atmosphere of free inquiry’ being fully realised in a closed institution such as a prison.” This sentiment is echoed by de Maeyer, (2005: 2) who adds that the context does not free one’s mind and does not create an incentive for creativity; it does not encourage the thinking of other ways of living or doing; prison is the place where taking no initiative is considered good behaviour. Even everyday knowledge will be left aside: cooking, organising one’s schedule, distinguishing spare-time from mandatory activities. Far from providing an atmosphere for rehabilitation a prison environment actually de-skills people in day to day decision making and living.

Such experiences are most likely to be exacerbated by a “tough on crime” approach to correctional services. The Co-ordinator of the Prison Education Service in Ireland Kevin Warner (2005), for example, considers how views of prisoners, education and learning impact on what options are offered to those who are incarcerated. He concludes that,
there is an obvious tie-in between penal policies that follow the punitive model and the narrower versions of prison or correctional education, which pander to the negative stereotyping of prisoners by limiting the focus to offending behaviour, or which in other ways offer an education service that is less than fully respectful of the whole person. Whether we are dealing with a prisoner in the overall context of the prison, or a learner who happens to be in prison, deficit models – which in each case over-concentrate on what is deemed to be wrong or missing – are to be avoided as far as possible in favour of broader approaches to imprisonment and to education that recognises the common humanity of our fellow-citizens in prison.

It would appear then that the nature of education in prisons is dictated by the broader approach to corrections and crime taken by the government and policy makers of the day. In Western Australia this is currently a ‘tough on crime’ approach which, on the face of what is being purported by de Maeyer (2005), Warner (2005) and Ekstedt (1987), does not bode well for Western Australia providing education that achieves the first standard set by Resolution 1990/20 of the UN Economic and Social Council which refers to education in prisons. The first standard states that “Education in prisons should aim at developing the whole person” which is very difficult when the goal of a prison is based on a deficit model of what is missing in the prisoner rather than building on strengths and agency. “As the UN Special Rapporteur on the Right to Education points out, education in prisons is much more than a tool for change, it is an imperative in its own right” (Coyle, 2009: 93).

3.6 Recent exemplars of entrenched systemic problems

In the national context of incarceration, Aboriginal people and trauma two national reports are particularly relevant and deserve outlining here. They are the
Royal Commission into Aboriginal Deaths in Custody (RCIADC, 1991) and Bringing Them Home: the national Inquiry into the separation of Aboriginal and Torres Strait Islander children from their families (HREOC, 1997). In the Western Australian context, the death of a Gibson Desert Elder in 2008 also provides insight into the criminal justice system in Western Australia. Each of these three events is briefly outlined below.

3.6A Royal Commission into Aboriginal Deaths in Custody: Two decades on

In 2012 it was twenty-one years since the release of the findings of the Royal Commission into Aboriginal Deaths in Custody (RCIADC, 1991) which recommended prison as the option of last resort in sentencing. It also recommended tackling the problem of high rates of Aboriginal people in custody from two perspectives

- addressing underlying issues which lead to Aboriginal people being in contact with criminal justice systems, and
- reform of the system itself.

Cunneen (2005/2006: 340-342) offers an enlightening analysis of how monies were divided following the RCIADC. The majority of money allocated by the Commonwealth as a response to the Royal Commission went to addressing the underlying issues with only 1.9% of the $400million dollars being given to reforms of policing, custodial arrangements, criminal law, judicial proceedings and coronial inquiries. 1.7% was allotted to bail services. Cunneen (2005/2006: 341) goes on to ask a question that remains pertinent today, “if so much of the Commonwealth allocation was directed at underlying issues, why haven't we seen a marked

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25 The RCIADC reports are available on line from ww.austlii.edu.au/au/other/IndigLRes/rciadic
improvement in the socio-economic situation of Indigenous people and a lessening in over-representation in prison?” The implication is that insufficient attention has been paid to reform of the system itself.

Addressing the problem of over-representation needs to include reform of institutional and organisational systems thus addressing systemic white noise rather than focusing on underlying issues amongst Indigenous communities. Most of the education recommendations of the Royal Commission related specifically to the primary and secondary school system as an important aspect of addressing incarceration rates before they began, but some were also relevant to education in prisons. Recommendation 292 (RCIADC 1991) for example states,

That the Aboriginal Education Consultative Groups (AECGs) in each State and Territory take into account in discussing with governments the needs of the Aboriginal communities in their area, and that local AECG’s take into account when consulting with school principals and providers at the local level, the fact that many Aboriginal communities and organisations have identified the need for the education curricula to include a course of study to inform students on social issues such as the legal system—including police and Courts—civil liberties, drug and alcohol use and sex education.

The need for education about social issues and the way that the western legal and social system works is also identified by the participants in Williams’ research (2007: 180) who are quoted as saying:26

> Our kids should be taught about racism and how it will confront them when they go for a job, or in the legal system, or when they go to a real estate agent...They need to be able to know how to break down the policies that are harming us. Teaching about racism arms them for life. Our kids need to know about when to fight or flight with racism. ...We need to make

26 Italics reproduced in accordance with original publication.
our people aware of the different levels of racism out there, and teach them how to fight racism at those levels.

Teaching such critical thinking skills in a prison setting is evidenced in the work of Keahiolalo-Karasuda (2008: 2) whose prisoner re-entry programme curriculum, *E Holomua MeKa 'Ike Pono (Go Forward with Correct Knowledge)* “was written to increase community and political literacy among prisoners in Hawai‘i. ...the content of this curriculum is focused on the culture, history, and politics of Hawai‘i“.

Recommendations 294 and 295 of the RCIADC (1991) refer specifically to teaching Aboriginal history and cultural awareness raising in a culturally appropriate way and recommend in-service training courses for teachers be provided so that teachers may improve their skill, knowledge and understanding to teach curricula which incorporate Aboriginal viewpoints on social, cultural and historical matters. Sadly, no matter how good teacher education courses at universities are, they will have little impact on the education provided in prisons. Education and training in prisons, along with the VET sector in general, requires a Certificate IV in Assessment rather than a formal teaching qualification. It has also been found that training in cultural awareness does not always ensure cultural competence and culturally safe service delivery (Westerman, 2008: 138).

Recommendation 299 of the RCIADC (1991) is particularly poignant and very direct in pointing out the importance of achieving both “... equity in education for Aboriginal people ... [and] a strengthening of Aboriginal identity, decision making and self-determination”. The recommendation goes on to add that “it is unlikely that either of these aims can be achieved without the achieving of the other.” Equity in education will not be achieved without strong Aboriginal identity,
decision making and self-determination which cannot be achieved by reliance on western teaching methods. As recommendation 290 states, “it is essential that Aboriginal viewpoints, interests, perceptions and expectations are reflected in curricula, teaching and administration of schools.”

To date few of the Royal Commissions 339 recommendations have been implemented. For example, in Western Australian prisons the OICS recommends that Indigenous services committees/reference groups be established in prisons (OICS, July 2008: 27). As I have argued previously,

This recommendation has not been implemented consistently across the state, with most prisons having either no such group or groups that faltered ... Without such groups the goals, processes and desired outcomes of prisons and prisoner education are based on those of the white majority. The natural consequence of this is advantage for non-Indigenous prisoners and disadvantage for Indigenous prisoners Carnes (2011c: 17).

Williams (2007: 70) hones in on a reason for disadvantage for Aboriginal people in all areas of education as follows,

Because the mainstream reproduces the cultural arbitrary of the dominant West-centric social order it is positioned to champion its pedagogy as though it were cultureless, in the sense of being presented as a universal cultural absolute and therefore rendered devoid of any cultural specificity. Given this it is clear to me that mainstream education can really only offer us assimilation.

It is important to note that Williams’ concerns relate to the processes used in education, not merely curriculum content.

In considering mainstream education in prisons several examples of specific indicators of disadvantage for Aboriginal prisoners can be identified such as,

• The lowest representation of Aboriginal prisoners continue to be in the better resourced prisons that are set up to assist with education for re-entry
• At Casuarina prison there was likely to be between 250 and 300 aboriginal prisoners at any one time. One Aboriginal Education Worker delivered the Aboriginal programmes for 250 to 300 Aboriginal prisoners from a variety of language groups. (Carnes, 2011c)

Ultimately, implementation of any of the 339 recommendations made by the Royal Commission in 1991, relies on acceptance of their value by Euro-centric, western legislative processes, funding bodies, policy makers and service deliverers. Issues such as Indigenous-specific correctional programmes and services, culturally relevant delivery and content of programmes, programme evaluation and involvement of family and community were raised by the Royal Commission over twenty one years ago. They were raised again by Willis and Moore in 2008 in the Australian Institute of Criminology publication, Reintegration of Indigenous prisoners. As stated by the Aboriginal Legal Service/Deaths in Custody Watch Committee campaign run in April 2011 on the twentieth anniversary of the release of the recommendations stated, “The Royal Commission made 339 recommendations...To this day, only a fraction of the recommendations have been acted upon.” (see Figure 18). When recommendations of a comprehensive Royal Commission have not been implemented we should not be surprised that nothing has changed and new reports make similar recommendations.
Figure 18 Flyer for rally: 20th anniversary of release of RCIADC (reproduced with permission of Deaths in Custody Watch Committee)

3.6B Bringing Them Home Report: Fifteen years on

Our life pattern was created by the government policies and are forever with me, as though an invisible anchor around my neck. The moments that should be shared and rejoiced by a family unit, for [my brother] and mum and I are forever lost. The stolen years that are worth more than any treasure are irrecoverable. .....Grief and loss are the predominant themes of this report (HREOC, 1997: 4).

This quote comes from the Bringing Them Home report commissioned by then Attorney General Michael Lavarch in 1995. The report includes a plethora of vignettes such as this one that are testament to the trauma experienced by most Aboriginal families in Australia. While it is harrowing reading, the experience of living and retelling the stories is a never ending pain beyond imagining.
Unfortunately, a positive response to the recommendations stalled when, as pointed out by Maddison (2011: 76-77) Prime Minister Howard rejected the findings of the report, arguing that many Indigenous children were taken in ways that would still be legitimate today. Howards refusal to give a formal apology to the ‘stolen generations’ is believed by Maddison (2011: 137) to have polarised the Australian community. His response failed to realise that, as reasoned by Flagg (2005: 10), "taking responsibility for a state of affairs is acting to alter it, without necessarily having had any role in bringing it about." It was not until 2008 that a formal apology was finally proffered after a change of government that saw Prime Minister Howard lose his seat in parliament and Kevin Rudd become Prime Minister.

*Bringing Them Home* (HREOC, 1997: 255) made recommendations about ensuring curriculum at primary and secondary school included "substantial compulsory modules on the history and continuing effects of forcible removal." At the same time it recommended that "professionals working with Indigenous children receive in-service training about the history and effects of forcible removal." Also recommended (HREOC, 1997: 256) was that "all under-graduate and trainees in relevant professions receive, as part of their core curriculum, education about the history and effects of forcible removal."

To date I am not aware of these curriculum and training recommendations having been enacted. While the Australian Curriculum currently being implemented in schools has a focus on Aboriginal and Torres Strait Islander histories and cultures as a cross-curricular priority area, the organising ideas do not take up the challenge of *Bringing Them Home*. Rather they focus on points of
difference and 'otherness' and on content rather than respect and inclusion of Indigenous processes.

The Australian Curriculum takes a positive step by acknowledging the history of First Nations peoples and aims to examine historical perspectives from an Aboriginal and Torres Strait Islander viewpoint ... [learning] about Aboriginal and Torres Strait Islander Peoples prior to colonisation by the British, the ensuing contact and its impacts ... [examining] key policies and political movements over the last two centuries (ACARA, 2012).

The implementation of this, however, could be difficult given the power of white voices and processes in developing, delivering, and evaluating what is presented in classrooms. This is an area requiring further research, investigation and evaluation because, as Anderson (2011: 96) points out, “most teachers of Aboriginal and Torres Strait Island students are non-Indigenous themselves and have little understanding of Aboriginal and Torres Strait Island cultures.” Williams (2007: 70) belief that mainstream education is therefore recreating its own normativity seems to be affirmed in this regard.

The Australian Curriculum is aimed at compulsory schooling years and therefore does not take into account the needs of prisoner education and how material is developed, presented and evaluated in that setting. As explained earlier in this chapter, prisons fall under the bailiwick of The National Strategy for Vocational Education and Training for Adult Prisoners and Offenders in Australia (ANTA, 2001). What happens in high schools and primary schools is relevant here, however, as it is part of the context in which this project occurs and in which adult prisoners or those in juvenile detention have been or are being educated.

3.6C The preventable death of a Gibson Desert Elder: Five years on
What Happened

On Australia Day, 2008, a 46 year old man from Warburton Ranges was arrested on a charge of drink-driving. He was a well-respected member of the community, an Elder and keeper of much of the traditional law and culture. One of his artworks hangs in the Western Australian Parliament House and one of his biggest commitments was to education of his young people and for whitefella and Aboriginal people to work together.

He died on January 27, 2008 from heatstroke after being transported from Laverton to Kalgoorlie in a metal prisoner transport van, operated by the private provider GSL (now known as G4S). January is the height of summer in Western Australia. This journey in the van took over three and a half hours and outside the prison van the temperature was in the 40’s (Celsius). The air conditioning in the rear of the van was not working. A re-enactment of the drive was later undertaken and the senior chemist involved told the Inquiry into this Death that the air temperature in the back of the van reached 56.6 degrees Celsius. The Elder suffered third degree burns from contact with the hot metal surface in the van. On arrival he had a body temperature of 41.7 degrees Celsius. Staff from Kalgoorlie Hospital were unable to cool the Elder with ice and water. They could not revive him.

The aftermath

The findings of the coroner Alistair Hope were damning. He said, for example,

A question which is raised by the case is how a society, which would like to think of itself as being civilised, could allow a human being to be transported in such circumstances....A further question arises as to how

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27 Information based on the inquest report. Hope, A. (September, 2009). Record of Investigation into Death of...; Perth: Office of the Coroner
a government department, in this case the Department of Corrective Services, could have ever allowed such a situation to arise, particularly when that department owned the prisoner transportation fleet including the vehicle in question (Hope, 2009: 123).

Coroner Hope (2009: 128) believed the death to be preventable and easily foreseeable.

The death was dealt with via a western legal system, even though the man’s birth family still lived a very traditional lifestyle with a traditional understanding of family and the right way to “do business”. This led to a lot of confusion and conflict for the birth family and the widow. It is not appropriate for me to go into details here, as it relates to culturally specific information that I do not have permission to repeat; suffice to say that there was little understanding of traditional Aboriginal community needs and a lack of acceptance of accountability by the state government for what happened. This latter lack of acceptance of accountability by the state government and the private prisoner transport company, G4S, led to the Deaths in Custody Watch Committee Ward (RIP) Campaign for Justice that was conducted continually for over three years.

Following intensive pressure from DICWC to ensure a continuous groundswell of public opinion in Western Australia, Australia and internationally, a range of actions were eventually taken by government bodies. An ex gratia payment was awarded to the widow, though this is kept in trust with the Public Trustee and she must justify her expenditure of any of the money. I was told by the birth family that none of this money was received by them as, under Western law, the widow was the recipient. At the time of writing the birth family have been trying to negotiate some kind of memorial in the community as a form of compensation for the death of Mr Ward (RIP).
A further action was the enquiry of the state government Standing Committee on Environment and Public Affairs; *Transportation of Detained Persons (2011)*. This led to an updated fleet of prison vehicles and use of planes to fly prisoners or detainees long distances from remote areas.

A third action was taken by the birth family. While the government would not prosecute those involved in the incident, citing insufficient evidence to ensure conviction as the reason, the birth family sought assistance from Worksafe.28 The Worksafe Commissioner prosecuted the state government, G4S and the drivers.

They were charged in 2011 as follows,

Being a person that had, to any extent, control of a workplace where persons who were not its employees worked or were likely to be in the course of their work, did not take such measures as were practicable to ensure that the workplace was such that persons at the workplace were not exposed to hazards, and by that contravention caused the death ...

(Department of Commerce, 2011).

Eventually each party pleaded guilty and were heavily fined. The sum of $285,000 each for the state government and G4S was the highest fine under that part of the Worksafe act to that date. I was in the court when Magistrate Glenn Benn brought down the findings for the state government and G4S. He reasoned that outsourcing of services does not mitigate governmental responsibility to provide safe places of work for both staff and clients; outsourcing does not mean outsourcing of responsibility and accountability.

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28 The Worksafe website (http://www.commerce.wa.gov.au/worksafe/) identifies this agency as "a division of the Department of Commerce, the Western Australian State Government agency responsible for the administration of the Occupational Safety and Health Act 1984. The principal objective of the Occupational Safety and Health Act 1984 is to promote and secure the safety and health of people in the workplace."
**Impact of this death on Aboriginal education**

The words of this respected Elder from an interview with *The Australian Newspaper* in 2006 are reproduced here (as cited on the DICWC web site). They echo the sentiments of so many Aboriginal people I learn from,

*I would like my children and my people to maintain their cultural values: the law, the connection to the land. They know they are a part of Australia, but the most important thing for them is their cultural values. There should be recognition on the part of Australia at large of that value. We have two worlds that people here live in: the traditional way and the Australian citizen way. I want my children also to live in those two worlds.*

With this man’s death in 2008 went much of the traditional law and culture of his people and the ability for his vision to be fully realised. He had been educated and trained over much of his lifetime to be the one to carry this knowledge for the men. There was now no time for anyone else to receive that knowledge so much of it died with him. The impact on the communities has been and continues to be immeasurable. This was not, and is not, something that courts or schools can fix. It remains something that I have not seen acknowledged anywhere in inquiries, reports or policies.

**Impact of this campaign experience on me as a researcher and educator**

Involvement in the Ward (RIP) campaign with DICWC takes me beyond a traditional research role as a passive observer. What has previously been understood only at an intellectual level becomes personal. I know the people involved here and can feel their pain, not merely intellectualise it, as the following journal entry illustrates.
Today I sat in the court house for the sentencing of the state government for negligence in the death of ... in a prisoner transport van. ... Magistrate Benn was scathing of the government and imposed as harsh a penalty as he could, given their guilty plea. The highest fine under that piece of legislation to date has been $100000. He imposed $285,000 plus costs. So that seemed like a history making moment.

But it was also a very raw moment for the families... for them there had been no chance to be heard in the process .... I was struck by the way our law confines and restrains even very aware magistrates such as Benn. And how the families still suffer and had not yet been heard in a court room – over three years after the death; how they had not been able to properly let go and deal with the death and can’t while all this still goes on. So the anger and grief that poured out outside the Kalgoorlie courthouse was so understandable in its rawness, strength and immediacy. It was the only opportunity to feel heard in the wadjella law processes.

And the biggest learning for me as I stood in that angry, hurting group of Australia’s First Nations people? That all I can do is bear witness, show a bit of guts and hang in with the expression of all that rage and not try to "help". To “help” can hinder. And the journey I am taking and what I am learning is the pearl in the grime of my research journey. While the interviews and yarns I do are important, that is not the heart of the learning ....the learning is how to sit back and learn to feel another way of doing life... and to listen, listen, listen...  (Journal, July 7, 2011)
3.7 Could a history of systemic racism create challenges for research?

As noted at the beginning of the chapter, research occurs in a specific time and place. It does not occur in an objective vacuum therefore this chapter has considered relevant issues to the project such as the context of colonisation, education, law and justice in Western Australia as it effects Aboriginal people. Understanding these contextual issues provides a deeper understanding of what I see and hear during the research journey, as illustrated by the above journal entry.

The chapter has also considered major events relevant to the research topic, context and process. In considering these contextual issues I am left with the position encapsulated in the above journal quote. Maintaining emotional and relational distance between me as researcher and those I connect with does not appear appropriate in such contextual research. To engage in this type of research will require a balance between head and heart. This can be a dilemma for someone aiming to be academically rigorous as mainstream academic processes are predicated on Settler culture and values which could potentially reinforce systemic racism. I am faced with a challenge and dilemma about what role I have in research that aims to be both academically and culturally rigorous. In other words, I am aiming to respect both the context of the western academy and the context of Aboriginal cultural rigour. It is this dilemma and challenge with which the next chapter grapples.
Chapter 4    Relational Methodology and Method for a Critical Ally

Research that seeks objectivity by maintaining distance between the investigator and informants violates Aboriginal ethics of reciprocal relationship and collective validation. (Castellano, 2004: 104-105)
This chapter clarifies the underlying methodology and begins by outlining epistemological and conceptual frameworks within which the thesis is grounded. It draws heavily on writings of Indigenous academics in exploring how to work from a “third place” (Purdie et al., 2011: xx) between Western and Indigenous epistemologies, axiologies and ontologies. I call this the standpoint of “a critical ally” (Carnes, 2011b) and, as will be explained, it is grounded in a belief that research is a form of relationship. A critical ally aims to break the silence surrounding oppression while remaining aware of his/her inherent advantage as a member of a dominant Settler group.

The chapter then investigates useful concepts central to a relational methodology that resonates within the broader framework of a critical ally and are utilised in the research. These concepts are white noise (Carnes, 2011a), the importance and nature of effective listening, the value of circles in relational research, storytelling as a teaching and learning tool and adopting a yarning approach to data collection. Fundamental to listening to Indigenous people as a white person and central to being an effective critical ally is the privileging of Indigenous voices. I believe this “is essential if I am to ensure transparency of my own privilege and accountability to the Indigenous people I work with on the research project” (Carnes, 2011a: 179-180).

The chapter concludes with an explanation of the research method that has evolved from this methodological base and utilised in gathering information for the project. This resulting Story Circle method is outlined and explained. The chapter also includes considerations of some of the ethical dilemmas inherent in working from the space of a critical ally and how I have tackled these dilemmas.
During this stage of the research I found that visual representation of the concepts assisted my understanding of them and enabled clearer explanations to develop. Therefore a number of diagrams are included. From this point I continued to prepare other diagrammatic representations of theory and what was learned from participant teachers. These figures appear throughout the thesis but all owe their genesis to this chapter.

4.1 The Nature of Relational Research Methodology

Aboriginal people often speak personally of the centrality of relationships. Kwaymullina (2008: 10) explains, “All life is joined in a web of relationships, a web that exists both within and outside us”. This is not acknowledged in “Euro-Western research paradigms that...ignore the role of imperialism, colonisation and globalisation in the construction of knowledge” (Chilisa, 2012: 8). Euro-Western paradigms are not necessarily, Chilisa (2012: 7) argues, “universal for the rest of the world”. Twenty years earlier Corradi Fiumara’s (1992: 19) words pre-empted this statement when she declared that “western knowledge tries to frame the entire world and its history.” It is vital as a whitefella to take the time to build relationships and understanding to conduct quality research in an Indigenous context because, as Castellano (2004: 104-105) asserts, researcher objectivity and distance are in direct contradiction to Aboriginal ethics of reciprocal relationship.

Non-Indigenous authors such as Bodone and Dalmau (2005) and Tipa et.al., (2009) also note that research is, by its very nature, relational. Bishop (1998: 215) believed that the knower is not independent of what is known and that a researcher needs to be in relationship with the issue being researched and the people involved. However, the nature of that relationship is laden with what Carspecken (2005: 18) refers to as assumptions of commonality which may or may
not exist. I have found that adopting self-reflection in the research process helps me to explore what I learn, my assumptions, clarify my struggles and absorb new information from my teachers.

Martin (2003) depicts Aboriginal ways of doing, knowing and as based upon being in relationship with all living things (Martin 2003). In contrast, non-Indigenous research is represented by Moreton-Robinson and Walter (2010: 4-5) as based upon strict guidelines, usually with an object, issue or problem as the focus while Indigenous research is based on observation of the world and learning experientially from it. In considering this point I suggest that “to work and listen with respect I need to be…mindful of an experiential, collective and relational way of being, doing and believing” (Carnes, 2011a: 175).

I hear from fellow non-Indigenous authors such as Isaacs et.al. (2011: 51) of the importance of taking time to build essential relationships, develop trust and establish where the community wants the researcher to fit in and how they can be practically useful in the community. Power (2004: 38) explains that, in addressing the cultural expectation of reciprocity as part of relationship, practical assistance could include “elements which are easily recognisable as traditional qualitative research methods and other elements, from which I gained valuable insights but which would not traditionally be regarded as ‘research’.”

Sheehan and Walker (2001: 11) claim that to exclude relationship as part of a research methodology imposes “methodologies that do not consider Indigenous ontologies [and] represent a ‘process racism’ that denies philosophical equality of Indigenous epistemologies and the possibility of authentic research”. This belief is supported by the work of Four Arrows (2008: 3) who claims that authentic
research will ultimately “not fall for the ‘myth of objectivity’” and will “see service to others as a component of research”.

As asserted by Four Arrows (2008: 2), authentic research will “be critical of cultural and educational hegemony, challenge the accepted values of academic work and offer alternative ideas that stem from different, sometimes opposing values”. This research project is likely to challenge some aspects of the hegemony of accepted academic work, especially for those non-Indigenous individuals accustomed to citing well known mainstream non-Indigenous theorists rather than focusing on Indigenous theorists, voices and wisdom.

As noted earlier, Euro-Western research tends to focus on issues or problems to be solved (Moreton-Robinson and Walter, 2010: 4-5) and hail the researcher as the centre of the project. In traditional Indigenous lives, as posited by Kwaymullina (2008: 9), humans have been seen as one of the many threads in the tapestry of life, as equal and not more important than anything else on earth. It can be a shock to the system when working with a different world view where the researcher is no more or less valued than anyone else.

4.1A An obligation to respectful critical dialogue

Respectful dialogue between peoples who have been historically oppressed and those who have historically subjugated them can be a challenge. As Allen (2006: 132) suggests, in such situations critical dialogue does not occur on equal terms. Freire (1972: 68) believed that to address this inequality requires “dialogue with the people about their view and ours” rather than imposing the view of the most dominant on all. Unfortunately, where there has been cultural invasion such as in Australia the resulting domination leads to what Freire (1972: 121) terms “antidiological action” which serves to stifle voices and views of those with less
power. The lack of respectful dialogue accompanying colonisation has been outlined in Chapters Two and Three and lies at the heart of this research and dissertation.

Therefore I place creation of opportunities for building of relationship at the nucleus of the research process. This acknowledges the history of colonisation and the barrier created by cultural invasion, oppression and resulting white privilege that can impact on the process and outcome of any research being conducted. This makes actions of invitation and working collegially with Aboriginal people in this research all the more crucial. The journey is a self-reflexive one for me as a researcher, a learning journey akin to what the title of Freire’s article in 1982 refers to as “learning to do it by doing it.” It also reminds me not to assume the level of involvement or collegiality individual participants may wish to have.

4.1B Decentring to stand in a third space

The place where Indigenous knowledge meets Western research has been conceptualised in four different ways listed by Mercier (2011: 302-303)

- a central space along a continuum;
- a place of common ground;
- a meeting place; or
- a cultural interface.

It has also been referred to as a “third space” (Purdie et.al., 2011: xx). Mercier (2011: 303) says that research conducted in this space should be decolonising, empowering and “address the balance of power by putting Indigenous interests on an equal footing or ahead of those of Western research”.

In 1974 George Manuel, a Canadian Indian, saw the Fourth World as “not even a destination. It is the right to travel freely, not only on our own road but in
our own vehicles. ... a partnership cannot be based on a tenant-landlord relationship” (Manuel and Posluns, 1974: 217). To him the Fourth World referred to a time of working together as outlined when he said, “Our lives are too bound up with yours for either of us to go entirely our separate ways. We have heard your children crying in the night for peace and comfort as much as we have heard our own.” (Manuel and Posluns, 1974: 261).

This concept of a Fourth World is echoed by Ngangiwumirr woman, Miriam Rose Ungenmerr (ND), when she talks of the spirit of Dadirri (deep listening). She says “We know that our white brothers and sisters carry their own particular burdens. We believe that if they let us come to them, if they open up their minds and hearts to us, we may lighten their burdens.” The essence of such strengthening, solidarity and two way learning may well find much of its expression in Western Australia’s remote communities. The Fourth World can be a healing space of strength rather than the place of deficits depicted by a white man’s worldview.

Figure 19 below visually represents my understanding of the required interactive, relational nature of a way of thinking and acting from a third space. Some of the concepts in the diagram, such as allied story co-creation are explained later in this chapter. There are times where the gears in Figure 19 do not mesh or perhaps grind slowly. Such sticking points can be caused by white noise; it blocks free movement of the gears. One such sticking point can be the need to meet western research rules of academia which can clash with Indigenous epistemologies, ontologies and axiologies. Where this occurs I aim to either privilege an Indigenous way of doing things or, at the very least, to provide information in both formats.
For example in Chapters Five and Six when relating the participant teachers’ stories each story stands alone, each in their own context for the reader to learn from. At the conclusion of each story I provide my initial ‘learnings’ and response. Chapters Seven, Eight and Nine are my whitefella understanding of what I have been taught. These chapters are more aligned to a western ontology. This is clumsy but, as I have explained in a peer reviewed publication written during the course of this research, “the research referred to by many Indigenous academics that made research a dirty word for Indigenous Australians ... now contributes to the body of academic knowledge the academy refers to on “Indigenous Issues” ... I am required to draw on this body of knowledge to legitimize what I say and to meet the demands established by western world views and standard” Carnes (2011a: 181).

A major concern I have is preventing the input from Indigenous teachers being so ground up in the meshing gears as to no longer be meaningful or
recognisable to those who have passed it on to me. I need to listen well because “discernment comes in knowing when and how to use a story and for what purpose” (Mehl-Madrona, 2010: 2). Part of listening in this way has involved checking out the ideas in my writing with participant teachers and other Aboriginal teachers to see if my story and what I write rings true to their experiences.

4.2 The Methodology of a Critical Ally

In Chapter 1.3 I refer to the concept of a critical ally, as I have explored in Signposts that helped a white activist find her way as a critical ally (Carnes, 2011b). In addition to the essential elements of critical theory and privileging of Indigenous voices that are outlined in Chapter 1.3, I add here an outline of other essential aspects of a critical allied standpoint. Together they provide the methodological underpinning of the relational listening/yarning method applied in the research.

4.2A Utilising standpoint theory

Genealogically speaking, Marx's discussions of the oppression of the working class and their unique understanding of capitalist society are credited by Ellis and Fopp (2009) with first distinguishing a standpoint approach to knowledge. Marx believed that the power of dominant discourse led to knowledge of the working class being disregarded.

Similarly, feminists such as Harding (1991, 1995) saw women's knowledge marginalised in a culture where a masculine viewpoint had the most power. While

29 An earlier version of Chapter 4.2 has been published during the course of this PhD research and is listed in the Bibliography. See Carnes, R. (2011b). Signposts that helped a white activist find her way as a critical ally.
the most prominent voices of feminists have traditionally been non-Indigenous women, Moreton-Robinson’s landmark book, *Talkin’ up to the white woman* (Moreton-Robinson, 2000) considered feminism from an Indigenous perspective. This book provided a thorough analysis of ways in which traditional white scrutiny of power imbalance based on gender alone do not take into account the impact of race. Therefore I have drawn on the writing of Indigenous Australian academics, Moreton-Robinson and in particular Martin Nakata in considering the value of standpoint theory in this research methodology.

Nakata (2007) believes that circulation of ideas, thinking and intellectualism can have the biggest impact on research as a whole. It is my hope in this thesis to contribute to this circulation of ideas, thinking and intellectualism by learning from the voices of Indigenous Australians and from the standpoint of a critical ally, critiquing white institutions such as correctional services and prisons, which perpetuate white privilege.

Nakata (2007: 214) argues that standpoint theory is premised on knowledge being gained through interaction and relationship with the surrounding environment. This concept extends beyond the notion of positionality referred to in Chapter One of this dissertation in that, as noted by Nakata (2007: 215) a standpoint is a “method of inquiry... a way of theorizing knowledge from a particular and interested position”. While members of a particular position are not necessarily homogenous, Harding (1995: 128) asserts that standpoint approaches are useful in ensuring inclusion of “experiences of the marginalised to generate critical questions about the lives of marginalised people and of those in the dominant groups, as well as about the systematic structural and symbolic relations between them.” Standpoint theory provides a starting point for identifying the
kinds of questions I need to pose from my standpoint as someone who is a critical ally.

Nakata (2004: 5) refers to the power of Indigenous academics engaging in dialogue with the non-Indigenous research community. Grande (2000b) has also argued for the need to have Indigenous and non-Indigenous critical scholars working together to define a common ground and construct a new vision of liberty, sovereignty and social justice. I argue that this dialogic space represents a critical ally standpoint as it has its own way of theorising knowledge from a ‘third space’. I have identified (Carnes, 2011b: 18-19) five central characteristics of a standpoint theory that guide a researcher in navigation of this nebulous territory. Based on the writings of Pohlhaus (2002), Nakata (2004, 2007) and Harding (1991) these characteristics are,

- knowledge is situational and based on interactions with the world,
- such interactions shape who I am and how I think and act,
- as I interact from a position in the world a standpoint will evolve,
- no standpoint in and of itself is total and complete in how it represents the world,
- Most importantly, “a standpoint is more than a socially positioned experience; it is an engagement with the kinds of questions found from that position and experience” (Pohlhaus, 2002: 287).

A focus on critically engaging with experiences within specific contexts from diverse standpoints is common between standpoint theory and critical theory.

4.2B  Awareness of whiteness

Whiteness is not a description of a physical characteristic. It is a social construct and is defined by Moreton-Robinson (2004a: vii) as “the invisible norm against which other races are judged in the construction of identity,
representation, subjectivity, nationalism and law”. Ruth Frankenburg's landmark research in 1993 lifted the lid on the privilege of white women and their simultaneous lack of race consciousness. Frankenburg (1993: 228-229) determined that

although whiteness is apparently difficult for white people to name...it nonetheless continuously shapes white women's experiences, practices and views of self and other...Whiteness is visible most clearly to those it definitively excludes and those to whom it does violence. Those who are securely housed within its borders usually do not examine it.

There is a challenge here for me as a whitefella researcher to, at the minimum, ensure visibility of my privilege in the research I conduct. My use of journaling and transparency about my white privilege are tools I adopt in response to this challenge. They do not negate my white privilege but locate its existence.

In the same way that feminist research methods allow the lens to be turned from the view of the male oppressor to the view of the female oppressed, so does critical whiteness studies allow the lens to move from focusing on learning about the Indigenous colonised to an examination of the white coloniser. There is a potential pitfall in the conduct of research by non-Indigenous people from a whiteness perspective. Academics such as Haggis (2007) and Riggs (2007) warn that self-reflection by a white researcher can serve to re-centre whiteness as the accepted norm, further reinforcing the privilege of being white. Kincheloe and Steinberg (1998: 26) are robust in their warning that a study of whiteness can easily lapse into bourgeois self-indulgence, ... a psychologised attempt to “feel good” about the angst of privilege. [This] loses sight of the power dynamics
that shape racial relations and cannot make a valuable contribution to the cause of racial justice and egalitarian democracy.

This is a point I continually pause to reflect on as I do not want to forget my purpose of learning from Indigenous voices. This journal reflection, for example, considers the temptation to self-reflect in order to make things palatable to whoever reads what I write. It is a dilemma I face constantly as a critical ally and reflect on at various points in the dissertation.

“[P said] “...most people would say ... ‘they are prisoners. F’em’” and part of me knows that is likely to be the response from some people. ...And I ask myself “ If I can’t call a spade a spade then what is the point of all this? I am not doing this to make friends or be popular... but I don’t want to do more damage.”

... you know...that’s a bit of a copout I think. Who am I fearful of doing damage to? I think the above logic is very white – and puts me and my own reputation and others’ opinions of me at the centre. It is a white patriarchal way to think and respond from a point of unacknowledged power – not that of a critical ally. (Journal, April 12, 2012)

Essentially the concern I have about the invisible dominance my whiteness can bring relates to acknowledging, understanding and being aware of how power potentially operates in people’s lives, including my own.

4.2C Power as a colonial concept

Power is a contested concept (Anderson and Herr, 2007: 1157) and a complex notion which cannot comprehensively be dissected and analysed in the space available in this dissertation. It is essential, however, to define and describe it in the context of the research project. I define power in the context of this
research as assumed privilege benefit and opportunity being funnelled together through the context of whiteness (see Figure 20). Whiteness creates a barrier that is difficult for Indigenous people to penetrate at a societal and political level. While individual Indigenous people may have varying degrees of western opportunity, benefit and privilege, the degree of cultural capital (Bourdieu and Passeron, 1977) available in a non-Indigenous cultural context will be limited due to the context of privileged whiteness as illustrated in Figure 20.

![Figure 20: Power and the context of whiteness](image)

Anderson and Herr (2007: 1159-1160) note that while Foucault's writing on power has been “tremendously influential” since the 1970's, there are three commonly held concerns held about his views that I share in relation to this project, namely

- Conceiving of power as a micropolitical force that we cannot escape destroys the possibility of agency and freedom,
- Focusing too much on microphysical exercises of power that ignores the wider enduring structural relations of power such as capitalism, bureaucracy and kinship and,
• Foucault’s approaches make it difficult to untangle the rationality and freedom of an agent from power and oppression which eliminates any space for suggesting normative claims associated with emancipation – or, at least, how power might be otherwise

I therefore find the understanding of Lukes (2005) more congruent with the writings of notable Australian Indigenous academics such as Martin (2008a) and Walter (2009) who speak about power in the context of their understanding of colonisation and white privilege. Lukes (2005: 73-74) notes that power is generally understood to mean “power over” and dominance and Walter (2009: 10), for example, acknowledges the value of Lukes’ explanation of power in allowing “us to realise that the use of power is much more than direct coercion.”

Both Lukes and Walter believe that the dominant group can never decide truly what is in the best interest of those who are dominated. The only ones who can decide what is in their best interest are, as Walter (2009: 10) reveals, the disadvantaged themselves. Indigenous people in Australia are excluded from access to mainstream political decision making in any real sense while non-Indigenous people continue to make decisions about what is best for “them”. As Walter (2009: 12) notes, “such ‘othering’ justifies...actions such as the suspension of the Racial Discrimination Act to allow the NT intervention.” The privilege of making such decisions lies with the privileged, dominant, mainstream and not those on whom the decisions directly impact. This harks back to the words of Freire (1982: 34) who believed that

if I am to discuss education with the people, then I have to start from their perception of education and not from my own perception. We have to admit that we often labour under the opinion that we possess the truth.
In this research the real power is not in assuming that my opinion is the correct one. Rather the power of this research lies in having Indigenous voices as those that dominate in informing the project and dissertation.

There is another aspect of power and agency that needs to be flagged here. As a wadjella I should not assume that Aboriginal people have no power or agency. Power (2004: 39) describes how, during the formal fieldwork period of her research that

contrary to orthodox beliefs on the inequalities of power between white researchers and Indigenous participants, I was decentred from my white privilege by my marginal position in the preschool community. Far from being able to exert 'power over' the research participants I was not able to prevail in pursuing my research agenda in either the Indigenous community or in the preschool.

Power is contextual and while entrenched institutional racism may lead to mainstream decision making being inaccessible for Indigenous people it does not mean that Indigenous personal and community power is not exercised in less overt ways such as that outlined by Power.

4.2D The role of unquestioned privilege

Black and Stone (2005: 251) believe that “privileged persons live in a distorted reality” not unlike that of someone with a chemical dependency who is in denial. While the denial serves to keep the status quo from being altered it also helps avoid the unpleasantness of the truth or the consequences of acceptance, including the need to act to bring about change. This is supported by Van Djik (2002: 310) when he says that as long as there is denial of racism there is no need for official measures against it, for stricter laws, regulations or institutions to combat discrimination, or moral campaigns
to change the biased attitudes of whites. By selectively attributing “racism” only to the extreme right, the mainstream parties and institutions at the same time define themselves as being ‘not racists’.

This dissertation considers privilege in relation to power and defines it as *entitlement or sanction that leads to advantage and dominance*. The characteristics of privilege are shown in *Figure 21*. As a wadjella who experiences the privilege of my whiteness, I seek ways in which I can be accountable in my research for that advantage even though, as noted in *Figure 21*, I may not be aware of the privilege I have. This is another reason for relationship being at the core of research as it provides me with a means to get feedback from others on things I cannot see in myself. One of the ways that emerges for me to do this is to take my thinking to appropriate conferences and forums in order to get feedback, especially from Indigenous academics. This is the reason that I have attended so many forums and published during the course of the dissertation; I have wanted to ensure another level of academic scrutiny of the theory I was drawing on that went beyond my supervisors and university.

Disadvantage is not one dimensional and Indigenous Australians are not a homogenous mass. It is important to keep this in mind to avoid making broad, sweeping generalisations about “Aboriginal people”. Aboriginal people may or may not be poor, unemployed or have a disability. Therefore it is true that some Aboriginal people are more disadvantaged than others. In terms of Aboriginality, however, Ball (2009: 457) argues convincingly that when a “standardized, one-size-fits-all curriculum is all that is offered, too often the result is a homogenizing, monocultural, colonizing approach to community and human service development that is inappropriate for the varied social ecologies of Indigenous children and families.” In this way homogenous education approaches lead to homogenous,
inappropriate health, education, justice and living outcomes that impact in a
negative way on Aboriginal people regardless of other levels of advantage.

Figure 21 Understanding privilege
(based on Black and Stone, 2005)

Considering multiple forms of disadvantage such as gender, sexuality, race and class will not challenge whiteness as the accepted norm. Moreton-Robinson (2000: 26) for example, argues that “white race privilege and the oppression of Indigenous women, men and children were legitimated by the state and were connected to property and power.” For Aboriginal people there is this commonality of exclusion and racism that occurs regardless of other ‘disadvantages’ perceived by whitefellas. Other disadvantages may intersect with race, but for Aboriginal people Moreton-Robinson (2000) argues, it is racially constructed discourses that determine the mainstream theory of class, gender and sexuality. In speaking of feminism, for example, Moreton-Robinson (2000: 185) says that “white feminists must learn to accept that Indigenous women's involvement in feminism will be partial due to discrepancies in power, incommensurabilities, different histories, experiences, epistemologies and material
conditions.” I maintain that to be ignorant of race as a legitimate perspective of disadvantage risks issues such as gender, sexuality and class being constructed and presented only from the perspective of privileged white dominance. It is such a privileged mainstream norm that a critical ally actively and openly challenges.

4.2E Activism as an aspect of research

A critical ally is called to act to bring about change. Bronwyn Fredericks (2008: 88) reminds us of this role when she says,

When oppressed Anglo-Australians, Celtic-Australians or European Australians protest against their own oppressions, while remaining silent about racism and white privilege, they become oppressors of Aboriginal people and other groups. The silence of these Australians and other white Australians acts as a form of consent.

To avoid being one of the silent consenters I want this research to challenge the status quo which requires, as noted by Smyth et.al. (2009: 4) challenging “taken-for-grANTED constructions of the way things are, and how they came to be like that.” Similarly to Smyth et.al., (2009: 3) I believe in the importance of confronting and contesting “the ugly and disfiguring work” being done by a focus in education on market principles and forces and individualism. This requires more than theorising, it also requires activism.

Activism is defined by Anderson and Herr (2007: 19-20) as action on behalf of a cause, action that goes beyond what is conventional or routine.... Activists are typically challengers to policies and practices, trying to achieve a social goal, not to obtain power themselves.... Activism is not necessarily a good thing or a bad thing. It all depends on the cause and the actions, and a person’s judgement of what is worthwhile.
As an activist I am not necessarily involved in revolution. Rather I am more likely to make small gains towards a longer term vision or goal.

As a critical researcher/critical ally I am dedicated to fostering relatedness, what Shields (2012: 11) describes as “courageous and long term engagement and follow through...to take on the role of activist and ensure that the findings are not only understood but, where appropriate, acted upon”. While this very important responsibility of actively involved challenging research is acknowledged by authors Goldberg and Essed (2002:7), the role comes with an element of inherent risk. Working in this way has been identified by Weiner (2003:102) as requiring preparedness

to take risks, to form strategic alliances, to learn and unlearn ... power, and reach beyond a 'fear of authority' toward a concrete vision of the world in which oppression, violence, and brutality are transformed by a commitment to equality, liberty, and democratic struggle.

Those who have challenged or spoken out against a dominant discourse in this way have often been ostracised in their own countries, imprisoned or exiled. Examples include Antonio Gramsci (1971) in Italy, Angela Davis (2003) in the United States, Teun van Dijk (2002) in Holland and Freire (1972, 1974, 1982, 1997 and 1998) in Brazil. That such alienation has occurred in education is acknowledged by Garrison and Tech (2008:269) who say that “activist philosophers of education seeking to improve their world, rather than merely understand it [who] faced forced exile included Paulo Freire, Tao Xingzhi and Maria Montessori”. Like them, I seek what Lakritz (1995: 6) calls “imaginative routes to social change through the structures against which such change would compete”. This paradox of challenging the structures with which social change would compete and of which I am part is a daily conundrum that weaves its way through my research processes, thinking and this dissertation.
4.3 Challenges for A Critical Ally

Sometimes the actions required of an ally appear divorced from the research project. I find myself serving sausages at a barbeque, drafting submissions, picking up people at the airport, having Aboriginal people from the central desert stay with me, printing out name tags, making cups of tea and preparing draft press releases. It could be asked, “what has any of that got to do with your PhD on prisoner education?” My answer is, “well nothing; it has to do with building a strong basis of relationship and trust in the community.” My answer also is, “well everything: it has to do with building a strong basis of relationship and trust in the community.”

4.3A The challenge not to dilute or pollute the message

In May 2011, I travelled to Sacramento to present a paper at the Native American and Indigenous Studies Association Conference. It was a confronting and amazing time as most presenters and participants were Indigenous. It was unusual and educational to experience being one of the minorities in the room. I was able to listen and learn so much while also having my privilege challenged. Below is part of my journal reflection which captures the uncertainty, personal discovery and intensity of having spent three days amongst hundreds of conference participants from around the world. It is written just as I write the first draft of this chapter and has an impact on how I work from then on.

That conference was an amazing experience. I learned a lot from doing the panel presentation with the other women from Texas and Mexico ...it had a big impact to present as a panel of activists; I felt part of something bigger and not so isolated. The activism seemed to give the presentations an edge and sharpness that was different to other panels. Feedback from people in the audience confirmed that. They spoke of finding it inspiring or energising or
particularly striking in some way to be in a room with presenters all involved in some kind of activism. CK said that ... it struck her how powerful the presentations and research were because we had put it in a setting of working alongside oppressed groups.

... in putting activism and critical theory into practice within the research project, this research becomes bigger than me and has another dimension ... maybe this is what a critical ally does – takes the message out there beyond academia? But I need to be so careful when doing that so that my own whiteness doesn’t dilute or pollute the message. ... I wonder if that is even possible for a whitefella. (Journal, June 2, 2011)

As suggested by this journal entry and Castellano’s (2004: 104-105) words at the beginning of the chapter, there can be an ongoing tension between the demands of honouring cultural rigour and those of honouring academic rigour with its attendant white noise.

4.3B Owning white noise

The term white noise has been used previously to refer to the loud noise created by inappropriate Western responses during the Federal Government intervention in many remote Indigenous communities in the Northern Territory in 2008 (Mills, 2008). Tom Montgomery-Fate (1997) also used the phrase when talking about cross cultural missionary work and the need to move beyond a purely colonial perspective. My use of the term is similar to these two understandings.

As indicated in Chapter 1.1A, white noise occurs in the thinking, decision making and communication of dominant Settler cultures in relation to Indigenous people. Because it is such an essential concept in this research I repeat here that, like the indistinct, fuzzy static of a not quite properly tuned radio white noise
inhibits a clear reception and prevents hearing messages distinctly. As much a systemic issue as an individual one, it results from assumed privilege and lack of knowledge of worldviews other than dominant forms of knowledge. No matter how clear the signal being transmitted, it is only the receiver who can ultimately ensure accurate reception of what is being said. It is those most privileged who provide the opportunity and means for voices to be widely heard. It is as much a systemic issue as an individual one.

As I have noted elsewhere, I want to avoid disrespectfully representing the words and experiences of the Aboriginal participants on this research journey as “little more than white noise in my own life and research career” (Carnes, 2011a: 172). My goal is to learn how to hear respectfully without my own white noise polluting the messages of Aboriginal voices I listen to. Such respectful listening requires a focus on equality between me and the participants in the research. To minimise the white noise in my ears I need to simultaneously tune in to and turn up the volume of Indigenous academics, authors and views and adopt practices that honour and respect Indigenous ways.

The remainder of Chapter Four discusses what research method has resulted from these goals and understandings.

4.4 Yarning as a relational research method

Below is Pat Dudgeon’s (2008: 24) recollection of being “researched” that epitomises the kind of disrespect I have aimed to avoid.

He was probably doing the right procedure of interviewing according to the textbook; but it left me cold. I felt that my information, which was not thought out well enough (we are not vessels full of ready-made opinions, attitudes and thoughts; sometimes we need to discuss and reflect) was given into a vacuum in a form that I had no control over. I did not get a copy of my
information back. I felt violated by the process and learned from that experience – that I would never ever do investigations like that.

I do not want to repeat this kind of experience for people so I turn to Indigenous academics to find out what is respectful. I learn from Martin (2008a) and Wilson (2008) that culturally appropriate research is likened to ceremony. Wilson (2008: 43) teaches me “that everything needs to be seen within the context of the relationships it represents.” Tafoya (1995: 12) teaches that “stories go in circles. They don’t go in straight lines.” Likewise, Martin (2008b) tells me that research with Indigenous communities is not a linear process.

Moreton-Robinson and Walter (2010: 4-5) teach me that the research focus is less on the knowledge itself as knowledge is communal and cannot be owned by an individual. The focus is on relationship, respect and sharing of knowledge at a level deemed appropriate to be learned by those involved. It is people who are at the centre of this methodology, people and their stories, not knowledge per se. This is supported by Wilson (2008: 37) who likens the research process to that of critical theory where “knowledge in itself is not seen as the ultimate goal, rather the goal is the change that this knowledge may help to bring about.” From non-Indigenous Australian academic (Power, 2004) I learn that, as the relationships change so too might the researchers place in the community change with time.

Yarning is a culturally appropriate alternative to interviewing. It is defined by Bessarab and Ng’andu (2010:38) as “an informal and relaxed discussion through which both the researcher and participant journey together visiting places and topics of interest relevant to the research study”. Yarns can appear to go in circles rather than maintain a linear progression and yarning as a methodology is as much about listening as it is about speaking, about relating and maintaining relationships.
Yarning is a congruous methodology when relationship is central to the research. As pointed out by Bessarab and Ng’andu (2012: 38) “yarning is a process that requires the researcher to develop and build a relationship that is accountable to Indigenous people participating in the research.” With this high level of accountability to community and participants it is a very rigorous methodology.

The work of Martin (2008a, b) provides clarity and clues on priorities and how to act respectfully. During the time of learning and inquiry (‘collection of data’ is the phrase frequently used in much western research) it is relatedness that Martin (2008a: 95) says is the priority in transfer of knowledge and that the “historical, social, physical, intellectual, spiritual and emotional dynamics of relatedness” must be acknowledged as part of the transfer. Knowledge does not occur in isolation from the context. Additionally, Martin (2008a: 96) goes on to say that learning information this way, through the sharing of story, is not just about speaking, but equally about listening whereby silences are active and of respect, not necessarily passive, of ignorance or disinterest. Whilst there can be silences there can also be much animation, passion and humour and equally much tension as topics are explored, glossed over, contested, ignored or used as a catalyst for further topics to be discussed. Whatever the emotion or mood, these processes seek to serve relatedness by maintaining respect, accountability and responsibility in the way involvement is sought and participation is attained.

Direct questioning can be inappropriate and structured or semi structured interviews can be seen to be rude and invasive (Martin, 2008a; Bessarab and Ng’andu, 2010). Talking is circular and information is thrown into the mix for consideration and discussion and these discussions may occur over more than one meeting in order to be respectful and give time for appropriate contemplation by participants.
Research outcomes are not seen to be ‘owned’ by the researcher but remain the property of those whose stories are told and those involved in the process of gathering the stories; the researcher is only one of these people. As a white researcher I cannot hold the same place as an Indigenous researcher in terms of relatedness to culture, Elders and ways of knowing. So I ask myself the question suggested by Brown and Strega (2005: 26) *Am I taking space or am I creating space?* with the aim of monitoring my creation, rather than invasion, of space.

4.4A *Circles in relational research*

Archibald (2008: 11) says the image of a circle symbolises wholeness, completeness, and ultimately wellness. ... Each Indigenous group has developed its own cultural content for the holistic circle symbol, however, a common goal has been to attain a mutual balance and harmony among animals, people, elements of nature and the Spirit World.

Thus a circle is a place of equality, where everyone is valued equally and no one has all the power. Everyone may not agree but everyone’s input has the right to be heard and is respected (Archibald, 2008: 63). Archibald (2008: 136) also relates how circles provide a context “that creates a healthy atmosphere for interrelated and synergistic sharing of ideas and thinking”. Atkinson (2002: 239-241) provides an overview of the reasons for her decision to utilise Circle work in her research.

In addition to the egalitarian nature of the circle, she notes (Atkinson, 2002: 240) that “each individual story is relevant to the whole, making the whole story complete, allowing the community to make sense out of the fragmentation and perceived senselessness that is their existence”. Talking is circular and information is contributed to the mix for consideration and discussion. Tafoya (1995: 12) believes that “it helps if you listen in circles because there are stories
inside and between stories, and finding your way through them is as easy and as hard as finding your way home. Part of finding is getting lost, and when you are lost you start to open up and listen.” During this research journey I often feel lost and as if I am going around in circles. Tafoya’s words about feeling lost and needing to find your way amidst confusion, offer some degree of comfort to me at times such as those referred to in the following journal entry.

*I feel like I am living in some kind of surreal world where only half the people get me half of the time and I am going round and round in circles that don’t meet up. While it is all very well to talk of continuums in world view and that we shouldn’t talk in dichotomous language, you know what? It is my experience that it is like that and there is a duality and a sense in which never the twain shall meet – and I am starting to think that is not necessarily a bad thing. It keeps the specialness and awesomeness of Indigenous identity intact without watering it down into some kind of grey murky mass where there is no pride in culture and no sense of identity that is the very thing I hear from Elders and Aboriginal people is essential for wellbeing. Yes we are a great big melting pot of diversity – AND there is a way in which that diversity can still be honoured and respected.*

*I am finding that each time I spend a lot of time with [Aboriginal friends] I feel a culture shock when I go back to Uni where it seems to be going so fast and so removed from the world I’ve just been experiencing. Then I get a similar culture shock when I have been immersed in uni and western life and [Aboriginal friend] comes to stay… I am going fast and need to slow down and be in the moment much more. It’s a confusing messiness of worlds colliding… And that messiness and not quite blending needs to be reflected in my thesis. But what will that do to the outcome for me? And should that be the major*
concern anyway? Or is that too idealistic and Don Quixote of me? I think I am going to have to be brave here and go out on a skinny branch and present something that is part traditional thesis and part “authentic dissertation”. (Journal, January 30, 2012)

This journal entry reflects a dilemma I struggle with constantly in the conduct and writing of this research and which I refer to often within these pages; the need to be both culturally and academically rigorous. While these two things are not necessarily mutually exclusive there are times when they clash. Shawn Wilson’s (2008) work, Research is Ceremony, resonates with me especially in his experience of a similar struggle. He says that ultimately he wrote this book for both mainstream and Indigenous audiences. The academic audience that requires a literature review is in itself the context for and through which it [his book] is written. Just as writing to you personally has allowed me to better express my thoughts in a way that is culturally relevant to me, doing a literature review can be seen as the culturally relevant way to communicate with dominant system academics... it is their way of putting a study into its context (Wilson, 2008: 43-44).

Wilson’s words affirm the confusion I feel but also the possibility of being both academically and culturally rigorous in the context within which I am working.

It is difficult for the structure of a western dissertation to mirror a circular evolution of learning and understanding. I make an attempt to honour the circular nature of information sharing and teaching/learning by utilising a circular methodology and representations of the process in a circular diagrammatic form. The resulting findings are not seen to be ‘owned’ by me but remain the property of those involved in telling the stories. I, as the researcher, am only one of the people and voices in this Story and the representation of my understanding of those stories is only one of many different possible interpretations.
4.4B Storytelling as a teaching and learning tool

Non-Indigenous author Morgan (2000: 8) depicts our lives as multi-storied, saying that “there are many stories occurring at the same time and different stories can be told about the same events... no single story can encapsulate or handle all the contingencies of life”. No single focus or story can describe the experiences of all Indigenous people and nations and this dissertation does not aim to simplistically create a single story for all Indigenous people. As noted above, it is one possible understanding of the stories told.

As noted earlier in Chapter 4.4A, members of a particular standpoint or position are not necessarily homogenous but may still share experiences which can, as Harding (1995: 128) asserted, “generate critical questions” about people who are often marginalised and unheard. What the dissertation does aim to do, therefore, is to give voice and sound to an oft ignored aspect of disadvantage. In this case the disadvantage is in relation to colonisation’s impact on Aboriginal people as exemplified in the context of prisoner education.

Four Arrows (2008: 46) reminds us that around the world in Indigenous communities, storytelling has always been used to teach. As Mehl-Madrona (2010: 2) says, “we would not survive without story, for story defines our meaning and purpose, our identity, our goals and values”. Stories allow listeners and tellers to improve their understanding and, as discussed by Chilisa (2012: 139-141) provide testimony to the relational nature of knowledge as found in Indigenous people’s ontologies. Indigenous cultures’ retention of strength and vitality is recognised by Eder and Cajete (2010: x) as being dependent upon the relationship of individuals in community with the natural world. This connection is relayed from generation to generation via storytelling. Eder and Cajete (2010: 16) also contend that
western tradition has often devalued oral culture with the implication that progress requires the giving up of oral tradition for the “more advanced” story telling via written word.

Dominant Settler culture thinking about what is and is not legitimate knowledge is challenged by Indigenous authors Eder and Cajete (2010: xii) when they remind us that "stories were the first way in which humans relayed their history, their knowledge, their understandings, their hopes, longings and visions". This challenge is extended by Chilisa (2011: 143) who claims that new stories continue to be created that reveal how current issues are impacting on Aboriginal people, communities and families. Not all Dreaming stories are going to be stories passed down over thousands of years. Speaking in relation to social problems in Botswana, Chilisa (2011: 143) states that stories can “show how communities have defined the problem ...the analysis of the problem and the prescribed solution.”

Chilisa (2011: 148) also believes that story telling provides a space for inclusion of the spiritual experiences people wish to share. In the stories that follow in Chapters Five and Six such inclusion of the spiritual is often referred to as ‘culture’.

In the context of this dissertation I can relay the stories told and the inherent teachings I have gained from hearing them. It is important to recognise that as a wadjella I cannot create ‘Aboriginal stories’. Glenn Sarris (1993, cited in Archibald, 2008: 129-130) describes how a well-meaning non-Indigenous American teacher tried to incorporate Indian values into her teaching and used a story called “Slug Woman” that had been written by non-Indigenous educators. Her attempt to use this story with Indigenous students failed. Their response was that there was no such thing as Slug Woman and it didn’t make any sense.
This is a pertinent reminder to me as I draw together the stories in Chapters Five and Six to ensure they are the teachings intended by those who told them. I do not want to create another Slug Woman in this research. I want to write about what I learn rather than present what Kovach (2009: 121) refers to as a “weighty endeavour of creat[ed] new knowledge provoking haughtiness”. Hopefully, my learning can contribute to the narratives and conversations of other whitefellas wanting to learn from and create a sense of relatedness with Aboriginal people as critical allies.

4.4C Listening to stories – and hearing them

Listening as a critical ally (Carnes, 2011a) aims to acknowledge and highlight privileges and white noise created by whiteness. The elements of allied listening are outlined in Figure 22. Together they aim to decentre a singularly white outlook by privileging Indigenous perspectives on Indigenous issues. I aim to become more an “apprentice of listening rather than a master of discourse” (Corradi Fiumara, 1990: 57). By re-learning history from an Indigenous perspective, reflecting on and reviewing dominant white, colonial assumptions and basing the research on relatedness it is hoped that a more respectful discourse can be developed.

Though this way of working and thinking is a stretch for the linear thinking of a white academic like myself, I am reminded that Grande (2000a: 349) calls for scholars to broaden their own theoretical scopes and engage with Indigenous ways of knowing in order to create new and exciting ways of discovering, thinking and working. I acknowledge that, as a white researcher I cannot merely adopt and use Indigenous research methodologies but I can learn from them about how to
conduct ethical research as a critical ally and, as Kahakalau (2004) suggests, tweak them to use ethically.

The resulting method of finding information and learning that I developed and used was an academically and culturally rigorous listening and yarning method. I call it a *story circle research method.*

![Image of a diagram showing the story circle research method]

**Figure 22 Listening as a critical ally**
*(Carnes, 2011a: 182)*

### 4.5 A Story Circle

The story circle is a place where stories are told, heard, pondered and shared.

To me this is a sacred space, research a spiritual act where stories and relationships are honoured and we can, as reported by Lewis (2011: 507) “here/hear, listen to the story”. As mentioned above in 4.4B this story circle and
research does not claim to be representative of all Aboriginal prisoners, ex-prisoners or people. Rather it is one possible snapshot from which we can learn.

I have been told by Noongar Aboriginal Aunties that it is important for whitefellas to have assistance from Aboriginal people in ensuring research analysis is appropriate. This is echoed by Wilson (2008: 116-122) who talks of the focus of Indigenous research methods being on building relationships as opposed to the western tradition of breaking the issue of concern into smaller and smaller parts. He claims (Wilson, 2008: 119) that to do this gives a narrow analysis rather than a deep understanding and that such an analysis requires an intuitive logic “where you are looking at the whole thing at once and coming up with your answers through analysis that way”. All of my teachers have the opportunity to be involved in analysis, to discuss and provide feedback on what I write. Some do so while others do not want to go over it again. Where relationships with me are strongest, the involvement in analysis and deepening of the stories is the most profound and multi-faceted. Another way I get feedback on analysis as I grapple with the complexity of the research topic is to present at conferences where I receive feedback from Indigenous participants and academics.

Relationship and connecting are central to the methodology of this project and remind me of Bell’s (1998: 22) description, “relationship is the complementary and cooperative input of two separate but joined parts – right and left hands working together.” When representing the stories in Chapters 5 and 6 the Indigenous voices are heard first in an attempt to decentre my white colonial voice. My voice is heard at the end of each story as a reflection on what I have been taught. This is my attempt at having right and left hands, as Bell suggests, work together.
4.5A *Story circles are about relating*

In this Story Circle I am another member, not an outsider looking in because, as Martin (2008a: 148) points out, “with relatedness as the premise and impetus, there is no such thing as Outsider, or Other, but of Another”. Freire (1982: 30) put it this way, “Instead of taking the people here as the object of my research, I must try, on the contrary, to have the people dialogically involved also as subjects, as researchers with me”. Such respectful dialogue can however be a challenge between peoples who may have experienced oppression and those representing oppressor groups. This is because, as Allen (2004: 132) reminds us, in such situations critical dialogue does not occur on equal terms. Freire (1973: 68) suggests that to address this inequality requires “dialogue with the people about their view and ours” rather than imposing the view of the most dominant on them. Unfortunately, where there has been cultural invasion such as that in Australia the resulting domination leads to what Freire (1973: 121) labels “antidiological action”.

The Cooperative Research Centre for Aboriginal and Tropical Health (CRCATH, 2002:17) suggests that too much emphasis on academic rigour can “bring about a separation from the broader comprehensive process needed to seriously address issues.” They are not suggesting that academic rigour be relaxed. What they request is that rigour must be intensified, heightened, broadened beyond its narrow definition within scientific tradition. It must become a true application of intellectual and lived thoroughness; what we might call a ‘rigour of real life’, which looks at the full picture, not just reductionist fragments (CRCATH, 2002:17).
Moving beyond fragmentation requires consideration of cultural rigour (referred to by CRCATH in the above quote as ‘a rigour of real life’) as part of academic rigour. Therefore, academic rigour becomes broader and richer than a basis of scientific tradition. The Research Partnerships Report (CRCATH, 2002) from which the above quote is taken was based on a workshop conducted in the Northern Territory. It identified that the more holistic view required when researching with Indigenous people sees “accountability is about working to achieve genuine outcomes, and establishing checks and balances with the community to ensure that” (CRCATH, 2002: 17.) The community, in this way, are valued partners rather than scientific subjects.

The Story Circle model I develop for this research aims to provide the required level of relating and connecting to achieve this. There are clashes with academia that challenge my ability to make the requisite shift in thinking and acting, as these two journal entries reveal.

Well what an interesting process this is. [abc] from the uni ethics committee called to tell me that, no matter how much they tried to put it nicely, they couldn’t find the words to tell me that the ethics committee thought I was giving too much power to the Aboriginal people in my research. And [this person] didn’t want the chance that some Aboriginal people might see that comment in print somewhere because it would look bad.

I am finding this so hard – that they don’t want Elders to be able to say that some knowledge is not for general circulation – or participants to confirm that I am conveying the information they want conveyed.

... But if I stand up and fight it then the stories may never get told at all. (Journal, October 7, 2010)
An addendum to the above: This particular struggle continues as sometimes I find myself slipping into what is easiest, what I have the privilege to be able to do as a whitefella in a white academy. I would like to say that I manage to be strong all the time and stay true to the kind of partnerships I want to create. But the reality is I sometimes slip and fall, such is the entrenched strength of my own white privilege, the deafening level of volume of white noise. Such is the pressure of the norm of how to represent research to markers and other white academics. I am sometimes faced with a choice between bending to the pressure of white noise and getting a message out via this thesis or other academic writing or sticking to my guns and risking there being no dissemination of these powerful and important stories and what they have to teach us. While a third space can look relatively simple in diagrams and theory it is not a place of comfort in practice.

What I did in response to the specific dilemma encountered at the time of ethics approval and described in the above journal entry of October 7, 2010 is outlined at the end of Chapter Four. (Journal, March 10, 2013)

4.6 Story Circle Research Method

The story circle method I developed for use in this research aimed to be congruent with Martin’s (2008b) acknowledgement that culturally appropriate research can create a story that is of relevance to the community and is able to be incorporated into community stories without disrespecting or negating current stories. While there are identifiable stages to a story circle approach to research that I clarify and adopt as a whitefella (see Figure 25, page 18987) they are not entirely linear. As mentioned earlier, for example, the researcher’s place in the community may change with time (Power, 2004) and require renegotiation.
The focus is on relationship, respect and sharing of knowledge at a level deemed appropriate to be learned by those involved (Harrison, 2009). It is not knowledge that is at the centre of this methodology. At the centre is relatedness (Martin, 2008b), people and their stories. The resulting learnings (more traditionally referred to in research as ‘findings’) are not seen to be ‘owned’ by the researcher but remain the property of those people, families and communities whose stories are told and those involved in the process of gathering the stories.

4.6A First meeting

A template for respectful meeting of potential participants and for entering work with any group of people is modelled by Pat Dudgeon (2008) in her article “Empowering research with Indigenous communities”. I have often seen this put in action by Aboriginal people at meetings, conferences and forums. My depiction of it is represented in Figure 23 and it is a respectful way of meeting and greeting anyone, regardless of Indigeneity or background.

Many whitefellas start off by requesting what we want but this does not focus on relationship as central. It does not provide the necessary contextual background. We need to begin with relationship building. Armstrong and Shillinglaw, (2011: 236) argue this when they declare, in relation to whitefellas teaching Aboriginal students, that our white questions are not likely to find answers until there is dialogue ...with a First Australian who connects the teacher with the world and the worldview of the student. Without such relationship building the questions whitefellas ask only become more anxious; and although they are valid and important questions, practice is unlikely to change. My experiences in this research reflect the importance of relationship as the deepest, richest information comes from those participant teachers who know me best.
Figure 23 Respectful meet and greet "ceremony"

While the story ceremony circle in Figure 25 reflects my understanding of initial relationship building, it is also an ongoing way of working respectfully. Such a way of working strikes a chord with me and sits comfortably with my values. It reminds me of stories told to me by my father and his brothers and sisters, such as the one below.

My grandparents lived most of their lives in the remote mountains of Tasmania and Dad tells stories of people appearing at all times of the day out of nowhere. These old bushmen would greet in big booming voices he said. The billy was always on for a cup of tea (you never boil half a billy coz you don’t know who might come along” he was taught by his Dad). Whatever food was available was stretched to include them. The business happened after the yarn and cup of tea... and yes, ‘yarn’ is something my Dad and I have always done and everyone in the family. My grandfather could not read and write so
all he was taught and passed on happened verbally; oral learning. So in my family we all like to get together and have “a real good yarn” as my Dad says..... this all feels so much more comfortable to me than semi-structured or structured interviews or pre-arranged lists of questions. (Journal, October 2, 2010)

In meeting people as part of this research project, whether they have been the Inspector of Custodial Services, a local politician or a child at a rally who needs a bottle of water, I have kept in the back of my head the question mentioned earlier in this chapter; “Am I taking space or am I creating space?” (Brown and Strega, 2005: 26). In reflecting upon this question my aim has been to be respectful in the project and my interactions with all those involved, both Aboriginal and non-Aboriginal. I want to enter into a Story Circle that acknowledges the needs and values of all who enter into it.

4.6B What happens at story circle yarns?

Oral and aural method is the nature of teaching in Indigenous culture, which has been acknowledged by non-Indigenous authors Bell (1998) and Power (2004) as well as Indigenous authors Harrison (2009) and Bessarab and Ngandu (2010). Yarning suits this way of learning as well as being a way that decision making has traditionally occurred in Indigenous cultures. As Power (2004) realises the culturally respectful way of ‘yarning’ is an informal process. It was however necessary for me to provide a structure in order to meet the academic rigour demanded by the university ethics committee. After much consideration I adopted the following strategies, identified as three stages, as a way of navigating this nebulous terrain. I provide this overview both to explain in a western way the process I used and also for others needing to provide something to very
Eurocentric ethics committees not cognisant of the deep rigour inherent in Aboriginal culture.

Where I already knew people some parts of the process were redundant. The reality, overall, became that we met up, got to know one another if we did not already and started yarning.

*Stage One: Opening the Circle*

- Who am I? My name; my place.
- My story as a person: a little about who I am and what is important to me, where I grew up, what I value, what connections I may have had with Indigenous people or projects or programmes.
- My academic story: the research project and why I am doing it.
- What I am on about:; the research question and how it arose, invitation to participate in a variety of ways:
  - Share a thought or comment or story that is audio taped
  - Provide ethics information: in written form as a pamphlet (see Appendix 1) and talk through this. People can choose how to identify in the dissertation and any publications.
  - Obtain audio taped consent.
  - Record contact details of people wishing to be contacted further to ensure they can provide feedback on analysis.

*Stage Two: The Conversations*

- While the ethics process required me to give examples of the kinds of questions and comments I would ask, the reality was that the conversation largely unfolded from comments made by participants and their interaction with one another and/or the researcher. More often than not I sat silently, listening. This is an important part of ensuring safety.
- My role was as a facilitator of the process, not as ‘the boss’. Mostly I provided minimal responses or reflected my thoughts and/or feelings. It is important in yarning to be aware that the stories might
seem irrelevant but can be an invitation to a deeper level of connection. As Kerith Power (2004: 40) recalls,

I tried out some of my new theoretical insights on Roberta, who responded with stories. Initially, I found this very frustrating. I thought she was ignoring my ideas and relating unconnected anecdotes. Later, I learned to value this feeling of discomfort as a signal that I was entering a cross-cultural 'contact ritual' (Carter, 1992) or 'contact zone' (Pratt, 1992).

**Stage Three: Closing (or deferring) the Circle**

- This happened organically as people moved on, moved off, or gave non-verbal signals that it is time to finish, or simply just stopped talking.
- Everyone received a contact card with numbers for referral if any questions or concerns or difficult emotions arose. These were a requirement of the ethics process. Some did not want the cards, saying they would get back to me if there was an issue. Others took them. As far as I am aware no one utilised any of the numbers.

The main requirement I focused on in establishing sessions for yarning was balancing the comfort and safety of both participant and researcher. This required yarns in locations where both researcher and participant felt safe, comfortable and secure. For participants this would include feeling culturally safe, an issue of importance highlighted by Bessarab and Ng’andu (2010).

This was another point of contention with the university ethics committee who wanted the yarns to occur in office spaces chosen by me. While I acknowledged their concern was related to the safety of participants and me, I am accustomed to working with people in their own spaces which might include, for example, a park or McDonalds. I also knew some of the people personally and to
insist on them attending specific offices would be insulting to them and lead to the kind of shame and harm I aimed to avoid. To me it seemed that to make all these decisions would be evidence of white noise and the privilege of colonialism in action. The yarns were, ultimately, conducted in spaces where I felt safe and so did the participant teachers.

One participant connected through email and telephone but all others met with me in person at least once. Unless conducted via telephone, the yarns and consent were audio recorded. I made extensive notes during the phone conversations and sent them to the speaker for verification. All teachers were sent transcripts or recordings of their yarn for review and invited to provide comment. Most were happy to leave them as they were. Lesley and Daisy, however, gave quite a lot of feedback and further input over a number of times together. To me this reflects that, far from having a negative impact, putting relationship and trust at the centre of a research project ensures a richness and depth otherwise not possible. I certainly learnt more because of it, as I reflect on in January 2012,

*My key learnings are from Lesley and Daisy- the people I know best. I can actually see the difference between that and the other stories I heard, with D and L there is a sense of so wanting me to understand and a wish that I can take their stories out there and do something with them – educate others.*

*(Journal, January 30, 2012)*

**4.6C Co-creation of learning stories**

Eder and Cajete (2010: xii) believe that storytelling as a teaching tool is generally associated with Indigenous nations. Gabriel and Connell, (2010) maintain, however, that the value of stories as a means of teaching and learning is not unknown in western academic circles as an important way of sharing a
message or vision. One feature of stories referred to by Gabriel and Connell (2010; 507) is *co-creation* which refers to “the way a story is created simultaneously ... as several people interact and add particular elements to the narrative”. This research is of that genre; participants and I all interacting and adding elements to the narrative of the final story.

A western epistemology would, at this stage, continue on to ‘do’ analysis by considering central themes. This would be done by an overseeing researcher sorting the ‘data’ into manageable portions. Indigenous research methodologies might tell the stories, letting them speak for themselves as traditionally done in Indigenous worlds where stories do not always spell out what is to be taught.

Indigenous learning, as Archibald (2008: 32) informs us, believes that life is what brings awareness and understanding of the story. This is further exemplified by Wilson (2008: 117-118) who describes teachers learning experientially and for themselves in their own way. Rather than being told directly Indigenous learning paradigms leave people to, as Wilson (2008: 118) describes “discover these ideas for themselves in their own context.”

Here is another dilemma I struggle with in writing and presenting this dissertation. How much should I explain directly to meet academic requirements and how much should I leave for people to discover from the stories as they relate in their own contexts? I know that, due to wanting this thesis to see the light of day and the issues surrounding prisoner education to be able to be debated at conferences and forums at which I have presented, I often bow to the pressure of academic requirements rather than leaving opportunity for deep personal learning by the reader. Hopefully, providing the stories in their totality here provides opportunity for others to return and discover understandings of their own.
In attempting to work in a way that was informed by both worlds and epistemologies, the third space of a critical ally, I adopted what I called a *relational story co-creation* approach, as represented in Figures 24 and 25.

<table>
<thead>
<tr>
<th>The Process</th>
<th>Action</th>
<th>Role of researcher</th>
<th>Role of participant</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>Establishing my presence and nurturing relationship</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two</td>
<td>Begin learning: hearing the stories</td>
<td>Yarning: stories are shared</td>
<td>To hear and record the stories (this may take more than one meeting to do)</td>
</tr>
<tr>
<td>Two</td>
<td>Begin understanding: deep listening</td>
<td>Initial analysis</td>
<td>To immerse self in the stories that were told and their application to life</td>
</tr>
<tr>
<td>Three</td>
<td>Improve understanding: review the stories</td>
<td>Checking/Deepening analysis</td>
<td>To go back to teachers and storytellers and mentors to ensure the stories are being understood as intended and to help make sense of the stories at a deeper level of understanding</td>
</tr>
<tr>
<td>Four</td>
<td>Prepare the stories for sharing of understanding</td>
<td>Sharing the learning</td>
<td>Writing the stories that can be shared stories, sharing them more widely; compare the stories and learning to the mainstream literature</td>
</tr>
<tr>
<td>Five</td>
<td>Maintain relationship and keep learning; celebration</td>
<td>Keep true to responsibility, integrity and relationship; share the learning</td>
<td>Re-gift stories to the participants/members of the Story Circle. Share them with others.</td>
</tr>
</tbody>
</table>

*Figure 24 Roles in relational story co-creation*

This process is based on my understanding of what a yarning process can do when everyone can be heard and contribute as valued equals. Ideally phases three and four happen with people, sitting alongside and where possible this was done.
At the very least I forwarded a draft to each participant for approval but, as mentioned earlier, with Lesley and Daisy I sat side by side with each of them and considered their stories more closely. This happened more than once with me seeking some kind of clarification or understanding. Some participants, however, were happy for me to write it up any way I wanted to.

![Diagram of story co-creation via the learning circle]

Figure 25 Story co-creation via the learning circle

The steps cross over thus creating more of a circular journey (as represented in Figure 25) than a linear progression of phases as might be suggested by Figure 24. Ideally, with this story co-creation approach researchers do not disappear with the ‘data’ to lock themselves in a room with all the analytical power. Though I was required to do this to some extent in order to meet expectations of the academy I
still checked out at every available opportunity what Indigenous people, especially Aboriginal people, thought of my thinking and understandings.

An interesting incident happened as I began to transcribe the stories of my participant teachers. In talking with my supervisor I came across the concept of ‘excavating the data’, digging into it to find its hidden treasure. I was excited at this prospect until I journalled about it, thinking within the parameters of being a critical ally. It was then that I realised how white noise can insidiously creep into my thinking without me even being aware of it at the time. It is vital to keep practising critical self-reflection as this journal entry illustrates,

_Mmm, I think I have to rethink the whole idea of excavating the data._

While it is a very clear metaphor that would work well in western minds, it is a term a bit too close to what mining companies do to Aboriginal country.

1. **Mining companies and exploration companies ‘negotiate’** (not necessarily always with the culturally correct people),
2. **Aboriginal people sign on the dotted line and are then excluded from their country as the companies excavate the wealth**
3. **I don’t want to be the intellectual equivalent of a mining company.**

(Journal, January 7, 2012)

### 4.6D A version of diversity and complexity

Stories, learning and teaching in Indigenous worlds are, as argued by Wilson (2008) and Chilisa (2012), always in context. In this research, therefore, the context of the lives of the participants, their experiences of prison in general, their concerns for family and others and a bigger, broader view of education has to be included. Individual stories of education in prisons are entwined in the bigger story of Aboriginal lives.

The Aboriginal members of this story circle are diverse. Some grew up traditional way in remote areas, some grew up interstate. Some have lived in
remote or regional Western Australia while others have lived only in urban Perth. Some are well educated in the western education system while others are not. Some are employed and some are not. The story circle allows for everyone to be seen equally in this research. No one story is more important than anyone else’s and together the individual stories combine to create a total context from the position of this story circle.

![Figure 26 Members of the story circle](image)

Through all storytellers did not gather together at the one time in the one place, their stories created for me one snapshot of what Indigenous Prisoner education evoked in those telling the stories. These are experiences and understandings from which I can learn. All of these people offered and agreed to have input into this project and their stories are included in their entirety out of respect for this willingness.
As noted in Chapter Three and illustrated in Figures 11, 12 and 13, ‘Aboriginal Western Australians’ are a number of diverse nations and groups. There were hundreds of nations at the time of colonization and almost two centuries of continuing colonisation in this state has led to an even wider range of experience and backgrounds for people. This research story circle as depicted in Figure 26 does not claim to be representative of all Western Australian Aboriginal peoples. It is, however, a snapshot of one possible example of the diversity of those impacted on by ‘Aboriginal Prisoner Education’.

This circle also exemplifies a range of people within a community who need to be included in developing outcomes that work for specific Aboriginal communities in their own context. To communicate, consult or research with only one group established using western parameters risks taking the individual out of the context of the whole. As Wilson (2008: 112) says people at different vantage points see things differently so “if we share the collective experience we will get a bigger picture.” It is important to reiterate that the story circle in this research project does not pretend to exemplify all possible people with whom to consult in all situations. What has resulted is a group that provides one example of the potential diversity included amongst ‘Aboriginal Western Australians’ and potential people who, to be culturally rigorous, need to be part of any exploration or solution finding. It is not finite; there are more people who could be included in any consultation and other potential members of communities who may need to be included in varying contexts.
4.7 Stories from the Story Circle: the role of Chapters Five and Six

Chapters Five and Six are the yarns of the participants, my teachers. In re-telling these yarns I would like to clarify my intention which is to be a medium through which these stories can be re-told in order to teach whitefellas. In western, academic terms, it is what Bishop (2005: 116-117) refers to as

the intention of the direct narrator [who I refer to as the participant teacher] to use an interlocutor [the researcher, me] to bring their situation to the attention of an audience to which he or she would normally not have access.

Each teaching story stands alone yet contributes to the total picture of this particular story circle. Each teaching story begins with an introduction to the storyteller/teacher, which varies in nature and depth depending on the nature of my relationship with them. Each story is related and followed by a reflection on what I have learned and signals some of the fundamental thoughts and questions that have arisen to be addressed in discussion Chapters Seven, Eight and Nine. These thoughts have been developed by me and available to the participants to check to ensure that the themes accurately reflect what they are saying. Some changes were made as a result of teacher feedback.

I call each yarn a ‘teaching’. Lewis (2011: 506) said that “it is through story that we may come to know” and as I sat and listened I was being given a teaching opportunity from which I could learn. As others read, hear and relate to the teachings they too have the opportunity to learn directly from them, not only through my interpretation which is alluded to in Lessons Learned after each story. Chapters Five and Six are a place of education, a space created for participants to teach, be heard and their words pondered. While the yarns are broken down into
two chapters, each with its own parts to assist the reader, the next two chapters in essence remain one whole circle. To take parts of the whole story circle in isolation from the complete story circle context could weaken the story and leave it incomplete in its ability to teach.

Wilson (2008: 8-9) argues that “it is not possible to know exactly both the context and definition of an idea at the same time” yet in aiming to be respectful of both western and Indigenous research and world views, I am often caught in a tension between a western requirement of defining the issues and an Indigenous requirement to understand the context. Coding, ordering and categorizing cannot, as argued by Four Arrows (2008: 151), fully explain participant’s experiences, however, presenting stories can express emotions and challenges and provide a contextualised picture of experience.

Therefore, in attempting to honour both the Indigenous requirement to understand context and the western requirement to define and categorize issues I do both. Firstly, to prioritise Indigenous voices, I present the contextual stories in Chapters Five and Six so that readers have an opportunity to, as referred to in the work of (Wilson, 2008) and Chilisa (2012: 149), gain life lessons and draw conclusions from the personal experiences of the storytellers as they might relate to the reader’s life and understanding. Secondly, in Chapters Seven, Eight and Nine I propose a framework which could be applied to various contexts to reveal, from the perspective of a critical ally, ways forward. In this way I aim to meet requirements of both the necessary academic and cultural rigour by allowing opportunity for both types of teaching and learning to occur.
The stories are written using the present tense to invite the reader to experience being in the moment with the person, as I was. It brings an immediacy and passion to what is said that can be muted somewhat if a past tense is used.

Some of the stories in the next two chapters may appear not to be directly related to education but they are for those speaking. Dudgeon, McGlade and Boladeras (2006: 13) provide clarification for why this is so when they offer the following explanation about how Indigenous researchers work in a culturally appropriate manner,

Indigenous scholars often travel across disciplines, critically appraising and gathering information from each area to create their pictures of Indigenous situations. The nature of our research puts the Indigenous subject at the core and information about us is drawn in from a variety of disciplines....This is more than an interdisciplinary approach. It is a reflection of how we deal with issues at pragmatic levels. For instance, we cannot address issues to do with Indigenous education without considering other inter-related factors such as health, housing, the justice system, government policy and importantly, culture and the history of colonisation and racism.

Given this clarification, it has been important when presenting and considering what I am being taught by Aboriginal voices that I ensure a focus on the priorities of the speaker, their relationships with family, difficulty re-entering life after prison, of the long days, boredom and isolation, of the difficulty accessing education courses and programmes being offered. The stories also hold possible means of addressing the concerns and potential solutions.

The teaching stories are written in the order in which they were collected, beginning with Lesley’s story and moving to the right around the story circle represented in Figure 26. As the researcher, I am part of the circle but my input is
presented in part as a reflection of lessons learned at the end of each story and a brief summary of major lessons learned at the end of each of Chapter Five and Chapter Six. My learning can then be traced as the journey that it has been.

What strikes me as I write up these yarns is how important it is to finish this PhD if I am to honour those who yarn with me. In doing this, while it is very important to meet academic requirements, it is equally as vital to honour cultural requirements. The people I have yarned with carry enough pain and, despite the ethics committees concern that “not using research results that could hurt or shame Aboriginal people may be laudable, but could also restrict the impact of the research” (letter October 7, 2010), I have consciously resolved to put people first, even if that has “an impact on my research. (Journal, October 9, 2011)

I am a teacher, an educator. I am also a social worker and draw on the social work code of ethics in all my work practices. This code states (AASW, 2010: 12) that I have a “duty to avoid doing harm to others” and will “actively manage risk for harm (including physical, psychological and social harm), discomfort and inconvenience” (AASW, 2010: 37). Ultimately I agree with Austin (2012: 232) who says that “people are not data, but there is a tendency to throw away the chaff of humanity in the search for the kernels of data that will expose something for us to analyse.” Even if ‘nothing’ were to be found that is, in itself, a finding to analyse. The middle ground I take to deal with this dilemma, at least in a way that I can live with in my own conscience, is to assure the ethics committee that it is ultimately I, the researcher, who writes the dissertation. In my mind this complies with the AASW (2010: 12) requirement to “avoid doing harm to others” which includes not using research results that could hurt or shame Aboriginal people.
From this point on... working to meet cultural requirements and thereby not harming people is my clear priority. While it is a big brief to fill and I may find my own white noise takes over sometimes, to aim to do otherwise is to prioritise patriarchal white sovereignty and an assumption of white privilege and entitlement. (Journal, October 9, 2011)
The invisibility of unspeakable things requires them to be spoken. (Moreton-Robinson, 2000: 186)
5.1 Lesley: A system “geared against the blackfella”

5.1A Introducing Lesley

Lesley’s is the longest, most detailed yarn which reflects my having known her since 2005. This relationship provided a strong starting point with a degree of mutual trust already established between us. Wilson (2008: 114-115) describes the nature of such a relationship when he says that “it is a relationship that you are accountable to...we need to name that relationship, so that well, we’re not claiming it, but saying where it came from and what went into making it.”

Lesley grew up in New South Wales and identifies as an Eora woman. She describes having been in the regional prisons of Greenough and Roeburne as well as the Perth based Bandyup women’s prison. Lesley learned to read and write as an adult and has several postgraduate qualifications now. Her husband, who she refers to in the story, was a Thalanyji man. In recent years Lesley has spent time in many, many remote communities as part of her employment with both government departments and private companies.

Our relationship as friends, as well as work colleagues in the past, is therefore central to this particular yarn and the nature of what is told to me. I am conscious of how much ceremony has gone into developing a mutually safe, trusting and honest space between us. And I am also aware that, even with all these years of history, I am still a privileged whitefella who cannot fully understand.

I see Lesley as a colleague, a friend and a person first and as a participant or source of data as a very distant second. The talk is much more natural and I know a number of the people she refers to in the telling of her story. I am humbled by
the openness in her tale and her willingness to once more feel the pain she has lived.

Archibald (2008: 47) says that research by storywork requires knowing the people who I am researching with and knowing them well so that we both talk equally and share the learning. As I write up this story I am humbled by the personal depth of what Lesley shares and also convinced that our ethics committees and western world could learn so much more if we didn’t insist on being the one always ‘in control’. (Journal, December 16, 2011)

5.1B Lesley’s teachings

Lesley’s bottom line is clear: There is no way that any blackfella that I have ever known or ever heard of, after years of workin in justice, mining companies, housing and family and friends working out there too ... there is not one time I have seen a blackfella pick up any skill in any gaol and get employed with that skill when he gets out.

And her message of how to address that problem is equally clear: In prisons and in schools, you people don’t take the fuckin time to teach us because we have a different pedagogy of learning. OK? So you need to stop doing that shit with us.

When I was little I didn’t go to school because they did not require that of me; they didn’t want me at school. And they still do that now. You go to most remote communities, they only go up to year 8. Onslow goes to year 8, Jigalong goes to year 8 or 9 I think, um, Warburton, Warakurna, Blackstone, Wingellina and all through the western desert area, they go to year 9 or 10.

If people from remote communities are to access education at a level taken for granted by city dwellers, they need to leave all they know and go to boarding
school. What Lesley describes is akin to a forced removal from country. *How do you say to your kid who’s been brought up on a remote community, who’s been brought up with family all round them, “here off you go to Perth to a boarding school?”* It’s not even about cultural safety, it’s about physical, mental and emotional safety. You take a child at 12 or 13 and you take them away from everything that they’ve known and put them in an alien society, I don’t care who you are, you’re goin to have a hard time, black white or brindle.

*People wonder why we drink and why we want to fight? You people have our land, you people have houses, you people have access to medical services, to education, you go on holidays, you have a car, you’ve got a nice watch on your arm.* Lesley is very emotional speaking of this and her frustration evident as she thumps the table, trying to really bring this point home to me. *This is my fucking land and I’ve got nothing. You’ve even taken my culture from me and not just my fucking land, you’ve taken my family, you’ve taken my fucking culture, you’ve taken my lifestyle, you’ve left me with nothing. And then blamed me, said this is because I’m a lazy black.* She pauses here for a long time before adding quietly, “*And you wonder why we’re cranky.*”

Lesley is an articulate, well-educated woman, mother, grandmother and professional. From her point of view the prison education system is actually geared against the blackfella. *There is an unspoken acceptance that everybody can read or write... they expect you to be able to do simple maths and have basic computer skills when you go in. That precludes a lot of the blackfellas – real black blackfellas from up north and that didn’t go to courses at Roeburne*[^30] *because they couldn’t read or write.*

[^30]: Roeburne prison is 5 km from Roebourne, 1572 km north of Perth
Not only are many prisoners in regional prisons unable to read or write, 

*English could be a second or third language and they couldn’t get involved in bingo or anything else coz their skills and their numeracy skills precluded them from playing. Kimberley mob, desert mobs, some of these peoples …the first whitefella they saw was 50 or 60 years ago. So they were really, really isolated inside the prison. It was a good thing they were like 65 or 70% of the gaol population coz at least they had each other.*

She describes Greenough as much the same as Roeburne with a 60 - 70% Aboriginal population but they still don’t have very much education wise in Greenough that’s geared towards the blackfella. And what books are there, well you have to be able to read. And the books didn’t start at like basic reading level where you could come in and someone could help you learn to read. They started here (gestures high up). *Quite high up, so there was nothing, no foundation, no stepping stones to get any better. It was geared towards white people.*

When Lesley arrived at prison and sought some kind of education or training she was shocked. *There was actually nobody to teach you, no teacher. There was one woman who was the co-ordinator of the education service and I think they thought like she had this magic wand up her arse and could teach everything. So, unless you had some basic skills and could you know self-study you were f**ked.*

*So, she had this little group of humans who were learning... God knows what they were fucking learning. I still don’t know and I was there most days.*

You would only have from 9-12 and then you knock off for lunch and in the

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31 Greenough prison is 16 km south of Geraldton, 420 km north of Perth
afternoon you’re like in your cell or doing something else. So you’ve only got like 2 or 3 hours a day. So if you if you wanted to do more than basic stuff you were fucked. And if you couldn’t read and write English you were fucked.

You gotta remember that each prison would have a facility that would be for maybe 12-16 people; never any bigger than that. Bandyup could take I think about 13-14 people at any one time. So there was a roster about when you came in and when you had access and stuff.

Despite a scarcity of basic courses, participation at a TAFE or University level appeared to Lesley to be just as unavailable. *I think there were a couple of people who were trying to do degrees when I was in Bandyup. But you can’t get HECS when you are a prisoner so they have to buy textbooks but, where do they find the money? There were people who wanted to do degrees and they were just precluded because they couldn’t pay for their text books and you don’t get Abstudy or HECS in prison* (laughs).

There were more barriers to accessing external courses. In the twenty first century many Universities and TAFE’s\(^{32}\) offer external studies via the internet. However, *remember you have no internet access, you have no access to a fucking library, and you are not allowed to make phone calls unless they’re on your ARUNTA\(^ {33}\) system. So trying to get a tutor to ring you back or to ring them was impossible coz they have to accept your phone calls personally so you’d have to keep ringing until you got ‘em. With the ARUNTA system x amount of dollars just plops through as soon as someone picks up the phone so you’d

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\(^{32}\) TAFE is the acronym for Technical and Further Education, the sector that in Australia provides the majority of vocational education.

\(^{33}\) The telephone system through which prisoners make calls
waste all your money leaving messages on their fucking phone and of course they can’t ring you back.

Figures 11, 12 and 13 demonstrate the diversity of Aboriginal peoples in Western Australia. Some of these peoples still live a more traditional way in the desert or northern communities. Culturally, it is inappropriate for some women from these communities to be in the same places as some of the men in the prison. In some communities, for example, women may not speak to their son-in-law. This creates difficulties in engaging with education courses or programmes. For example, Greenough has education facilities set up on the men’s side of the prison and the men have daily access, while women cannot cross over to that side of the prison. They receive a few hours access a week. In Greenough women are really, really segregated. They’re like a prison inside a prison and have a room that they can work in with a couple of computers with no internet access or anything like that.

You’re supposed to be assigned a job, alright when you’re in there. So your jobs can go from cleaning everyone’s toilets to sweeping the floor or working in the kitchen. But in Roeburne and in Greenough you couldn’t do that coz it was a mixed gaol. So they didn’t want you in the kitchens at 3 in the morning baking the bread with no screws around. One of the blokes might bend you over, know what I’m saying? They didn’t want you in the laundries because there was hardly any screws in there and then they’d have to assign somebody to watch you. They didn’t want you on gardening details because that meant that you would be wandering around the gaol and have access to areas of the prison where they didn’t want you to go because there wasn’t a screw there. So what you could do was really, really narrow. So, in Greenough
and Roeburne most of the women just fuckin sat there. They sat there and sat there all day long. It was just terrible.

The theme of preclusion continues as Lesley describes the lead up to her release and time following release. Unsupported, unassisted and isolated she grappled with going from a situation where all decisions were made for her to the "outside" world. *I found out that I was given parole two days before I was released. I got released at six o’clock in the morning and because I didn’t have any family up there* 34 and I didn’t have anyone to pick me up. So I was left on the side of the road at Roeburne with a box of things and the clothes I’d worn to court with a ticket to Port Hedland and sixty odd dollars. *The bus didn’t come till half past 8 so I was there for a while after I got dropped off at 6 o’clock.* Her laughter is of disbelief rather than that of humour. Unfortunately, from what she saw, this was not an unusual or isolated experience.

*Do you know I don’t know anybody who actually left with a decent parole plan and I wrote heaps of them while I was in there for other people. All they wanted to know was*

*a) Do you have a roof over your head or are you going into a shelter. If you said into a shelter you could actually get a letter from some shelter somewhere going yeah yeah we’ll accept ‘em, even if they’ll only accept you for two nights and*

*b) Do you have your paper work to get on the dole coz they give ya a week’s dole cheque the day you get out.*

Alongside the confusion and sense of having been dumped back into daily life, was a feeling of still being watched and monitored and not being free; of not

34 Lesley is referring to Roeburne and surrounding communities.
being able to take up choices that others in the outside world might take for

I’d lost everything, like I’d lost my house full of furniture, I could no

longer work in my profession, I couldn’t do anything. I got out but R was still

in for another four months after I got out. R’s mother was forced into

providing me with a caravan in her back yard. She thought I was there to cook,
clean and wash... yeah. So I got a job as quickly as I could and I was offered a

job at the TAFE, teaching.

I had to drag my arse in to be checked once a week and stuff and then they

released R and it was really bad because he had a monitor. So they were

monitoring him 24 hours a day so the phone’d ring and you’d have less than 5

minutes to get up and log in and it was just like “for fucks sake”. Then I’m

trying to get up at half past 6 in the morning and go to fuckin work and then

they’re trying to send me to you know, Newman and I can’t go, “sorry, I can’t go

and work coz I have to check in.”

This level of disadvantage echoes her experiences as an 11 year old. I grew

up with a dirt floor, and even when I was taken at age 11 and put into care I

was put into ed support classes coz I couldn’t read and write. So I was treated

like I was a fuckin retarded kid.

Still, Lesley continued to avoid getting into trouble and going back to prison

again. She now sees this as a result of what she describes as being driven because I
don’t want to be poor. I hate bein poor!” I grew up with NOTHING! You know

my job was to crack open the fuckin sheep’s heads after they’d rustled them to

get the brains out and I was like about 3 or 4. You know, I’d be sittin in the

blood with a fuckin hammer and chisel (laughs) smashing my hands more than

the skull.
For many the seemingly insurmountable problems faced when leaving prison seem overwhelming. Lesley speaks about people she has known or worked with.

*When people leave prison you get the bus fare or the train fare to wherever you were sentenced from. Then you have to get home yourself or get someone to come and pick you up from a thousand ks or something away. So, they run into someone from their community on the street and that is a real risk for us.*

*Because we get outa gaol and we all wanna drink or drug and tap dance and they’re in Kal*³⁵ *so they find a couple of fellas who are fucked up in the park or getting’ a skinful at Nanny Goat Hill and they have a couplea drinks and really, really quickly breach their parole.*

*You know, they forget to go and see their parole officer the next day coz they got a fuckin hangover or they’re still drunk. They um, turn up drunk and part of their parole conditions is that they’re not allowed to drink you know. So they can breach their parole in the first twenty four hours and a good 40% of them do up there.*

From what Lesley says, the system seems very naive, even ignorant, about how people in remote communities live, the lack of services and the difficulty meeting bail conditions. As she says, *you know the corker*³⁶ *?* (She pauses).

*They’re supposed to check in. If I’m at fuckin Blackstone or Warakurna³⁷ how am I gunna check in? On a fuckin dirt track a thousand k’s away with no car. How am I gunna check in? How am I gunna do that? Alright, so they say ‘you*
ring us’. Remember, 99% of these communities only have one phone in the fuckin office. So you have to somehow or other organise with someone that you can get access to that phone. And then ring in. They don’t even have to re-offend, they just have to breach their parole. And the boys will often tell you, no I’ll serve the whole sentence I don’t want parole’ because they know, they’ve tried it before, they come out and they know they cannot meet the conditions.

Lesley’s negotiation skills helped her to find somewhere to live upon release from prison. However, by 2012 it is much harder to find a home. The lack of affordable housing creates an unsafe situation for people both in remote areas and in the towns and cities. Without a safe house it is difficult for people to address the issues that sent them to prison in the first place. We used to be able to get a Homeswest place in 3 months when we got out and now its 3 or 4 years. You know, we don’t even have a roof. They go and stay with Aunt Mabel and she gets the shits with ‘em coz they get drunk or they’ve touched some girl in the house or you know, or they’re druggin or whatever so then they’re on the fuckin street agen and then there’s 3 or 4 of them get together and they decide they want to go and fucking steal a car or they’ll jump through a window and…woops! We’re off agen. And that’s all it takes.

It is difficult enough, even with housing, for ex-prisoners to make the transition back to a daily routine of life outside prison. There’s an Aboriginal woman I know who got 12 years for manslaughter. She’d had enough of his abuse. She learnt nothing in there. I’ll never forget coz she said to me ‘I’ve forgot how to cook, I haven’t cooked for nearly fuckin 12 years. I’m not allowed in the kitchen here coz they’re afraid one of these white boys are gunna bend

38 Public housing in Western Australia is often referred to by the now unused name of the Housing Authority.
me over. I can’t go into the laundry and I can’t remember how to work out what to do each day’. Still couldn’t read and write and she’d been in Roeburne the whole time. She had sat there for 12 fuckin years.

Lesley believes that the way in which Aboriginal prisoners are treated throughout their life, in prison and after release typifies the way in which colonising institutions treat Aboriginal people throughout Australia. How are people meant to grow up? They’re not, they’re not. That’s part of the game. You have taken our culture but you won’t let us in yours either. You have precluded us from being involved in any social structure whatsoever so we are fringe dwellers, literally, emotionally, mentally, financially, physically we are fringe dwellers.

She also gives the example of her husband, R. R was a ward of the state when he was 6 …he had been in that system from the time he was six fuckin years old until he died in his 30’s. He couldn’t read and write very well, maybe the level of an 8 or 9 year old. It was S who taught him how to use a bank teller machine and catch a bus and all that. She bangs her fist on the table in frustration. Even in the gaol he never learned to read and write. She pauses and recalls another person she has known. I remember this guy W, he had 2 governor’s pleasures in his fuckin career and still couldn’t read and write, he’d done over 35 years in gaol and couldn’t read and write.

If Aboriginal people are not being taught to read and write English in gaol I wondered what they did get to do. Lesley immediately refers to art courses. Come and paint, if all else fails give ‘em a paint brush. For me that’s a real platitude. She pats her head and speaks as if to a little child, there, there, there you poor

39 S is Lesley's daughter who was a teenager at the time.
little blackfella … thaaaat’s it. Here’s something to keep you busy for a few weeks.

In Lesley’s experience, prisoners were not allowed to have bank accounts or make money, other than the small amounts given for work or training in prison. Sometimes they’ll sign the artwork out to family. Sometimes they sell them in the gaol illegally. You know, someone will give em 2 packets of tobacco for a painting or something. Coz they’ll take that coz that’s 2 weeks they don’t have to buy tobacco and gives ‘em some money for other stuff. So you know there’s a lot of internal bartering going on.

The picture Lesley has painted so far is one of neglect, indifference from institutions and long, long days in prison followed by further trouble and surveillance once released from prison. I wonder out loud what might make a difference, what might be useful to Aboriginal prisoners in gaols, particularly regional prisons and for Aboriginal people returning to remote communities. Her response is swift and strong. Skills, give us the skills, give us basic, basic, English and maths, give them some real life skills they can actually use when they get out to do something with. She pauses.

Teach em how to read and write…basic computer skills you know so that when they get out they can at least go and work in the office on CDEP40. They don’t have to go and fuckin mow peoples’ lawns and pull down bougainvillea. Do you know what I mean? Give them something that can actually allow them to move up a little bit.

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40 Commonwealth government funded CDEP (Community Development Employment Projects) programmes have, for many years, been a source of income for Indigenous people. It was abolished in urban settings in 2007 by the Howard government and severely cut in regional and remote areas around the same time. The programme has now ceased and from July 2013 been replaced with the Remote Jobs and Communities Program.
For those going back to communities...again, give em a skill set they can take back. Basic building and maintenance stuff, teach 'em how to be an Aboriginal Health Worker. They’re gunna be there in prison for a year or whatever so make use of it and bring someone in who's actually goin to stand there with a class of ten, hands on and put them through a Cert 2 or 3\(^{41}\) cos you can do those certificates without them needing to go and play with patients.

Give em full time education.

Even if Aboriginal prisoners do manage to get into a training course, Lesley questions the use of that training to the communities that the young men return to. To teach those boys all bobcat and forklift is all well and good but the bottom line is, what’s the use of a fucking forklift license on the community? Who’s gunna buy em a bobcat or a D10 to run around in? Even if they were there they wouldn’t let the blackfellas drive em. These are useless skills that they’re trying to give them. Even for most white folks it’ll take more than a fuckin bobcat license – ‘I’m sorry, you’ve done 20 years in gaol, we want more than a forklift license.’ And you have to have a fair degree of numeracy skills for dogging and rigging. You’ve got to be able to work out weights and motions and moments, and couplings and units of force and all this sort of shit. It precludes blackfellas coz it’s geared for them whitefolks.

Lesley pauses for a long time as her story is drawing to a close. She finishes with a sobering thought. What happens to us a lot is we lose our blackness. We go to school and in order to be acceptable we have to not be black so we pretend and actually become more judgemental and more vicious with ourselves.

\(^{41}\) A vocational education qualification; Certificate III in Aboriginal Health Work
I have met so many who have got degrees in medicine and stuff, thinking of one magistrate in particular here, who was so harsh on black children and black families because ‘well, I’m here and I can do this’. Well, excuse me, lady, you were taken off your family and put in a white family you know. You were brought up like a white girl and had holidays, you went to private schools and whatever. You got rid of your blackness so now you don’t see that you need to pass back, you don’t see that you need to do that, that you need to be a role model.

5.2 Lessons learned from Lesley about gaps that need closing

Lesley’s story was so full, so deep and so hard hitting that it took me a long time to engage with it. Each time I listened to it or re-read the transcript I found another teaching point to learn from. It was like peeling back layer after layer of an onion. Each layer of the onion was significant in itself but as I went deeper into the layers it felt like I was beginning to reach a fundamental element at the heart of issues for Aboriginal people in relation to education and incarceration.

I acknowledge that there will always be more that I find and learn each time I read or listen to this story, even after this dissertation is submitted and marked. What I have written here has been approved by Lesley for inclusion in my dissertation and she sees the comments I make below accurately reflect the points she wants to make.

5.2A The context of history: loss of Aboriginal identity

My initial reaction to Lesley’s story relates to its portrayal of loss of Aboriginal people’s identity, a forced assimilation through twenty first century means. It is a stark reminder that things have not changed so much in 200 years.
Aboriginal people are still on the outside, still the “exotic other” referred to by Said (1977). In so many ways they are still treated like simple children as verbalised by the Commonwealth of Australia (1937), AO Neville (1947) and the Western Australian Aborigines Act, 1905 that charged “the Aborigines Department with the duty of promoting the welfare of the aborigines, providing them with food, clothing, medicine and medical attendance, when they would otherwise be destitute” (Aborigines Act, 1905: 2). I hear in Lesley’s story that our systems still do not acknowledge in a real, practical sense the responsibility of all Aboriginal people to their community, to being role models and supporting others experiencing difficulty. What she has described to me is that, being successful as an Aboriginal person requires prioritising the characteristics of success defined in a whitefellas world, of, as Lesley says, getting rid of your blackness.

5.2B Practical challenges: relevance of training provided in prison

Another gap raised by Lesley is that of people being imprisoned far from country, family and home. There is also an added difficulty of how to get back to their community once they have left prison. There is also a gap between what training is provided in prison and what might be of use back in remote communities; the bottom line is: what’s the use of a fucking forklift license on the community? Who’s gunna buy em a bobcat or a D10 to run around in? Even if they were there they wouldn’t let the blackfellas drive em. These are useless skills that they’re trying to give them.

5.2C Equity challenges: the policy and reality gap

An underlying theme of ignorance on the part of whitefellas when teaching Aboriginal people also appears in Lesley’s teachings. There is an assumption that
what works for one place or people will work for all. For example, curriculum and courses are designed centrally and delivered state-wide. The way in which Aboriginal people learn is not, in Lesley’s experience, taken into account in delivery of training and education. The Western Australian Department of Corrective Services has a policy of substantive equality that it states is about treating people differently in order to cater for their needs to achieve equal outcomes….. The Department of Corrective Services is committed to achieving substantive equality in the provision of services to the Western Australian community by eliminating systemic racial discrimination and promoting sensitivity to the different needs its service users. (Government of Western Australia, 2008: 1-2)

From what Lesley tells me, this policy is not reflected in the way in which education in prisons is delivered to Aboriginal people. The practice and the written policy appear out of step and incongruent.

5.2D Unquestioned white privilege: unacknowledged Aboriginal sovereignty

Getting closer to the heart of the onion, I hear the privilege and advantage of whiteness in Australia ringing out loud and clear throughout Lesley’s teachings. The literature from both Indigenous and non-Indigenous authors such as McIntosh (1988), Frankenburg (1993) and Moreton-Robinson (2000) that I have referred to in Chapters Two and Three is embodied in Lesley’s life and I recall words from Talkin’ up to the white woman in which Moreton-Robinson (2000: 26) argues that “white race privilege and the oppression of Indigenous women, men and children were legitimated by the state and were connected to property and power”.

I also hear of the way in which some Aboriginal people, such as the magistrate in Lesley’s story, take on the characteristics of the oppressors. Freire (1972) would say that taking on characteristics of oppressors is due to such
behaviours being a symbol of success in colonised worlds where to oppress
equates with the success of the powerful. Chief Protector A O Neville (Neville,
1947: 80) might have said, “there is a lot to be done if we are to accomplish our
purpose and make the native self-reliant, self-respecting and self-supporting…the
native must be helped in spite of himself!” Lesley sees it as you got rid of your
blackness.

I sit somewhat numb as I learn of the impact of a glass ceiling that Lesley
finds difficult to penetrate at a societal and political level. Even with her degrees
and good job, Lesley still talks to me at times of the limitations she faces due to
living in a non-Indigenous cultural context where her world view is not the
dominant one. So her anger is not only palpable, it is also understandable when
she speaks of being deprived of her own culture at the same time as not being fully
permitted into the dominant white culture either; of never reaching a point of
feeling good enough or of having ‘arrived’ at a successful point in her life. Even
achieving exemplars of success financially Lesley still has to deal with what bell
hooks (2009: 81) describes as, “the conditions of racial discrimination that I had
found so unjust in my growing up years fast becoming the norm everywhere.”
hooks (2009: 82) continues, arguing that “most folks are not willing to make of
their lives and lifestyles a living practice of the challenges to racism.” If hooks
assertion is correct, no matter how much mainstream success Lesley achieves, she
will still be dealing with racism on a day to day basis.

5.2E Ongoing intergenerational trauma: the continuing impact of colonial
history

The lack of personal power or choice Lesley has experienced in her life
strikes me as an underlying trauma. In Lesley’s experience decision making has
not been the role of Aboriginal people. Decisions are made about and for her that she then has to live with. This occurred in her past but she still experiences it today. As I have alluded to in Chapter Two, it seems to me this has been the experience of Aboriginal people ever since Captain Cook claimed Australia as part of the British Empire. Relentless trauma, as referred to in Chapter Two, is passed on through generations and is compounded by the continuing nature of trauma experienced by current generations.

Moreton-Robinson (2007: 2) notes that “as embodied Indigenous sovereign subjects [Indigenous people] are contributing to current debates by reconfiguring and challenging dominant perspectives about Indigenous politics and sovereignty.” Critical race and whiteness theory suggests that unacknowledged Indigenous Sovereignty is the ultimate issue not addressed or even acknowledged by dominant Australian culture. As I note in Chapter Two, Behrendt, for example (2003: 87) argues that sovereignty and self-determination are the areas of restitution most often sought by Aboriginal people in Australia. Lesley's words bring theory to life in front of me. What I am dealing with in this research and dissertation is not history to read about. It is happening in the present as I listen to Lesley and relive her yarn while transcribing and listening to her story. I do not wonder at Aboriginal people's anger and frustration and I feel challenged to seek alternatives to how things are done now, to learn from the stories and teachings I am experiencing and to apply that learning in a practical way.

Adding to my awareness and understanding of gaps, issues and circumstances that hinder education in prisons is the story of Glenn and Gary. Like Lesley, they also establish that education, incarceration and life for Aboriginal people are not siloed experiences. These things all impact on one another.
Bringing a new idea into this complex world will, as Wilson (2008: 79) maintains, require respect of all existing relationships. Wilson (2008: 79) recommends that we “ensure that both sides in the relationship are sharing the power going into these new connections. Without this reciprocity, one side of the relationship may gain power and substance at the expense of the other.” In Western Australia, a world based for two hundred years on a premise of white superiority and supremacy, colonial law and values as described in Chapters Two and Three there appears to have been very little sharing of power and substance with white noise drowning out Aboriginal voices.

For many Aboriginal people, the trauma of the imposition of white noise and their accompanying continued exposure to disadvantage leads to ongoing and inter-generational re-traumatising and continued disadvantage as outlined in Chapter Two and referred to specifically by Atkinson (2002) and Nadew (2012). This is a gap perpetuated by the outcomes of unquestioned assumptions and privileges of dominant forms of white, colonial thinking.

5.3 Glenn and Gary: “Current education is colonial: it ain’t ours… I tell ya who needs educatin’… wadjellas”

5.3A Introducing Glenn and Gary

I have known Glenn via the Deaths in Custody network for about a year at the time of the interview. I have not met Gary before the day of recording the yarn but he agrees to be part of the recording of the conversation. There has therefore been less ceremony than there has been with Lesley in building the way of relating between us, less time to open hearts, minds and eyes. Their story, however, still contains strength, directness and much for me to learn from.
Glenn and Gary are adult Noongar men in their late 20’s/early 30’s who have been to prison on more than one occasion, including time in more recent years. They now work with a community programme and drop-in centre for young people, many of whom are considered at risk of offending. They yarn about their experiences and what they saw in their time in prison, as well as what they witness in the young people they work with. Also present at this group are several Aboriginal women including aunties and younger women. Their teachings are included in Chapter Six with other family members. The yarn covers a lot of territory and meanders over a range of issues that are all intertwined and constitute a totality of experience, rather than focusing on prison education in isolation. As I have mentioned a number of times, prisoner education is seen in the context of interwoven issues such as education, housing, criminal justice, advantage and disadvantage. To isolate it on its own would be like considering a hand without the context of body, arm, brain and person.

It is interesting to hear what Glenn and Gary see has helped them make changes and what education they believe will really help people. From their words I get a stronger sense of how the colonised, social context of going to gaol, being in gaol and loss of spiritual connection with land, country, family and culture all influence what might constitute a useful education for Aboriginal people.

5.3B Glenn and Gary’s teachings

As in Lesley’s teachings, Glenn and Gary begin with thoughts of those in prison from remote communities. I met that many fellas in gaol who were there from places like Jigalong and Fitzroy, Kununurra, who were down in Casuarina or Hakea and they were there for 18 months or doing 2 years. In Glenn’s voice
there is a sense of how wrong this is. Though Glenn and Gary are from Perth they feel for their Aboriginal cousins and brothers who are so far from country.

Gary nods as Glenn is speaking. His face reflects the seriousness of what he is talking about. *What happens is they get caught by the manatji*[^42] up there, they *get charged whitefella style and end up down here, heaps of ‘em.* Gary pauses and thinks about this. *If you grow up in a traditional community and traditional law is the better alternative law for you to learn your lesson then that’s the way it should go. They shouldn’t be sent way down here to gaol…man that’s wrong.*

Glenn takes up this point. *They’re also getting’ speared for the crime that they’ve done when they go back to their community… don’t you’re think though that this is really double punishment?* The unfairness of this is reflected in his voice. *I think maybe if they looked at maybe doin a bit more traditional law instead of white man law it might swing around a little bit better eh? They will respect their own law more than white man’s law. I think they should look at a little bit more of it, maybe you know. Who decides what punishment fits the crime, you know what I mean?*

He stops. The other people in the room are nodding at this, murmuring their agreement. Gary gives his take on this issue of double punishment. *Cause I know some boys and they’re tryin to get away from law business and that and they’ll come down here and they’d rather spend 18 months or 3 years in gaol down here so they don’t have to face the law. But they need to know their law, and face the Aboriginal law and will have to anyway when they go back.* Glenn sums up this way, *I think it should be more Elders than judges anyway coz I*

[^42]: Police
don’t see any Aboriginal in that sort of power, I haven’t seen any you know, and I think we need that. There is a silence in the room once this is said, a feeling of having hit a nail on the head. It is as if the silence is holding the thought that Aboriginal people don’t have the opportunity to have that kind of sentencing power and Elders are not given the same respect as judges in a white world.

For some fellas in prison gaol’s not even a punishment anymore. It’s more of a safe house. Like, there’s no refuge for men so the next best thing is to go to a gaol cell, where, you know, the only person you can hurt is yourself and you get a feed and a bed. It’s the only way the government will help you get a bed or a feed. Glenn has raised an issue here that goes beyond prisoner education, yet has a direct impact on it. Underlying his comments lays the question: If people are in a position of homelessness, how can they move out of a cycle of poverty and crimes of poverty? This harks back to Lesley’s comment of the difficulty people have moving on to something better. Gary adds, and if you kick up enough they might come in and help you too, you know what I mean… people are lookin’ for an escape, and if they go to prison it’s an escape. But really, all you learn is… you just learn how to be a better criminal… that’s the education I got.

Glenn is quick to point out that gaol can have a positive impact for some people. There are some people that gaol helps out and I’m one of em. I been to gaol three times in my life, in South Australia and two goals here, Casuarina and Hakea, and I tell you what, when I was in gaol I didn’t take drugs, I read a lot, I exercised a lot. I did all the things I was sposed to be doin when I was out here but it took for me to get to a certain point in life to go in there and go ‘Oh shit. I know what’s right and wrong.’ Glenn pauses and looks around before continuing. Most people know what’s right and wrong, you know what I mean?
But, like I see it’s the housing man. Housing is a massive problem. I know people who have gone to Chicken Treat\textsuperscript{43} and just booted the window in coz they had nowhere to sleep, so they just kicked the window in and sit there waitin for the cops. They know they’ll be getting a warm blanket, a mattress and a feed you know what I mean.

Gary gives a wry laugh and adds, Yeah, I’ve done that myself. And once you’ve done that you end up in the system and can’t get out of it. I’ve done it myself mate. Glenn finishes the story. And then you get out and you’ve messed up all your relationships. You’ve burnt your bridges and no one wants to know ya. There’s a lot of us out there like that. Between them Glenn and Gary have described the impact of going to gaol for crimes of poverty.

Glenn and Gary have clear thoughts on prison taking away the ability to live well in the outside world. When they imprison you, they take away all your responsibilities, they take away your identity, you get your clothes washed three times a week, you get …everything’s done for you eh. Then you get out and it’s like woah….what do I do now? What rehabilitation is there in prison anyway? Nothing man. Maybe if you go in for a sex crime you may have a bit of a sex rehabilitation thing. Maybe once in that ten years you get one course. That’s what you’d get. You get stuff all in prison. You go in there and what you learn is…what you learn is… you learn the newest tricks, how to make the drugs, steal more cars… I went in there knowing how to steal one vehicle. When I got out I knew how to steal every car. That’s the kind of education you get when you go to prison and you don’t ever come out of there changed unless

\textsuperscript{43} Fast food takeaway franchise.
you want to change yourself. It’s a criminal breeding ground, that’s exactly what it is.

It wasn’t for a lack of willingness that they did not attend lots of programmes or education. **Programmes, education** (pause) **What programmes and education? They say they’re there but there is none. And it would have been good to do some programmes in there instead of just sittin around wastin time away and gettin older and not doin anything different or better.**

For Glenn having someone to provide unconditional acceptance and love was essential to turning his life around. The emotion is clear in his voice as he says, **I think the biggest thing is, young people, especially, if they don’t have one person that they can rely on, one rock in their life that they can always go back to and no matter what they do wrong, see my mum was that for me. You know what I mean, I had that one person in my life that no matter what kind of hell I put everyone else through including her, she would always be there; she always loved me. You know, unconditional love is somethin that people need** you know what I mean. **You know, care, respect, love, you know, faithfulness to ya and always there for ya,**

Glenn and Gary can see other ways to improve prisoner education. **It’s really sad to say but there has been a loss of culture in today’s world and nobody addresses that really. I think there needs to be more education around culture and in prisons too.** Glenn pauses before going on with a matter of fact tone in his voice. **Well the things in there now ain’t working so we have to try. Even if its trial and error it doesn’t matter, at least it’s trying to do it different.**

The following, final comment from Glenn leads to nods, words of agreement and a sense of solidarity in the room as if it summed up so much of what was their
experience. *Our current history and education is colonial; it ain’t ours. I tell ya who needs educatin, wadjellas. The Aboriginal side of history needs teachin as well.* Gary added, *and in gaol give people something to do so they aren’t sitting round on their arse all day! And life skills and living stuff as well, not just school stuff.*

5.4 Lessons learned from Glenn and Gary about gaps than need closing

Again it is time to pause and reflect on the story. After listening to it, I transcribe and sit with it and re-read it many times. I take it with me in my heart and mind to future yarns. When it comes time to write this chapter I find the following speaks most strongly to me.

5.4A White noise and way of doing business: learning has been one way

There seems to be a gap between the way things are for Aboriginal people and the way they are portrayed to be by the dominant, Settler culture. As Van Den Berg (2002: 14) says, Aboriginal people have had to learn about white culture but the reverse has not been true “because white people did not believe Aboriginal culture was worth studying.” Learning and teaching has been profoundly one way and Van Den Berg adds that it is inexcusable for such ignorance “in this enlightened age of space travel, multinational concerns, multiculturalism, electronic media, genetic transformation and other scientific discoveries” (Van Den Berg, 2002: 14). A gap is identified here, a gap of systemic white ignorance based on an assumption of privilege.
5.4B  Challenges specific to prison life and education: limited accessibility to education inside

While on paper there might be a range of educational options provided in prisons, for Glenn and Gary the reality was that nothing was accessible. This experience is also described to me by others and related in Chapter Six. As noted in Chapter Three, in relation to prisoner education in Western Australia, access to current offerings are limited by the size of teaching facilities, there is a lack of staff, lack of support for innovation from centralised Corrective Services head offices and ongoing overcrowding of prisons (Carnes, 2011c).

Even when recommended by the Inspector of Custodial Services (OICS, July 2008) cultural education for Aboriginal prisoners has still been implemented in an ad hoc manner. There also seems to be a culture of valuing less knowledge and learning that is not part of a national training or education curriculum or framework. For example, despite requests from Aboriginal prisoners at Bunbury prison cultural education was not provided (OICS, February 2009: 13).

5.4C  Ongoing intergenerational trauma: healing requires access to love and support of family

I am also struck by the magnitude of importance of family and support if people are to make the changes they want to make to their lives. Indeed, the unconditional love of his mother enabled Glenn to rise above the incarceration treadmill. It is important to him and others I have yarned with in this project. Freire has acknowledged the importance of love in his works seeing love as a relational force of strength and bravery rather than sentimentality. He says, for example, that such radical love is an act of bravery, love cannot be sentimental: as an act of freedom, it must not serve as a pretext for manipulation. It must generate other acts of freedom; otherwise, it is not love. ... If I do not love the world- if I do
not love life-if I do not love people-I cannot enter into dialogue (Freire, 1973: 70)

These words remind me that dialogue, for many of the people I am listening to, has been based on harshness, punishment and how hard it must be to provide love and support to others when you may not have experienced it in your own life due to past government policies such as those discussed in Chapter Two and Chapter Three.

As noted in Chapter Two, love heals and teaches. This is acknowledged by both Indigenous and non-Indigenous authors. Non-Indigenous psychiatrist Perry (2006: 231-232) believes that

because humans are inescapably social beings, the worst catastrophes that can befall us inevitably involve relational loss. As a result, recovery from trauma is also about relationships – rebuilding trust, regaining confidence, returning to a sense of security and reconnecting to love.

The need to reclaim relatedness is also emphasised by Atkinson (2008: 107) when she says that while building trust and relationships is essential for all humankind, “it is the foundational cornerstone of Aboriginal cultural responsibilities…many Aboriginal people believe that the chaos in our lives has resulted from lack of attention to our relationship responsibilities.”

The teachings of this Chapter about love and respect echo the following words from Freire and McLaren. Freire (1997: 66) notes that standing in the way of social justice are the people who “think of themselves first, of themselves second, and never of others, especially those in the popular classes.” In honouring the impact of Freire on education Peter McLaren (1999: 53) states that

a love that does not liberate feeds off its object like worms on a corpse. Its narcissism destroys the other by turning the other into itself; it
transforms the other into inert matter that it uses to fertilize its own image. Here the act of love becomes the act of self-love.

Un-liberating love is based on one-way thinking and acting. For building and healing of relationships a strong love that is two-way appears to be what is required in transformational education.

5.4D Practical challenges: housing and food

One of the gaps referred to by Glenn and Gary as well as Lesley is the need for housing for ex-prisoners and those at risk of being caught up in the criminal justice system. Lesley says that we used to be able to get a Homeswest place in 3 months when we got out and now it’s 3 or 4 years. Glenn and Gary describe the desperation of wanting somewhere to sleep and get a meal, breaking into Chicken Treat to get a warm blanket, a mattress and a feed you know what I mean. .... And once you've done that you end up in the system and can't get out of it. I've done it myself mate.

This issue is increasingly relevant as rentals in Perth skyrocket to well over the total of a Newstart allowance. To be concerned about educational issues would be difficult when faced with homelessness and life on the streets.

5.5 What these stories have taught me

These first two teachings by Lesley and Glenn/Garry highlight things that could well be invisible to people outside of a prison. I also hear some of what is not said in words but is conveyed in emotion. For example, there is a frustration in the difficulty of making a better life that is conveyed by Lesley and echoed by Glenn and Gary. Emerging is an image of under resourced education in prisons; of

44 Newstart is the basic living allowance provided by the Federal government for unemployed people.
limited offerings that are not developed to meet the needs of the individual or Aboriginal communities.

I am left with a sense of there being, behind the closed doors and high fences of prisons, an education land that lies forgotten by educationalists, forgotten by the broader community and focused on punishment rather than learning, strengthening and rehabilitation. Moreton-Robinson (2000: 186) reminds us that “the invisibility of the unspeakable things requires them to be spoken.” The speaking of what, for some, remain unspeakable (and/or unheard) experiences provides a powerful overview of what hinders provision of successful, relevant and useful education for Aboriginal people in prisons. A picture emerges from Lesley, Glenn and Gary of white ignorance, of one-way learning, of gaps located and firmly entrenched in white thinking, planning and action.

At the heart of what hinders Aboriginal prisoner education seems to lay an unawareness and ignorance of Aboriginal nations as the First Nations Sovereign people of these lands now called Australia. The myth of terra nullius discussed in Chapter Two echoes through the centuries, resulting in the ongoing, unacknowledged privilege of whiteness that continues to underpin laws, policies and practices outlined in Chapter Three. The outcome of this is disadvantage for Aboriginal Australians that is manifested in high incarceration rates, over representation in the justice system and a range of ‘gaps’ in education and health outcomes.

The teachings in the following chapter, Learning What Helps Education in Prisons, echo some of the lessons I have learned from Glenn, Gary and Lesley. They also further clarify some of the things that can be put in place to help close gaps created by whitefella ways and policies. Together with Chapter Five, Chapter Six
illustrates consequences of a gap in Settler culture awareness and a consistently unquestioned entitlement of dominant white culture.
Chapter 6    Learning What Helps Education in Prisons

It was very important to both young children and youth that being respectful toward Aboriginal culture and gaining respect from ‘others’ was a vital ingredient to their racial identity which contributed to their overall sense of self.

Urban Aboriginal youth also reported that identifying as an Aboriginal meant that they had the legitimate right to recognise and claim themselves as the first peoples of Australia, despite what ‘external others’ thought. (Kickett-Tucker and Coffin, 2011: 159)
6.1 Young men from HALO: “Some of us get lucky...like me...come out and straight into a programme like HALO”

6.1A Introducing the young men from HALO: Lewis, Marlon, Tyrone and Frank

Halo is a non-profit incorporated career and personal leadership development agency advancing Hopes, Aspirations and Leadership Opportunities. Using a unique peer mentoring model the agency listens to the needs of Aboriginal young people and their families, provides advocacy, programmes and networking opportunities that enable individuals to discover who they are, design their own futures and make a difference in their communities. Our unique model of programmes focuses not on what needs to be fixed but on what ‘can be’ inspiring new found hope, determination, self-belief and action. Joining Halo is no easy ride - participants are required to take a really good look at all areas of their lives including their social, physical, cultural and emotional wellbeing and are all here because they want to be.45

I was invited to attend a session with young men from the HALO Leadership programme so they could provide input into the research project. I had not met any of these young men before the day we sat down to record a yarn. Therefore it felt like a distant dance for most of the time together. After all, why would they want to reveal too much that was personal to a complete stranger? I met with them as a group, with other people present such as the workers at HALO. I was struck by the mutual support for one another. I have seen that deep regard

45 From the HALO website http://haloleadership.com
previously at Sorry Day 2010\textsuperscript{46} where a number of them spoke of what HALO means for them and how it has prevented re-offending and set them up to live a better life.

The young Noongar men have spent time incarcerated as an adult and/or juvenile in the past. They tell their stories to me and some other young ‘at risk’ men who they want to tell about their experiences so they can learn from the stories. They are all between 18 and 22 years of age. Also present are Aboriginal adult women who provide a family perspective on education in prisons for Aboriginal people. Their stories are told separately later in this chapter, along with other family and community members. Leeanne, HALO’s co-ordinator, also attends to provide some input about HALO and what happens there. Many of the same issues raised in the previous two teachings are raised here too. At times the yarn trails off to silence when it gets close to strong emotions. This is appropriate given that we have just met and there is not an established relationship and trust. It also the choice of anyone I yarn with.

Lewis and Marlon speak most freely. Both have been in juvenile detention and adult prison in Perth. They are in their late teens/early twenties and committed to making their lives strong. They have the support of HALO as a place to go, learn and participate, developing their strengths in a holistic way. HALO runs with a strengths focus rather than a deficit model.

Education in prisons is viewed and run separately to programmes such as health and anger management. They are, however, spoken of interchangeably by these young men and by most participants I yarn with.

\textsuperscript{46} The first Sorry Day was held on May 26, 1998 which was the first anniversary of the tabling of the Bringing Them Home Report in Federal parliament in 1997. The report recommended a national Sorry Day be held each year.
6.1B The HALO Men’s Teachings

Lewis is about 19 years of age. While in Hakea prison he tutored in English and Maths, being paid at the highest level, which he says is unusual for Aboriginal inmates. He recalls that, at the time he was in prison, it amounted to *8 bucks* something a day. He is impressed with the range of prison education courses he saw on a list while an inmate.

*They got heaps a education in all the prisons. Coz in Hakea I was a tutor.*  
*I was helping a couple of other boys out and I was lookin on these sheets and they said like what um what courses they got at all the other gaols and that. ...I did a course in there, yeah, a sport and fitness course, yeah a cert one. It was pretty good. Yeah and when my little brother went in there he was doing woodwork and he even brought out this little wood thing ... you know where you burn like wood ... yeah he burned his name in there.* There is pride in Lewis’s voice as he speaks of having been a tutor and of the success of his little brother with woodwork.

The issue identified by Marlon though, is that it is always necessary to wait to get into any course. Marlon reveals that *they don’t have many options in Hakea*, none really and Tyrone points out that even where there might be more options in other prisons such as Banksia or maybe Acacia, *they have to wait, you always have to wait.*

Marlon appears to be a natural leader in the group and the group spokesperson. He is a young man of around 20 years of age. He describes how his

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47 Hakea is the remand prison in Western Australia. In January 2013 there was a riot at the state’s only juvenile detention centre, Banksia Hill, causing damage to the centre. Most of the young men were, as a result of this, transferred to Hakea Prison. Based on figures available for the week ending March 28, 2013 from the Department of Corrective Services website (www.correctiveservices.wa.gov.au) 123 out of 176 juveniles in detention were being held in Hakea prison of which 86 were Aboriginal.
personal safety requirements meant it was impossible for him to access education offerings while in Hakea. *I’m not sure if they have to wait in Hakea ...I wouldn’t know coz I wasn’t allowed over that side of the prison because it wasn’t safe for me. At Hakea they have 2 sides to the prison and over one side they have all the education and if you’re on the side where the education isn’t you just don’t get anything. And you just sit around all day ... doing nothing, just go for a walk and like it gets to you like, it does your head in quite a lot... all day every day and the same thing every day. Just play cards go outside, wait for lunch then eat lunch, have a shower wake up and do the same things over and over.*

Marlon questions the usefulness of short courses, programmes and education in prison given the long wait. He does, however, describe one short programme as helpful. *They go for about a week these short courses. Like the blood borne virus course. And there was drug and alcohol and there was another one.... cog skills. They’re only good coz they are short (he laughs), a week programme. There were some things in there that were alright like ...but I don’t think we really take it in much. We wouldn’t end up back in there if we did. When we get out we do the same thing and go back (pause) yeah, so much for cog skills* and he laughs ironically. The implication behind the tone of Marlon’s voice is that ‘even doing the training doesn’t work so it must be our fault that our lives don’t change’.

What goes through my mind is that this is an example of an outcome in a system that focuses on deficit in Aboriginal people rather than building on strengths; when changes do not occur this is perceived as the fault of the individual not as a systemic problem.

Marlon continues, *the one that helped me was the blood borne viruses one. Coz you’re sposed to have your thongs on when you shower and you’re not*
meant to go in the showers without your thongs and that. And I was going to the showers without thongs on. It was only last year, 2010, I found out through the course that I was meant to wear thongs. I never really noticed the boys were going in with their thongs on, walkin in you know, I thought they left their thongs on the side or something. So I was walkin round barefooted. I used to have like ….tinea man….. He laughs, they all laugh.

But Marlon is not laughing when he talks of his family visiting him in prison. Yeah and you’re not learning anything… it’s real hard with your family and that and not seeing them and all that. He pauses and looks down at the table in front of him. In juvenile its easy, like in Rangeview coz family can just pop in and they don’t have to call Visitors, they just pop in whenever they want but in mans’ prisons they have to ring up and book and sometimes they are all booked up and family can’t visit. The room is silent as Marlon continues his story. No one is laughing or ribbing him now.

Visitors have to get tapped down and then they can get the dog sit on ‘em. When I walked in for my visit a couple of times my mum (pause) my mum was cryin and it was makin me upset seein my mum crying. She doesn’t touch drugs but the dog sat on her coz people at home mess around with that stuff or she mighta been sitting on the steps out the front of the visitors centre…and the dog smelt the drugs and that upset her and she was cryin. Others nod or shake their heads and there is a still tension in the room as if it is rocking on the edge of a precipice of emotion. There is silence for a few seconds as if everyone is contemplating similar images of a mother crying and her son unable to comfort or help her. I know that is the image I am contemplating.
Eventually Marlon continues, *or the guards, you might have been a bit smart with them, and they want to get you back and they'll say “we'll get you visitor non-contact” and that non-contact’s awful…you know… they’re just there and you want to touch em and that and you can’t.* There is a shuffling of feet and fidgeting and more silence before the talk turns to computers in prisons. This lightens the mood. I ask about computers in prison and if they had access to them. They all smirk, look at one another and snigger, looking down and sideways at one another. Once again Marlon speaks, though there is sniggering and an indistinct conversation to the side between some of the young men.

**Yeah, it might be good to have access to internet and that.... Go on facebook.** He laughs. Then the others all look at him and nod and he speaks slowly and hesitantly. *When I was in there, like I heard a lot of fellas in there they got Xboxes now and they’d sneak the internet things in and heaps of boys got caught with the internet. And you’d stick the things in, those things you know that you stick in the side of the computer... and you could go on the internet.* The other boys laugh out loud and Lewis interjects, *Someone got caught...but when the guards were walkin round they’re lookin and lookin in and Marlon cuts back in with yeah they thought they’re playin a game but they’re sitting up there on the internet... it was dardy.* And everyone collapses into laughter. Resourcefulness can overcome some perceived barriers it seems. It is such a pity that this resourcefulness does not have somewhere useful to be channelled and it is punishment that follows its expression.

Not all the prison staff are viewed as helpful or supportive in their interactions with the young men, in fact just the opposite as Lewis describes, *there are some screws in there that are like dogs, you know, .... I was paintin one day*
and I was smiling and then he sees me and he says to me ‘oh what the fuck are you smiling at?’ I’m like what the fuck! If he said that to me, if he said that to me on the outside I, I woulda just knocked him clean out… serious…. What the fuck! …You know, why say somethin if someone’s happy … why change their mood you know… instead of just lettin em stay in their happy mood

Parole is also talked about. Sometimes parole is not granted because completion of a programme or course is part of parole conditions and the course has not been accessible for a range of reasons. Frank gives an example. My...my uncle, he’s at [prison] and he got 3 years and he came to his parole day but because the thing was booked up, the course, and he couldn’t do his course to try and get out and they said no you haven’t done the course and he goes ‘I want someone to help me get on the course’ but it didn’t happen. He did all his time. Frank sits back and everyone talks at once about people they know in their families who have had similar experiences.

Leaving prison sounds like being released into a void. When I ask what getting out was like Lewis quickly answers with a big grin and laughter, getting’ out ...we’re free!!!!! We’re free!!!!!! Everyone shares the laughter and Marlon adds, first thing I did, I went and had a drink and got in trouble again. Tyrone laughs and nods, first day. Marlon isn’t laughing when he responds, that’s true too. Tyrone is also not laughing when he reminds Marlon, yeah I rang you the day you got out and you’re like ‘no I’m not drinkin bro’. There is a brief pause and Marlon answers with a chuckle, and I was rotten after like 2 cans...

Accessing HALO, which provides tangible support and assistance is put down to ‘luck’ by Marlon. Some of us get lucky ... like me, I was allowed to come straight into a programme like this [Halo]. Especially for men there’s nothing
**much out there.** I ask, “programmes like Halo; how do you get into it and hear about things like this. How have you all found out about Halo? They all talk over the top of one another in their responses.

_Lewis_  _I heard it through my brother_

_Marlon_  _I heard it through my brother_

Everyone laughs because these two are brothers.

_Lewis_  _they heard through their cousins cousins... (all laughing)_

_Tyrone_  _I knew about it since I was a little guy ... (lots of laughter)_

Laughter is frequent in this yarn. It is a laughter that provides a place of joining as a group. It identifies a shared, common experience, a place that I, the wadjella researcher, cannot go and have no right to go. I am left with a deeper awareness of the common occurrence of prison in the lives of these young men and their families.

There are few places to help with that transition from prison to the outside world. As with Lesley, Glenn and Gary, housing is raised as an ongoing issue. Without secure housing it is difficult to get on top of life’s challenges. _I went through Outcare when I first got out and after three months, after the three months, they’re sposed to help you get your own house ... (pause) ... and they just left some of the people I was staying with in the dark, and me in the dark as well. I stayed with like these other men and after their 3 months they got letters saying like ‘oh yeah yeah you gotta get out coz your three months is up’ and then some of em didn’t have nowhere to go ... they’re like ‘wooahh shit’, and they was telling me like, ‘where am I gunna go?’_ Lewis conveys the fear of not having a place to live at the vulnerable time of post release.
It is not unreasonable to consider that a genuine threat of not having such a basic necessity as somewhere secure to live could overshadow issues such as the Vocational Education and Training curriculum and studying a course in prison. Education and training might not be the number one priority in someone’s mind as they are trying to survive day to day or worried about their family. The decisive thing, though, that Marlon thinks could make education in prisons better is, *no walls around it, coz with those walls you can’t see out.* This is a simple, yet profound statement that says so much more than its few words. To be shut in, away from the earth, the sky, family and nature is a living death, where spirit, body, mind and heart all suffer.

At the end of the yarn Leeanne comments to me that HALO programmes focuse very much on Aboriginal culture. School holidays are a time for the group to go out bush and spend time learning about culture and spirituality. This is seen as a central part of the programme’s success and the strength the young men gain from HALO.

6.2 Lessons Learned from HALO about gaps that need closing

6.2A Unquestioned white privilege: treating everyone the same will not close gaps

The issue of having a place to live has been raised by Lesley, Gary and Glenn and now the HALO men. The necessity for secure housing to ensure effective education is not new. It has been raised for decades by researchers such as Hodgkinson, (1989: 8) who identified in the United States that if low income children were living in economically and socially secure housing with some rent protection, there is little doubt that most of them could stay out of poverty and in school...The costs of housing innovations
would be a small drop in the bucket, compared to the benefits of having more kids staying in school to become taxpaying job holders!

More recently, Lubell and Brennan (2007: 2) stated that “affordable housing may support children’s educational achievement by reducing homelessness among families with children”. Poor accommodation is also recognised by Beresford (2003a) to effect health which in turn influences educational success.

When worried about having a home to go to, or family on the outside finding somewhere to live, people could be excused for finding education in prisons a secondary concern. Once outside, finding a bed for the night could be a bigger priority than an education programme. While laws continue to appear superficially equal they often, as identified by Blagg (2008: 13) actually disadvantage the most vulnerable members of society including Aboriginal young people. More HALOS are required as a safety net to catch young people as they re-enter the outside world post release.

Unfortunately a dearth of such safety nets is part of what Fraser (1997: 3) referred to as the ‘post socialist’ condition where there is “an absence of any credible overarching emancipatory project despite the proliferation of fronts of struggle...and a decentering of claims for equality in the face of aggressive marketization (sic) and sharply rising material inequality.” Fraser’s words are as true today as they were in 1997.

6.2B Challenges specific to prison life and education: re-entry or crash and burn?

Vacca’s (2004: 297) comment reinforces the importance of reintegration after release when he states that “Inmates need education programs that not only teach them to read effectively but also provide them with the necessary
reinforcement that promotes a positive transition to society when they are released.”

There are few re-integration programmes in Western Australia for people of any age who are leaving prison. The bulk of the work seems to be left up to Outcare, which is based in the inner city suburb of East Perth. A non-government agency, Outcare describes itself as

Western Australia’s only specialist non-government provider of crime prevention services and programmes. It was established in the early 1960’s and has grown into an award winning and well respected organisation, operating in a variety of areas to enhance community stability and safety.48

As prison populations rise demands on Outcare are likely to outstrip their ability to service those demands. In addition if public housing has not been built, Outcare cannot find houses that do not exist. Speaking on the ABC’s 7.30 Report49 in March 2012 (O’Connor, 2012), Manager of Peel Community Legal Services, Lisa Craig describes the issue from her perspective in the following way. If public housing is not being built to meet demand then “what is the government doing because isn’t that what social housing is meant to be about?”

Despite Minister for Corrections, Troy Buswell, repeatedly asserting on the same edition of 7.30 Report (O’Connor, 2012) that three strikes legislation and being tough on crime keeps Western Australia safe, it is hard to see how that is true for the children being evicted from homes onto the street or for the hundreds of Aboriginal people locked up for not paying fines or minor traffic offences. It is

49 This is a daily current affairs programme on the Australian Broadcasting Commission (ABC).
equally difficult to see how this ultimately can lead to better quality of educational outcomes for Aboriginal people.

6.2C White noise and way of doing business: focus on individual accountability rather than institutional obligation

Cognitive skills approaches are the backbone of prisoner rehabilitation programmes in Western Australia. The Corrective Services website says, “The Department runs a variety of programs that work to improve a prisoner's problem solving and social interaction skills and to help them understand their personal beliefs and values.” Gorman’s (2011: 4) concern when cognitive skills is the basis for correctional services programs is that they, “are typically based on the premise that offending is largely attributable to the failure of offenders to think through their actions, and to their unawareness of the impact of their offending behaviour on others.” A cognitive skills approach to rehabilitation fails to take into account systemic issues referred to by the participant teachers in this research.

Cognitive skills training places the individual as the sole agent of making change in their life and, similarly, the source of blame if things do not work out well. This ‘deficit approach’ (Freire, 1972, chapter two; Yunkaporta and McGinty, 2009: 55) combined with a focus on cognitive skills in programmes can lead to pathologising of individuals and leave systemic issues unaddressed. It is reinforcement of this belief that underlies Marlon saying that if Aboriginal people took things in from the ‘cog skills’ programmes they would not go back to gaol.

Shaw and Hannah-Moffat (2004: 112) highlight another concern with relying on cognitive skills programs in prisons when they argue that such

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50 Taken from the Corrective Services website http://www.correctiveservices.wa.gov.au/rehabilitation-services/rehab-programs.aspx#Cognitive-skills
programmes are often defined “from the standpoint of white middle-class morality. Social-structural disadvantages as well as gender and ethno-culturally based stereotypes are discretely institutionalised and reproduced” in such programmes. ‘Cog skills’ programmes can unthinkingly reinforce and replicate white epistemologies, axiologies and ontologies, failing to allow for contextual needs or needs of diverse groups.

6.2D Equity challenges: prison experiences and life outside

Lewis’ initial image of there being a long list of education options available in prisons has not appeared to translate into experiences of those I have yarnd with. Tellingly, no one has referred to a link between education and rehabilitation programmes in prison and what happens in life outside the prison walls. There is little evidence to suggest that the young men I have listened to at HALO feel safer, stronger or better educated for their time in prison. What helped them was unconditional support and acceptance, a place to belong and feel welcomed. It is also distressing that Marlon thinks he is lucky to have found HALO because not everyone does. Such a re-entry point should be an option for all and not just up to luck.

6.3 Kate and Kelly: “Let’s start teaching kids how to be Aboriginal and survive in a white world without losing their Aboriginality”

6.3A Introducing Kate and Kelly

To comply with their requests, I can only give limited contextual information about Kate and Kelly. Kate and Kelly are pseudonyms. They do not wish to be identified by their own names as they have worked in prisons and could easily be recognized. This could have an impact on their working lives and ability to get
work in the future. Both live in Aboriginal families. Kate identifies as a wadjella and Kelly as an Aboriginal woman. Between them they have worked in both the privatised prison and government run metro prisons for a number of years. I speak with one on the telephone and with the other as a member of one of the groups gathered for one of the yarns.

6.3B Kate’s teachings

Kate and I finally manage to catch up on the phone. There has been difficulty in us connecting in person as I am located out of the city and Kate’s work and family commitments keep her constantly busy.

Once you get in there and those gates close behind you, they have their own laws and politics and are not answerable to anyone. They do the paperwork but it doesn’t reflect what’s really goin on, they just put whatever they want to. Kate’s voice is angry as I listen to her on the phone. Kate describes examples of what she has seen in her time as a staff member in one of the prisons. It echoes what ex-prisoners, current prisoners and family tell me confidentially. Therefore, her words and teachings are particularly important to incorporate in this project as a way of capturing what has not been able to be represented in any other way.

Kate is particularly concerned about what happens for men leaving prison and returning to the Goldfields and Central Desert regions. When people get let out of prison there is no support, absolutely none...none. What happens is they get put on the train at Midland from Acacia and it’s see you later - back to Kalgoorlie. One young boy, he had no family and ended up in a flat in [a northern Perth suburb]. He was a great artist but there’s no art stuff in a flat in [a northern Perth suburb] and he was nowhere near any supports. Her voice is
shaking with the unfairness of this situation. I think of what a waste this is for the young man and his wonderful talent.

I recall sitting in a hotel room in Kalgoorlie in 2010 with some family members of a friend of mine, one of whom was recently released from prison. Still a client of Corrective Services, he could not be formally interviewed for this project but he spoke of his post-release time and how hard it was to get home to his remote community. And how, on the train back he had to buy food and that was scary because he had to choose and pay for it. Then when he got to Kalgoorlie he had a couple of nights’ accommodation and had to work out what to do then because home was another 1200 kilometres away and he had no way to get there. My conversation with him was a few months after his release but he was still struggling to get some kind of routine and strength in his life. I see more and more clearly how one size does not fit all.

Kate continues, *Aboriginal people are seen by departments as this insurmountable problem... ‘we don’t know how to deal with it so we’ll just ignore it. Western Australia is the biggest education area in the southern hemisphere and there’s lots of differences. In central office they don’t understand. For example, in the Kimberly you’ve got something like 54 language groups, you’ve got different protocols and you can’t say ‘this is what is going to happen across the state’. It won’t work. They don’t understand the differences and that each region and community is different to one another.* I wonder how such diversity can be reconciled within an Australian Curriculum Framework and a National Vocational Education and Training framework: how are local contextual needs incorporated? I do not know if they can be. And I think of
all the reports and literature that speak of the “Aboriginal problem” when what I can more readily see is that Aboriginal people have a Settler system problem.

Aboriginal people need to be proud of being Aboriginal. Wadjellas have so much to learn from Aboriginal people and there is so much they can teach Wadjellas. If only Wadjellas would just shut up and listen. I remember someone telling me oh somewhere in 1995 or something, way back, he said to me ‘you’ve got all the qualifications and you know everything... but will you just bloody shut up and listen?’ And I did. I can still hear him saying it to me ‘will you just bloody shut up’. As I hear this familiar comment I smile in recognition but under my smile and little laugh lays a sense of acute embarrassment and shame for the times I have not listened.

When I ask Kate what might help she responds with nothin will change until we listen to things like 2 way learning and Aboriginal learnin. Let’s start teaching kids how to 1) be Aboriginal and 2) survive in a white world without losing their Aboriginality.

6.3C Kelly’s teachings

Kelly’s’ concern is similar to Kate's in regard to reintegration and what happens when people leave the prison. What happens is they do some stuff in prisons but it’s about the reintegration when you’re back into the community and THAT there’s a lack of big time. I think HALO would be one of the only programmes that I know of .... Young fellas especially they go in the system then come out and there’s not many set ups that do that reintegration. This had also been flagged in the stories of Lesley and the HALO men.
Kelly is conservative in her opinion of what has been provided for young offenders. Rangeview’s\textsuperscript{51} like a little holiday. What actually should have happened years ago is open the old Fremantle prison and the funds they used to build Rangeview got put into Fremantle prison. With a lotta Aboriginal kids you know there needs a scare tactic. My sisters used to just go stealing for the fact and going down that way to go for their little holidays… it was just a holiday place Rangeview. They were the first offenders going into Rangeview back when Rangeview first opened. It didn’t really teach them a lesson.

Leeanne, the wadjella co-ordinator of the HALO programme, is also present for this yarn. She has not spoken to this stage but now interjects to present another perspective of life in Rangeview,

I worked with somebody who was actually raped in the juvenile detention centre. And he’s still in there so if that is not a hard enough deterrent I don’t know what is. What that tells me is that it doesn’t matter how hard it is or how tough it is in there, if you come out and you’ve got all these other issues to deal with knowing that you’re going back into a really tough place [prison] doesn’t make any difference at all."

Some of the young men around the circle nod in agreement with her and say yeah, that’s right. Kelly agrees as well.

Kelly continues. Sometimes the system actually sets our Aboriginal people up to fail anyways. When you look at the dollars that are spent, it’s over a hundred thousand dollars for one juvenile to stay within a prison system. But

\textsuperscript{51} At the time of the yarns Western Australia had two juvenile detention centres, Banksia Hill and Rangeview. In 2012 the two were amalgamated and the old Rangeview centre closed. Detainees under the age of 17 are required to attend school.
if you were asking for funding on the outside to help keep that person out of gaol you don't get that funding. They find money to keep Aboriginal people in gaol but not money to help keep em out. This harks back to the story of Glenn and Gary about people breaking windows at Chicken Treat and waiting for the police so they could get a bed and a feed. She adds something else mentioned in earlier teachings. The offenders in gaol due to fines or your simple basic stealing offences is most of our mob, you know – that's what they're there for.

For Aboriginal people working in the prison system, there is a clash of cultural norms around what is respectful. This can lead to inner turmoil and conflict for Aboriginal workers in the prison system. Kelly speaks of this when she says Aboriginal people are already institutionalised and you’re already in the public system. Then you work there which makes you Miss or Sir. I was related to a lot of family in there and I said ‘sorry that’s my Pop, that’s my Uncle, they can call me my name’. It’s so hard to fight against that law and you’re pushed back as well by other workers and as an employee in the system.

For education staff, there is also the likelihood of being at the lower end of the prison power hierarchy. Officers don’t see a person in non-uniform has such a status as they see them with uniform. You’re not taken notice of by em. And Kelly describes some Aboriginal staff putting the requirements of the system above the requirements of culture and family, in order to survive. It is the way that they cope with the internal cultural dissonance. Lots of Aboriginal people that work within the system inside the prisons, they’re not there for the prisoners, they’re there for the dollar at the end of the day. If they were there for the prisoners they would deal with the other issues that come up but they don’t because you’ve got the purple circle. The purple circle is the system that’s set
up to keep people’s mouths shut. They say it’s gone away but it’s still very
much there these days especially in our adult prison system. There’s a lot of
stuff out there where people learn to keep their mouths quiet otherwise you
suffer consequences.

6.4 Lessons learned from Kate and Kelly about gaps that need closing

If I hear the word “consultation” again in the context of Aboriginal needs
I think I will scream. Today I came across a new report “Listening but not
hearing: a response to the NTER Stronger Futures Consultations” (Nicholson
et.al., 2012). I think the title of this report says exactly what whitefella
organisations and systems do: listen, not hear and continue on our merry
white way doing what we want to do. I think that this report captures the
standard practice Aboriginal people are faced with. (Journal, March 13, 2012)

6.4A White noise and way of doing business: education of the whole person is
secondary to education as a contributor to economic growth

When decisions are ultimately up to non-Aboriginal organisations it is no
surprise that teaching Aboriginal kids to be Aboriginal is not a priority. Our white
priority is to teach skills to fill jobs that help make money for business and to do
this in the most cost effective manner possible. Down (2009) provides a
comprehensive overview of the impact of focusing on skills based training at the
expense of a broader education. His words echo in my head as I listen to the
teachings of this group of participants, “The danger in all of this is that education is
valued only to the extent that knowledge and skills contribute to economic
growth” (Down, 2009: 59).
6.4B Unquestioned white privilege: centralised decision making and local reality; one way will not work for all

Remembering Kate’s teachings I recall her saying, *In central office they don’t understand. For example, in the Kimberley you’ve got something like 54 language groups, you’ve got different protocols and you can’t say ‘this is what is going to happen across the state’. It won’t work. They don’t understand the differences and that each region and community is different to one another.*

Again I am made aware that a whitefella one way will not fit all. As my learning from these yarns deepens I ponder more and more that the central change required is to close the gap between us whitefellas’ ears and give up some power in a real, not condescending way. The change required is less the need for including new content in education and more the need for learning new processes and ways to do things.

This is particularly true in mainstream organisations where two hundred years of acting like Aboriginal sovereignty never existed has not actually been very effective for Aboriginal people. I wonder what might happen if sovereignty were acknowledged and some underlying assumptions challenged? I contemplate if such an acknowledgement has happened successfully anywhere around the world.

Despite searching for the past three years for examples of where Indigenous sovereignty has been acknowledged and underlying assumptions of colonial practice effectively challenged, I have not yet encountered anything. Something has always been held back, usually to do with resources, potential or actual monetary gain. However, as highlighted in Chapter Two, countries such as Canada and New Zealand have been trying to tackle this challenge, especially in the area of health where McGibonn and Etowa (2009), Eckerman et.al., (2006) and Wepa (2005) have delved into anti-racist practice and cultural safety.
6.5 Jo, Gwen, Karen, Katherine and Vicki: “The culture is a living thing, whether you believe it or not. It’s living and in here”

6.5A Introducing Jo, Gwen, Karen, Katherine and Vicki

Several family members speak with me, some as part of one of the groups with ex-prisoners as well as two individuals at other times. These women speak of their experiences as family members of people who were, or had been, in prison. Their ages vary from twenties to sixties. Some of their contributions are small in volume, but large in teaching. Their teachings are presented here.

One of these women I have known for well over a year as part of Deaths in Custody Watch Committee activities. The others I meet as part of groups gathered to yarn about important issues related to incarceration and Aboriginal people. I am aware that most of these women are Elders and deserving of my respect. So I listen, saying very little at all; I know they have shared what they say many times before. In their respective presences I feel somewhat of an interloper and am rather overwhelmed by their generosity to yarn with me and give of their precious time, expertise and wisdom.

Not all are Elders. Katherine, for example, is a younger woman who I have not seen before or since the yarn. Her willingness to speak of what it is like to have identity taken away at a young age and now be in the midst of rediscovering it is a precious experience and I feel humbled to hear it.

6.6 The Teachings of Jo, Gwen, Karen, Katherine and Vicki

6.6A The context of history: “I felt I was despised everywhere you know”

Katherine describes her struggle in discovering who she is. I didn’t grow up with culture and that’s really hard and I struggle with that, and I went back to uni and did a Aboriginal Studies unit and studied but I didn’t know who I was,
**who I am.** Katherine is present as part of a group who meet with Glenn and Gary. She finds out about her Aboriginality when she is an adult, within the last few years. This is a struggle not unknown for many adult Aboriginal people adopted or fostered to white families or sent into state care as children. **It’s taken me 32 years to find out how who I am. I think that’s important, knowing who you are because ... well, I think kids need that culture, need to know who they are. It stuffs you up to not know who you are.** Her words remind all of us in the room that Aboriginality is not homogenous across the board. There are people who live in urban settings. Glenn refers to this as **modern, urban Aboriginality.** There are people who live in remote settings and live traditional way such as those referred to by Lesley and Daisy. There are Aboriginal people who are still learning they are Aboriginal, like Katherine. There are Aboriginal people living on country and others far from country. All of this diversity needs to be taken into account when we refer to ‘Aboriginal people in Western Australia’

For some Aboriginal people, like Katherine, there is something missing, something vital, that can make it hard to feel like they belong anywhere. **The blackfellas I grew up with, I wasn’t from their family, so you know, I wasn’t ... you know I was blond, good at school, good at sport – they didn’t want to know me. And the white fellas used to say ‘oh you get this coz you’re black’ and they didn’t want to know me either. I felt I was despised everywhere you know. I had a real loss of identity and a lot of our kids face that kind of loss of identity.**

**6.6B White noise and way of doing business: “You don’t need to be a Judge to tell your people what punishment they got”**

Vicki picks up on a theme raised earlier by Glenn and Gary, the clash between two systems of law. **It was last year that I was talking to some of the community**
mob from out of town and the young people said ‘Oh, we done something wrong now we’ve got to go back and we’re getting speared. They’re getting speared for the crime that they’ve done after they get punished down here. That’s wrong that is that they have to get punished twice. This highlights a law and sovereignty that is rarely recognised within Western Australia’s dominant Settler legal systems.

Vicki believes that you don’t have to be ‘educated’ to sit up and judge. You know, white people sayin ‘oh you’ve got to go and get a degree’. You don’t need to be a judge to tell your people, you know, what punishment they got and they be told quick like. Our old people know that but oh no, it’s only the white man’s world that matters. Vicki is a strong advocate for cultural education for her people. I think there needs to be more education around culture. The culture is a living thing, whether you believe it or not. It’s living and in here. She gestures to her chest.

6.6C Unquestioned white privilege: “I want every parent of every one of these kids to do something about the feuding…and I want evidence.” Do you know how ridiculous that was?!?!?”

Jo and Gwen describe the issues faced by parents when dealing with their children and institutions in a white world. Jo begins, Well my son’s in prison at the moment. He got denied parole not long ago but that’s because the course he has to do is not available. The officer at [the prison] said that the support letter we put together was the best he’d ever seen in terms of the support plan but the course is not available for 2 years. And he will be out before the course comes up again. Jo’s story about her son who is currently in prison touches on the issue raised in the HALO yarn, of people denied parole because of difficulty
accessing requisite programmes to be considered for parole. Jo's son has been placed in a prison where the court mandated programme is not offered.

   Gwen adds, But even when people do do all the courses they mightn't get parole. There's a man that did his Arts degree at Uni, was running the visitors centre on the weekends at [the prison] and running the peer support programme. All the officers supported his release, he had six support letters or more, had a job at HALO and a house through Outcare and was still knocked back for parole. So you know, that sets up... it gets peoples hopes up for nothing. So he's now done his full time. He gave up...he's done his full time and he gets out soon.

   Jo picks up on this point by stating, What I heard recently as well is that the parole board have said that even if they do the courses they don't care because they reckon they're Mickey Mouse courses that are delivered by prison people who have no qualifications. One of the courses was delivered by a prisoner, not by a prison officer so in their eyes they are not going to count it. So now the courses... they don't care even if you've done the courses because they don't... they don't value the courses that get done, they don't think they work. They don't think they rehabilitate so that's all contributing to the lack of people getting out on parole as well. If this is the case, there is a conflict between a valuable educational course requiring some kind of formal educational credibility and a valuable educational experience such as Lewis being a tutor, outlined earlier in this chapter.

   There is silence in the room at this point as people think about what is said. Eventually Jo takes a deep breath and tells of the experience of her son going to prison. Four years ago there two groups of Aboriginal people, young men.
There were two groups, there was this group and there was this other group... and they all met in the middle of a park. One guy approached another and pulled out a machete, a fight broke out, all hell broke loose. The guy who pulled the machete out ended up on life support. He survived, he didn’t die thank goodness. But eight men were charged, eight Aboriginal boys on the other side to him were charged.

That trial went for six weeks in the District Court. I sat through it every day. To cut a long story short, we sat there when they selected the jury, and no Aboriginal people sat on that jury... none in the trial of eight Aboriginal men and not one Aboriginal sat on the jury... they were all convicted. This is similar to what Glenn and Gary say about there being no Aboriginal judges in courts and also harks back to Vicki’s comment about the wisdom of Aboriginal Elders being dismissed.

It was stressin enough but the end result was that the Judge sat up and before he handed down sentencing, because this was a result of family feuding in the community, he made a statement... ‘before I sentence these young men I want every parent of every one of these kids to do something about the feuding. I don’t care what they do and I want evidence.’ Do you know how ridiculous that was?!?!? Who is going to talk to a feuding family member and say ‘well what are we going to do about this?’ The judges and the white people they don’t get the full thing about Aboriginal family feuding.

Gwen concludes this part of the yarn with a comment that reaffirms other teachings, It’s black and white though... black and white. If you’re black .... you know..... you’re finished if you’re black... You got a better chance if you’re white. Aboriginal men are getting put in gaol for minor, not so serious things,
but white fellas only goin to gaol for things like...like murder. The room is silent for a short while as people contemplate this. Such silences make the pain of those speaking and listening palpable.

6.6D The historical context: “A lot of our young people need to be taught a real hard lesson”

Karen speaks first, We need to have our own law courts, Aboriginal law courts, so you can bring in Aboriginal law even if you have to bring the people from up there to come down here and dish the law out to these young people to get them back on track. Because they think they can just go and do what they want to do and get away with it and they need to know that the Old People are there and that there is consequences and that there is punishment. They need to learn, get educated about that. Karen is an older Auntie who speaks forcefully, with clarity and conviction about what she sees needs to be done; reconnecting with spirituality and cultural strength. She stops for a moment and chuckles before adding, if some old Aboriginal man stood there in front of em and started singin em. ...they would get the biggest fright of their lives, they would not use or sell drugs any more. She stops chuckling and her face is filled with pain as she adds I've had um a couple of nephews who were normal, nice lovely young men who went to gaol. And they went to gaol and they came out and they were never the same. And they went back and back and back and they are not the same. They have a mental illness now and they will never, ever be the same again. In the room there is a respectful silence where the pain is once again tangible.

She adds, a smile brightening her face as she recalls memories. I was brought up in the bush. We lived in the bush and we slept under the stars and you went
out and you killed for what you wanted to eat and your food wasn’t put there in front of you, you had to get up and go and get it. And the thing is, this is what a lot of our people need to do. They need to get out there and manage and know what to do. And they need to be taught a hard lesson, a real hard lesson. The old people who were brought up in the bush in a traditional way are getting older. Their wisdom needs to be passed down to those who are younger before it is lost.

6.7 Lessons Learned from Jo, Gwen, Karen, Katherine and Vicki about gaps that need closing

6.7A Unquestioned white privilege: the invisible power gap

These teachings remind me of some clients I see at the community legal service I have worked in. Young Aboriginal men in particular come in, wanting help with bench warrants, usually for crimes of poverty such as non-payment of fines. In 2012, there was an alarming new trend of people being evicted under the tough new three strikes public housing eviction legislation referred to earlier.

As a direct result of this PhD research project, I developed and delivered Cultural Self Awareness training for the Peel Community Legal Service. In this training I witnessed staff grapple with beginning to see and own that they and the way they provided their service contributed to the ongoing disadvantage of Aboriginal people.

As Frankenburg (1993) first postulated, such disadvantage and the whiteness that creates it are so obvious to those it disadvantages, while often remaining invisible to those of us who benefit from it. Yet, as Moreton-Robinson (2000: 186) says in her challenge to white people, the real challenge is to “theorise the relinquishment of power” if we are to contribute to changing the racial order. Not
to take up this challenge leaves whiteness as the invisible dominant norm, the gaps it perpetuates remaining potentially impenetrable.

6.7B Unquestioned white privilege: the invisible privilege gap

One of the main points raised across the yarns is a lack of recognition of Aboriginal law and law processes in dominant legal systems. This leads me to think that it is whitefella knowledge gaps and assumptions of privilege that underlie and serve to create ‘gaps’ for Aboriginal people. I have heard in these stories an underlying assumption within correctional services and education systems that what works for whitefellas will work for all. This creates a privilege gap. It is this privilege gap that I explore ways to address in Chapters Seven and Eight.

6.7C The context of history: the invisible knowledge gap

Underneath the hurt and pain of these stories shines strength of spirituality/culture. What the teachers identify is not new. It was identified in non-Indigenous academic writings almost thirty years ago when Neville Green (1983: 105-107) spoke about having to learn from Aboriginal people to be an effective teacher as a wyalpula. Shortly after this Thies (1987: 169) identified, from a survey in the East Kimberley, that the most important educational priority was “for Europeans to understand more fully the Aboriginal position and to slow down and listen to Aboriginal viewpoints and to Aboriginal information”. Kartiya, were seen to need to become informed about Aboriginal ways. Over the decades since 1987 Indigenous authors’ voices have started to be more plentiful in academic and general literature. Purdie et.al. (2011), for example, provide a

52 Term used for whitefellas by peoples in the Central Desert region of Western Australia
53 Term used for whitefellas by peoples in the Kimberley region of Western Australia
complete text on a two way approach to teaching and learning. It is based on a new re-learning of history inclusive of Aboriginal views of history and the inherent strength and agency of Aboriginal peoples. There is still a way to go, however, for Settler systems to learn from what Indigenous voices say.

What I hear, see and learn in this thesis is that Aboriginal people are still not often heard and understood. The gap created by white privilege is entrenched in official policies.

6.7D Equity challenges: the invisible implications of Australia’s international obligations

The first standard set by Resolution 1990/20 of the UN Economic and Social Council refers to education in prisons. It states (UN and UNESCO Institute for Education, 1995: 174) that “Education in prisons should aim at developing the whole person”. When dominant white systems decide content and methods of education it is not possible for the entirety of an Aboriginal person’s life and learning to develop as their own ontologies, axiologies and epistemologies are not part of the resulting education and training agendas.

Despite United Nations standards and resolutions such as this and the Rights of Indigenous Peoples to which Australia is a signatory a picture emerges in these stories; a picture of Aboriginal prisoners in Western Australia not able to access all levels of education. Systemic racism in Western Australian justice, correctional services, education and training is not even acknowledged as a possibility by current state government representatives. Until such institutional discrimination is acknowledged, we cannot begin to close any gaps it creates. As van Dijk (2002a: 310) has stated, “As long as racism is denied there is no need for official measures against it, for stricter laws, regulations or institutions to combat discrimination, or
moral campaigns to change the biased attitudes of whites”. What continues to be denied does not have to be dealt and remains part of the distorted reality of privileged persons referred to by Black and Stone (2005: 251) and explored in Chapter 4.2D

6.8 Daisy: “Aboriginal people have had their will taken away...it’s time for action and helping, not research”

6.8A Introducing Daisy

In September 2010 I was asked, as a member of the Deaths in Custody Watch Committee, to meet Daisy at the airport when she flew in from Warakurna, via Kalgoorlie. I saw a warm heart and big smile coming into the departure lounge. As Daisy says, we have been friends ever since that first meeting, a time I call “Driving Miss Daisy”.

Daisy calls herself my teacher, my educator and I am humbled by her generosity in allowing me to learn from her. As an Elder in her lands Daisy knows much about her culture but has also had to walk the whitefella world and ways as spokesperson for her family since the death of her cousin in the back of a prison van. She has worked as an Aboriginal Education or Aboriginal Liaison Worker in schools in Ngaanyatjarra lands since 1993. She is very clear on the things that could help people on the Lands in a holistic way that includes, but is not limited to, education. Daisy speaks of the living conditions that lead to people getting into trouble, of the sense of being abandoned by a series of governments and the strength that is inherent in her culture.

What I do not hear is a tale of the wonderful learning and ‘rehabilitation’ of the young (and older) men who go to prison for things such as driving offences and
non-payment of fines. That in itself is an important part of this story; what is missing and not said.

These teachings tell of the impact of prison on Daisy's communities and the consequent interruption to essential traditional education of young people. It is this learning that is fundamental for her families to stay well, healthy and culturally strong. Hers is a story from which us whitefellas can learn much if we are able to be quiet long enough to hear it and humble enough to act upon what she teaches. Daisy has asked that I write about these things and tell people what she has taught me.

On several occasions I drive Daisy to see community members in Acacia or Casuarina prison or am present at visits with someone who had been released from prison. I also speak at times with Daisy and her sister about the impact of prison sentences on the communities of the Central Desert.

It takes well over a year for me to learn what is needed to write this story with Daisy. While we meet many times and talk often, what is reproduced here is written together in January 2012.

6.8B  Daisy’s teachings

In particular Daisy spends many hours teaching me about education and life in Ngaanyatjarra lands for children and the need for cultural education to keep children and adults strong. As Daisy says to me, “I am concerned about the children, that is my worry, making sure the children are alright and looked after and learning. I am concerned about their education.” As I listen more to Daisy it becomes very apparent that education means much more than what is taught in a white colonial schoolroom.
Some things white people should not know and the wrong Aboriginal people should not know because it is powerful knowledge and the wrong people shouldn’t know it. But white people should learn about their place in the history of Aboriginal people from Aboriginal people point of view and learn from Aboriginal people. This is really important.

People get in trouble coz they have nothing to do. They used to, in the old times, get up and have jobs to do. All talk in the morning, ‘we go this way and hunt’, ‘we go that way and gather food’. Families were strict and people understood and did everything they were told. The young fellas kept to themselves away from the campsite and women so they didn’t get into trouble.

White people have taken the will away; the will in here. She gestures to her heart and I am reminded of a similar gesture by Vicki speaking of this being where culture lives on.

Children aren’t taught in language anymore and cultural education is not in the schools so I have to take the children out bush after school and weekends and that and I teach them. I pay for that, my chops, my flour, my sugar, my tea. And we have no car to go out in; sometimes shire will take us but we have no funding to do this really important work. I get paid as a Liaison but these costs come out of my pocket. Our people need this education to stay well and strong and not get into trouble.

The days of hunting with spears is over and we can’t go back but the culture isn’t. And if they need guns and licenses to hunt these days then they need money to get them. They need jobs to get the money, jobs on the Lands. They need to hunt and if they hunt with a gun and no license they get in trouble even on their own land because someone’s watching over their
shoulder the whole time. White people are watching over their shoulder all the
time.

The school in Patjarr is closed now.54

All the young men from the Lands, so many of them, taken away and sent
to prison. Our young men in prison and the young ones left in the Lands and
throughout the Goldfields get sniffing and drinking and all those things and
the children, they are scared. This happens when there is petrol and drink
coming in from Laverton.

When all the young men are in prison, who is going to then learn the
stories; who will learn all the things that the old people know? Who will be able
to teach the children? Why do they send all our people to prison? They are
needed on the Lands.

The men they come back from prison and tell us about prison, they tell us
what it was like and that they sit around, they learn nothing and it is horrible.
While in prison, the men do not get many visitors; some might not get any. It’s
hard for them in prison coz they are away from all their country and things
they know. And they worry about their families.

When people are in prison they need to learn things that help back in
communities and the lands. Things like carpentry to renovate houses would be
useful.

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54 When a senior community member died it was culturally inappropriate for families to stay in that
community for a length of time. So they all left. This was when the school closed. When the families
returned there was no longer a school for the children. Correspondence/distance education is not likely to
succeed where English might be a 3rd or 4th language. Moving families to large, created townships only
intensifies the problems as it takes people away from the country that keeps them strong. Oombulgurri has
also lost its school and medical facilities in 2011, at the same time as bauxite exploration is happening. This
has forced most people to move to Kununurra.
When they get out of prison and get back to Kalgoorlie they meet up with people and get drinking and back in trouble again. They only get an escort/money to get back to Kalgoorlie and have to get a ride from there. It is even harder now for families to help them get home because CDEP is gone, so there is even less money. So it’s hard to get them back home to the Lands away from trouble in the towns. Why did they take the CDEP money away?

Why are the Parole Board knocking parole back? Those people in prison need to be working at home, under the instruction of the parole board yes, but at home in their country.

I have no answer for this.

Teachers come to the lands and they think they are coming to a desert of sand. But it is beautiful, with hills and trees and there is green. And they aren’t prepared. They come thinking they can teach what they learn at university and don’t realise that the children don’t speak English and what they did at university won’t work there. It would help if they learnt all that kind of thing before they got there and what life is like in communities. It would help if someone told them and taught them those things so they aren’t shocked. You know, there’s no KFC, no Hungry Jacks or MacDonalds.

Daisy and I talk about what can help people in the lands to get an education, to stay out of prison and to keep communities strong. We talk about the government and teachers sitting down and learning from Aboriginal people; listening and listening. Two way learning is raised as essential.

The lands are not theirs – the lands are Aboriginal peoples, and when the land is hurt so is each Aboriginal person. White people and government and teachers need to understand that they are privileged but they came and took
the lands, the culture, the way of life away from people. Until then Aboriginal people were healthy. It was white people who brought alcohol and petrol and tobacco.

No more research. If people want to just come and do research I say ‘no way’. There has been research and research and research and nothing happens. Do something, it’s time for action and helping our people from the Central Desert of Western Australia; not research. Shouldn’t be Aboriginal people having to change all the time; white people need to do that too. Teach them what they have done to us so they understand.

It’s the children, I am worried for them. More people are going to live in the towns but it’s safer for them in the Lands. Aboriginal people have had their will taken away and there are not enough resources for us to live well and the one that we did have, CDEP, has been taken away.

That Julia Gillard\textsuperscript{55} and that Colin Barnett\textsuperscript{56}, do they know there are people out there on the Lands and that we need help not our people sent away to prisons? How are we going to break through that nutshell?

Government and politicians need to come to the lands for a week and see how people live, how they are crowded in houses like sardines, not just fly in, talk some rubbish and leave. They need to see how we are treated there, see it for themselves. People need to come three times; once to see, once to learn and once to understand. They need to sit and listen. Of course people get sick when they are so crowded and food is so expensive. Would white people like to live that way? No one would want to live there with the flies and mosquitoes and

\begin{footnotes}
\item Prime Minister of Australia at time of yarns
\item Premier of Western Australia at time of yarns
\end{footnotes}
the heat and no air conditioning in the houses – except staff houses for
government workers. Aboriginal people don’t get aircon.

6.9 Lessons Learned from Daisy about gaps that need closing

6.9A Ongoing intergenerational trauma: Sovereignty, colonialism and
Aboriginal people today

Daisy is born in the same year as me, by a waterhole in the Gibson Desert,
when the spring flowers are out. That, however, is not her official birthday. Like
all people in the Gibson Desert the birthday given to her by the government is July
1. It symbolises what colonialism continues to impose on her people, in my
lifetime.

6.9B Unquestioned white privilege: the research and action gap

In Daisy I meet the personification of what I read about, people who are sick
of being researched. Moreton-Robinson (2000; 148) suggests that it is only in
relating to Aboriginal people outside of our work commitments that white women
even begin to move beyond race as purely a theoretical construct. To base learning
exclusively on what is read makes what we learn intellectual only and perpetuates
the mind/body split of dominant, colonial thinking. I also meet in Daisy and the
other people I have yarned with the embodiment of a vast strength, courage,
flexibility and adaptability to change. This is something it is difficult to articulate
in writing as it is something I experience in a total way; physically, mentally,
emotionally and spiritually.

6.9C Ongoing intergenerational trauma: the dignity and respect gap

I imagine what it would be like to have a parade of people coming through
my front yard and into my home, speaking in words and using concepts I am not
familiar with and deciding how my home would be used. I cannot imagine the level of confusion, shame, embarrassment and anger that I would feel. The survival of Aboriginal cultures, dignity and people is a testament to the courage, agency and resilience of very strong peoples spirit and their ability to adapt.

In Chapter Two I have spoken of intergenerational trauma and its ongoing, negative impact on Indigenous peoples. Walls and Whitbeck (2012), for example, have observed that colonisation the world over has been a cause of historical trauma for First Nations peoples: a finding echoed in the stories told in this research. In the Australian context Broome (2010: 180) has declared that “white racism underpinned colonialism, which induced a cycle of poverty in Aboriginal people.”

The colonial regime in Australia has lasted well over two hundred years and still assumes that white organisations and world view have control over affairs of Indigenous people. As Moreton-Robinson (2000: 164) reveals in relation to white women, “even where white feminists have made Indigenous women’s business a priority...their capacity and ability to support Indigenous women is predicated on the use of their race and class privilege.” I am reminded that this is so for me in this research project; any support I may offer is due to my white privilege which provides leverage in some contexts.

6.9D Ongoing intergenerational trauma: Western Australia’s ‘Fourth World’ remote communities

The specific issues and needs of Aboriginal prisoners from remote communities are spoken of by many of the teachers in this project. Over a decade ago the Inspector of Custodial Services (August, 2001: 12) reported,

As is widely accepted by now, most Aboriginal offending is underpinned by a history of colonialism and dispossession, and is associated with the
contemporary repercussions of lack of (western) education, unemployment, poor health and inadequate housing. In a context of comprehensive deprivation that touches many Aboriginal people’s emotional and cultural lives as well as their material and physical well-being, the importance of kin and country – as life affirming constants – cannot be overstated.

Despite requests from the OICS in a number of reports (July, 2008b; April 2009; November 2009; September 2010a; June 2010; March, 2011) the incarceration of Aboriginal prisoners far from country continues to be the norm.

Prisons in regional Western Australia may be hundreds of kilometres from home, sometimes over a thousand kilometres as can be seen by comparing the maps in Figure 11 on page 83, Figure 12 on page 91 and Figure 13 on page 90. Added to the physical distance is the cultural distance, a culture shock akin to that of a refugee arriving in Australia who does not understand the language, ground rules or boundaries that operate.

In Chapter 4.1B I referred to Manuel and Posluns (1974) use of the term ‘fourth world’ to mean a partnership between Indigenous and non-Indigenous people where all can help one another. The stories in this chapter, however typify “fourth world” as used by Castells, (2000) and Seton (1999) who use it when referring to communities who are largely bypassed by modern technology and find themselves poor and marginalised as a result of their Aboriginality. Castells (2000: 352) says for example that global capitalism is

characterised by simultaneous economic development and underdevelopment, social inclusion and social exclusion ... There is polarisation in the distribution of wealth at the global level, differential evolution of intra-country income inequality and substantial growth of poverty and misery in the world at large.
It is clear where Daisy sees her families fitting in this capitalist wealth distribution. 

*Of course people get sick when they are so crowded and food is so expensive.*

*Would white people like to live that way? No one would want to live there with the flies and mosquitoes and the heat and no air conditioning in the houses – except staff houses for government workers. Aboriginal people don’t get aircon.*

### 6.9E Unquestioned white privilege: the iceberg under the surface of neo-colonial assumptions

Western Australia’s justice and corrections system provides weekly and monthly statistics on line in relation to incarcerated Aboriginal people. Statistics are not, however, broken down to geographical or First Nation locations. Therefore, hidden beneath the surface of publicly visible statistics, reports, policies and documents, is a hidden iceberg. This iceberg of neo-colonial assumptions framed within a white view of the world does not provide for the unique situations of remote Aboriginal communities or the need for traditional education to keep wellbeing strong. Nor does it reveal the large numbers of Aboriginal people held in prisons far from their country.

The teachings in this chapter hark back to the impediments identified in Chapter Five, the lack of resources, the enmeshment of social factors that impinge on educational outcomes for Aboriginal people, the impact of not speaking English as a first language, the unique nature of remote communities. Underlying all of these aspects, however, is a gap that is more entrenched, much harder to shift and deal with; the assumption of patriarchal white sovereignty, the refusal to engage

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with First Nations sovereignty and the snow blindness created by the assumed
power and privilege of colonialism.

Without addressing Aboriginal prisoner education from the perspective of
Aboriginal sovereignty, the need for healing of intergenerational trauma and the
broad context of people’s lives, changes will only be cosmetic at best. It is this
point that links the final story of Daisy back to the first story of Lesley and joins all
of the others in between. The teachings of the story circle are closed for now but
the lessons to be learned are just beginning.

6.10 A Story These Lessons Teach

As identified by the teachers in the story circle, the impacts on Aboriginal ex-
prisoners, their families and communities can be grouped under the following
headings of context and challenge which have emerged via my reflections of each
story,

- The context of history
- The context of white noise (white way of doing business)
- Practical challenges
- Prison life and education: challenges specific to prisons
- Equity challenges
- Ongoing intergenerational trauma that remains unhealed
- Unquestioned white privilege that continues to deny Aboriginal sovereignty

To these are then added potential ways in which the context and challenges may
start to be addressed,

- Starting with Aboriginal agency and Aboriginal people having the
  opportunity to be strong in their Aboriginality
- Whitefellas becoming informed and culturally self-aware

Each of these points is explained in the remainder of this chapter.
6.10A  **The context of history**

History emerges in a number of stories; the current situation of prisoner education has not occurred in a vacuum. It has its roots in history that has occurred both inside and outside prisons, inside and outside of schools and education. Broome (2010: 18-185) provides a comprehensive overview of some of the issues that have led to current disadvantage for Aboriginal Australians. These include: poverty leading to poor eating and therefore poor health, poverty and poor sanitation leading to ear infections and hearing impairment that make learning difficult, a conflict between the values at home and those taught at school.

The participants’ teachings point to the continued impact of history on lives today. Katherine, for example, speaks of feeling despised everywhere because of not feeling she fits in either world after being raised outside of her family, Lesley speaks several times of the loss of identity that continues to impact on her life.

6.10B  **The context of white noise (white way of doing business)**

Having to deal continually with a white way of doing business pervades all of the stories and forms an underlying theme throughout this dissertation. White noise (Carnes, 2011a) is a thread that is interwoven with each story. Examples include overt statements such as that by Glenn who says *education is colonial, it ain’t ours* and Vicki who speaks of the legal system requiring judgement to be made by lawyers rather than Elders. Similarly Jo’s story tells of ignorance of a white system when dealing with family feuding. From Kate and Kelly I hear of examples where the needs of individuals and culture become subsumed by economic considerations.
6.10C  **Practical challenges**

Practical issues are identified by teachers in most of the stories. Some of these issues relate to the relevance of education or training within prison walls and are well summarised by Lesley who claims that *there is no way that any blackfella that I have ever known or ever heard of, after years of workin in justice, mining companies, housing and family and friends working out there too ... there is not one time I have seen a blackfella pick up any skill in any gaol and get employed with that skill when he gets out.*

Many concerns relate to the re-entry from prison into the broader community and include comments such as Kate’s, *when people get let out of prison there is no support, absolutely none...none.* Having nowhere to live is particularly worrying. Lesley points out, for example *that we used to be able to get a Homeswest place in 3 months when we got out and now its 3 or 4 years.* You know, we don’t even have a roof.

6.10D  **Prison life and education: challenges specific to prisons**

Within prisons accessibility appears limited to any education within prisons and the resourcing of education appears limited. Every story refers to this in some way. For example, Marlon reveals that *they don’t have many options in Hakea, none really* and Tyrone points out that even where there might be more options in other prisons such as Banksia or maybe Acacia, *they have to wait, you always have to wait.* People who have been employed as educators in prison also highlight a lack of resources as well as a culture of being beyond accountability, *once you get in there and those gates close behind you, they have their own*

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58 Public housing in Western Australia is often referred to by the now unused name of the Housing Authority.
laws and politics and are not answerable to anyone. They do the paperwork but it doesn’t reflect what’s really goin on; they just put whatever they want to.

6.10E  Equity challenges

The young men from HALO tell of relatives unable to access courses required as part of their sentence. Lesley explains that *Greenough has education facilities set up on the men’s side of the prison and the men have daily access, while women cannot cross over to that side of the prison. They receive a few hours access a week.* Jo provides an example from her experience of inequity faced by Aboriginal people in the criminal justice system, *To cut a long story short, we sat there when they selected the jury, and no Aboriginal people sat on that jury ...none in the trial of eight Aboriginal men and not one Aboriginal sat on the jury... they were all convicted.* I argue that this reflects what Broome (2010: 185) has described as “the victim of the colonial condition, not colonialism itself [being] blamed for what unfold[s]”: as Kelly depicts it, *sometimes the system actually sets our Aboriginal people up to fail anyways.*

Together the contexts of history and white noise along with the challenges of practicalities, prison life and equity link to tell a story of what I have learnt from my teachers. It goes like this,

*The historical context of colonization of Western Australia has led to a white way of doing business that, in turn, continues to lead to practical problems being experienced by Indigenous people. In a prison context these include specific issues related to prison life and education, re-entry upon release and relevance of prison programmes to diverse Aboriginal needs. Neo-assimilationist programmes and polices perpetuate inequities.*  
(Journal, March 30, 2013)
The learning from these stories reaffirms the theory outlined in Chapters Two and Three. These are not new matters as the history has been told and spoken of elsewhere. Additionally, what my teachers portray matches what has been said for decades. These are not new concerns about domination of a white way of doing business that perpetuates white noise. Two decades ago, for example, Prime Minister Paul Keating, (December 10, 1992) concluded his renowned Redfern Speech by saying,

We cannot imagine that the descendants of people whose genius and resilience maintained a culture here through fifty thousand years or more, through cataclysmic changes to the climate and environment, and who then survived two centuries of dispossession and abuse, will be denied their place in the modern Australian nation. We cannot imagine that. We cannot imagine that we will fail... I am confident that we will succeed in this decade.

If Prime Minister Keating was so convinced of success in achieving equality by the end of the millennium, why then, thirty years on are Aboriginal people still experiencing dispossession and dehumanisation? My teachers give me very clear guidance and answers to this questions as well as suggestions of a way forward from being stuck. They point me towards gaps that remain unaddressed, unsettled; ongoing intergenerational trauma that remains unhealed and unquestioned white privilege that continues to deny Aboriginal sovereignty. These issues hark back to what has been presented in Chapter Two, the link between unacknowledged sovereignty and ongoing intergenerational trauma that is perpetuated by white noise.
6.10F  **Ongoing intergenerational trauma that remains unhealed**

In relation to unhealed trauma, I am reminded for example of Karen’s words and the pain in her voice when she says *I’ve had um a couple of nephews who were normal, nice lovely young men who went to gaol. And they went to gaol and they came out and they were never the same. And they went back and back and back and they are not the same. They have a mental illness now and they will never, ever be the same again.*

Katherine speaks of her experiences of losing a sense of who she is, the blackfellas I grew up with, I wasn’t from their family, so you know, I wasn’t … you know I was blond, good at school, good at sport – they didn’t want to know me. And the white fellas used to say ‘oh you get this coz you’re black’ and they didn’t want to know me either. I felt I was despised everywhere you know. I had a real loss of identity and a lot of our kids face that kind of loss of identity.

6.10G  **Unquestioned white privilege that continues to deny Aboriginal sovereignty**

The continuing denial of sovereignty rings loud and clear in comments such Daisy's, the lands are not theirs—the lands are Aboriginal peoples, and when the land is hurt so is each Aboriginal person. White people and government and teachers need to understand that they are privileged but they came and took the lands, the culture, the way of life away from people.

There is also another level of sovereignty that is evoked in Lesley’s comment, *There’s an Aboriginal woman I know … She learnt nothing in there. I’ll never forget coz she said to me I’ve forgot how to cook, I haven’t cooked for nearly fuckin 12 years… and I can’t remember how to work out what to do*
each day’. Still couldn’t read and write and she’d been in Roeburne the whole time. She had sat there for 12 fuckin years.

Often the power and teaching of points 6.10F and 6.10G rest in how the stories are told rather than the content; the tone, the frustration, the sadness, the anger, the pride, the strength in the voices. Hearing these two teachings requires me to step back but still hold on to listening to the emotion, not only the content. I am reminded of the words of Archibald (2008: 31-32) who says that “the oral tradition ‘implicates the listener [reader] into becoming an active participant in the story.” It is important for readers to take what is written on these pages and translate them into their own lives and being for real relatedness and change to occur. I reflect on the value of being more than an observer in this journal entry, 

I am so pleased I transcribed the yarns myself; I am literally back in the room re-experiencing the time. It is so much more than merely reading a transcript as I re-hear the voices. I feel it all again and hear the emotion...Listening for the feeling is giving me an insight into just sitting with and being with people as they teach me... the ‘good academic’ researcher in me goes at once to analysing and I have to make myself draw back and just be present and witness and learn, just be a person sharing this space with the people or person I am hearing. And there is a strange kind of freedom in that. I heard someone say at the ACRAWSA conference that there is freedom in not having to be ‘the expert’... For me that freedom seems to create a situation where I can learn so much more. (Journal, December 15, 2011)

While much of the focus in the yarns is on problems faced by Aboriginal people in relation to prisons, the stories also provide clues as to what helps and could make things better. From the perspective of moving forward, two more points emerge from the stories that identify paths to transformative education for
all people, Indigenous and non-Indigenous. I flag them as points here but will explore them fully in Chapter Eight. They are

6.10H Starting with Aboriginal agency and Aboriginal people having the opportunity to be strong in their Aboriginality

6.10I Whitefellas becoming informed and culturally self-aware

What I have learned from points 6.10F,G, H and I goes like this:

Aboriginal people continue to experience disadvantage that can be linked to trauma, past and present and continues to be manifested in their lives. In turn the presence of this trauma, often intergenerational in nature, can be traced back to unacknowledged sovereignty of the many Aboriginal First Nations of these lands. With colonization came trauma, loss of identity, terror and fear of death which was well founded. This trauma has been passed down through the generations and added to by retraumatising inflicted by the ignorance of unquestioned white power and privilege.

Despite this trauma, there is strength and agency inherent in Aboriginal families and communities that resist deafening white noise. It can be seen in the application and teaching of culture and spirit that exists in communities and families today. If there is to be more widespread honouring of Aboriginal sovereignty and healing of trauma education will need to play a transformative role, not be concerned only with passing on the culture of the dominant Settler world view. Educational approaches are required that start with Aboriginal Agency and further build strength in Aboriginality. Also required is transformative education for whitefellas that equally values Aboriginal viewpoints. (Journal, March 30, 2013)
Lessons Learned | A Story Told From These Lessons
--- | ---
1 The context of history | The historical context of colonisation of Western Australia has led to a white way of doing business that, in turn, continues to lead to practical issues and problems being experienced by Indigenous people. In a prison context these include specific issues related to prison life and education, re-entry upon release and relevance of prison programmes to diverse Aboriginal needs. Neo-assimilationist programmes and polices perpetuate equity issues.
2 The context of white noise (white way of doing business) | 
3 Practical challenges (e.g. housing) | 
4 Challenges specific to prison life and education | 
5 Equity challenges | 
6 Ongoing intergenerational trauma that remains unhealed | Aboriginal people continue to experience disadvantage that can be linked to trauma, past and present and continues to be manifested in their lives. In turn the presence of this trauma, often intergenerational in nature, can be traced back to unacknowledged sovereignty of the many Aboriginal First Nations of these lands. With colonization came trauma, loss of identity, terror and fear of death which was well founded. This trauma has been passed down through the generations and added to by re-traumatising inflicted by the ignorance of unquestioned white power and privilege.
7 Un-questioned white privilege that continues to deny Aboriginal sovereignty | 
8 Starting with Aboriginal agency and Aboriginal people having the opportunity to be strong in their Aboriginality | Despite this trauma, strength and agency inherent in Aboriginal families and communities can resist white noise as can be seen in the application and teaching of culture and spirit that exists in families and communities today.
   - If there is to be more widespread honouring of Aboriginal sovereignty and healing of trauma education will need to play a transformative role, not be concerned only with passing on the culture of the dominant Settler world view. Educational approaches are required that start with Aboriginal Agency and further build strength in Aboriginality. Also required is transformative education for whitefellas that equally values Aboriginal viewpoints.
9 Whitefellas becoming informed and culturally self-aware | 

**Figure 27 Lessons learned and a story told**

Together, Chapters Seven and Eight are the story of what I have learned about what can improve Aboriginal people’s experiences of life, including prisoner education. The lessons learned and a story that the lessons tell are summarised in *Figure 27*. These teachings can have benefits for everyone, not Aboriginal people alone.
Though the focus in this project was initially on education for Aboriginal people in Western Australian prisons, the implications and required actions of what I am taught go beyond a prison environment. The implications and actions take into account what whitefellas can learn from honouring Aboriginal voices both within and outside prison systems and school contexts.

As a white woman I can be an ally, working to raise awareness of other white people but I must keep in my mind as I move forward that I will always be doing this from a place of white power and privilege. My challenge, as articulated by Moreton-Robinson (2000: 186) is how to relinquish that power and privilege. Chapters Seven and Eight theorise how this might commence. They also hold practical suggestions for whitefellas in beginning to confront our white power and privilege.
The real challenge ... is to theorise the relinquishment of power...Until this challenge is addressed, the subject position middle-class white woman will remain centred as a site of dominance. (Moreton-Robinson, 2000: 186)
In this chapter I engage with Moreton-Robinsons’ (2000: 186) challenge to theorise relinquishing of white power as I believe it is essential to grapple with this issue if we are to work effectively together “to fight the system” as urged by Yolgnu spokesperson Reverend Dr Djiniyini Gondarra (Sinem Saban, 2009). A significant part of relinquishing power involves acknowledging the white noise that exists and its impact on Aboriginal disadvantage and this will be specifically considered in Chapter Eight. In Chapter Seven I consider the teachings I have received and their interaction with my whitefella responses to them which enables identification of two primary goals to attain if we are to begin to address the challenges posed by Moreton-Robinson and Dr Djiniyini Gondarra.

If the lessons and story identified in Figure 27 are to be addressed there needs to be action that works towards honouring Aboriginal sovereignty and healing of historical, intergenerational trauma. This chapter discusses those two goals and identifies potential actions. It tells a story of a required shift in thinking by whitefellas if white noise is to be identified and muffled. It is only one possible story that can be told. Others still lie dormant in Chapters Five and Six waiting to be learned.

7.1 Honouring Aboriginal sovereignty

My understanding of the term ‘honour’, as it is used in everyday conversation, implies respect, esteem, recognition and courteous behaviour being displayed. This is the understanding of the term on which this discussion is based. To honour something or someone is a verb and therefore is an action. Honouring Aboriginal sovereignty, therefore, occurs not when it is heard on the lips of dominant groups but when it is seen to be happening. Martin’s (2008a; 131-133) research protocol exemplifies this. Here the concept of honouring/respect
translates into researcher behaviours that can be seen and monitored for example when respecting culture in her research became operationalised as the self-regulating researcher behaviour of “not moving objects, nor taking anything from Buru (country) and giving priority to the needs of Buru Bama and Community when doing this research”. Such honouring she explains is based on “the principles for maintaining personal and communal relatedness” (Martin 2008a; 132).

### 7.1A What might it look like to honour and show respect?

Using Martin's framework as a guide, a reciprocal, dialogic way of working together could lead, for example, to honouring of Aboriginal sovereignty as represented in Figure 28 below. The specific whitefella behaviours are able to be negotiated with each First Nations community. Such a process echoes the spirit and content of the Declaration on the Rights of Indigenous Peoples, to which Australia is a signatory. Article 8 of this declaration states that, “Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture” (cited in Streich, 2009). Adopting behaviours such as the ones described in Figure 28 embody a practical move towards meeting that obligation. Whitefellas can learn from Aboriginal people about how to behave and what might work in building positive equal and respectful relationships.

It is with some trepidation that I provide this table because it provides something useable by non-Aboriginal people without reference to or consultation with local Aboriginal communities. It is the process of building the relationship of trust and mutual respect that is essential rather than specific wording. If an agreement is presented to an Aboriginal community as a fete accompli, then it has not been developed in the necessary spirit of respect, reciprocity and ongoing dialogue that is essential if sovereignty is to be honoured. I see that, despite my
best will, I did not follow this process as fully and transparently as I might have in this research project and would devote more time to it in future research.

<table>
<thead>
<tr>
<th>Honouring sovereignty in practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respecting each of Land, Law, Elders, Culture, Community, Families and Futures of ... First Nations people can be seen in whitefellas acting in accordance with the following self-regulating behaviours;</td>
</tr>
<tr>
<td>1. Give priority to the needs of ... First Nations community when considering issues related to ... First Nations people</td>
</tr>
<tr>
<td>2. Not assume that I know or understand everything about ... First Nations people</td>
</tr>
<tr>
<td>3. Be prepared to learn from ... First Nations people</td>
</tr>
<tr>
<td>4. Keep my word</td>
</tr>
<tr>
<td>5. Answer any questions ... First Nation people have</td>
</tr>
<tr>
<td>6. In relation to ... First Nations people and land, keep ... First Nations people informed of what I am doing and how I am doing it</td>
</tr>
<tr>
<td>7. Not move objects or taking anything from ....country</td>
</tr>
<tr>
<td>8. Care for ....lands, animals, plants and waterways at all times</td>
</tr>
<tr>
<td>9. .... country is the main place for holding meetings and talking about ... issues and business</td>
</tr>
<tr>
<td>10. Give full honour and recognition to the laws, customs and culture of ... First Nations people.</td>
</tr>
<tr>
<td>11. Share what I know and have in ways to help ... First Nations people meet their visions for their future</td>
</tr>
</tbody>
</table>

Figure 28 Honouring Aboriginal sovereignty (An example based on Martin, 2008: 132)

7.1B Keeping the pressure on white noise

One of the most significant ways in which Aboriginal sovereignty can be honoured by non-Aboriginal people and institutions is by remembering to continually challenge white noise and structural racism. As discussed in Chapter Two, Australia was settled terra nullius and Aboriginal people seen to be savages at that time. As this thesis is being written, Aboriginal people are still not recognised in the Australian constitution. White privilege and racism are so entrenched in the very establishment of Australia that they remain a largely unacknowledged thread in the fabric of Australia.

Honouring Aboriginal sovereignty therefore requires non-Aboriginal people to be vigilant about challenging ourselves, our institutions and communities. It
requires a degree of action, or activism and finding of like-minded souls, academics and authors who ensure the focus of change is ourselves, rather than it having to be, as Daisy said, “Aboriginal people having to change all the time.”

7.2 Implications of honouring sovereignty

Gaps identified in this research by the participant teachers are represented and summarised in Figure 27, Lessons learned and a story told. They include the relevance of training provided in prisons, how difficulty sourcing life’s necessities impacts on people’s ability to learn, difficulties accessing education opportunities in prisons and the dangers and pitfalls encountered on re-entry after release from prison. The question then arises, what impact might honouring of sovereignty have on gaps such as these? Many of the potential impacts and changes are systemic as the following examples reveal.

7.2A Teaching where English is not first language

More attention needs to be paid to provision of education in first language. Devlin (2011: 65) argues that

it is hard to know what to regret more: the persistent refusal of policy makers to take account of the abundant favourable research which endorses the value of first language literacy as a bridge to reading and writing in English...or the plummeting attendance that has followed the removal of step-model bilingual program from Indigenous schools.

The same holds true for adult learners who, as noted by Muro (2012), learn best in their first language, especially if the aim of the education is to develop critical thinking based on meaningful contextualised engagement.

In prisons, teaching in language may be difficult where there are so many different languages represented and no interpreters available. This in itself is a
reason not to move people to prisons far from country, a long standing
recommendation of the Custodial Inspector (OICS, July 2008b). That language is
esential in maintenance of identity, recording of history as well as cultural and
spiritual understanding is acknowledged in Bringing Them Home (HREOC, 1997:
259) when the report states

the story of language loss is the story of separation. With the removal of
children from their families and displacement to missions, authorities
effectively isolated these children from the nurturing and supportive
structures of all aspects of their culture. It is well known that the mission
children were not only discouraged from speaking their native
languages, but in many cases physically punished for doing so.

It is loss of language that has led to isolation and distancing of many Aboriginal
people from their culture. Where language is spoken it needs to be encouraged
and supported.

Trainers and teachers, both in prisons and those going to remote
communities to teach, need skills in teaching people for whom English is not the
first language. At present this is not a pre-requisite. While it might not be a
problem for teachers to pick up a new language with the patience of local
Aboriginal people who, as observed by Down and Wooltorton (2004: 33)
“tolerated them, laughed at them and were happy to slow down and speak word by
word for their new teacher”, not having the opportunity to learn bi-lingually has
been shown by Devlin (2011) to negatively impact on learning outcomes. While it
may not be difficult for the predominantly white new teachers to learn along the
way, and there is goodwill and patience from Aboriginal people in teaching
newcomers, there is another perspective. Each new person needing to be taught
language year after year is an example of assumed white privilege taking for
granted that this will happen. Both teachers and students can benefit from a teacher or trainer familiar with the principles and practice of teaching where English is a second language.

7.2B **Provision of re-entry programmes both pre and post release**

As alluded to by a number of participant teachers, re-entry to the community from prison is a difficult time. Release from prison is a time when people are at risk of re-offending, as exposed by Willis and Moore (2008: 23-24) whose analysis of AIC data found that across Australia, one year after release thirty nine per cent of Indigenous prisoners, compared to twenty one per cent of non-Indigenous prisoners, had returned to prison. Release is a period of intense adjustment and preparation for release is assisted by programmes developed and taught by Aboriginal people such as “Go forward with correct knowledge” (Keahiolalo-Karasuda, 2008). Similarly, Williams (2007: 233-234) concludes that the dichotomy that exists between Indigenous values systems and the Western value system substantiates a need for alternative Indigenous education initiatives that offer a genuine cultural choice for Australia's Indigenous peoples... [and] that genuine cultural choice in education means access to an educational structure founded within our own worldview and informed by our own values...our worldview and identity stand in total opposition to the individualistic and competitive nature of the capitalistic worldview of the Westcentric dominant social order. ... we Indigenous Australians are more likely to feel de-marginalised within education when we have access to education programmes that are entrenched within our own worldview. I contend that such underlying educational needs apply as much in prisoner education as any other educational context.

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Upon release, programmes such as HALO help the transition in a way that ensures individuals do not fall between the cracks. Willis and Moore (2008: 4) have identified the need for programmes both pre and post release that incorporate “an understanding of Indigenous society and its collectivist approach...rather than relying on programmes developed from a Western perspective that emphasise self-disclosure, self-awareness and individual responsibility”.

Alongside such strengthening of Aboriginal agency, is a need to build skills to, as Kate says, *survive in a white man's world*. Doreen Beresford, education officer at Canning Vale Prison in 1990, realised the importance of this type of education when she said,

I see education for Aboriginal prisoners not only being the three ‘R’s but a more all-encompassing, holistic approach to learning; challenging the learner to think for him or herself and to make decisions about those things that are important to him or her; and also readdressing the economic and social disadvantages of Aboriginal Australia in a manner that reinforces rather than suppresses cultural identity. (Aboriginal Students Canning Vale and Fremantle Prisons, 1990: 2)

Such transformative education, explains Freire (1974: 12), places the participants in “consciously critical confrontation with their problems to make them the agents of their own recuperation”. Not based on deficit models that largely prepare people as employee fodder for the current demands of big business, such programmes can be based on what (Freire, 1974) calls “education for critical consciousness”. This mode of education teaches critical thinking as opposed to being driven by the skills needs of potential employers. An emphasis on vocational education in prisons has not provided room for expansion of such
transformative options that can develop strength and agency to ultimately avoid recidivism.

The highly visible *One Generation* programme for Indigenous Australians clarifies that it is based on the belief that “Employer directed training is essential to breaking the treadmill of training rarely leading to employment which often has contributed to further disempowerment of marginalised Australians” (One Generation, 2012: 4). While these programmes are an important part of breaking cycles of disadvantage, they are not the ‘one size fits all’ panacea that at first glance they might appear. Eedle (1977: 28) identified a major shortcoming in focusing on vocational education when he stated that “vocational education alone does not create jobs, it creates unemployed technicians.” Such programmes can be compared with times past when colonisers determined what work was suited and offered to Aboriginal people and how they would be trained to be suited to it. Alice Nannup (RIP) (1992: 121-122), for example, recalls her experiences of education after being taken from her family at the age of nine; “see, when they took me and brought me down they promised to educate me, but they never did. As I said before, as far as Mr Neville was concerned, ‘All they need to do is write their name and count money, that’s all the education they need.’”

Aboriginal Western Australians were, in the past, trained via institutions such as Sister Kate’s Children’s Home in Perth or Moore River Settlement to be domestic servants or to work on farms. Alice Nannup (RIP) (1992: 122) explains that “if you were sent to a place you had to go there, and once you were there you were tied down until it suited them.”

In the north of the state following World War I states Purdy (2010: 83) there was increasing dependence on Aboriginal stockmen due to white stockman not
returning to stations. At times of high unemployment, such as during the 1930's, points out Purdy (2010: 96-97) Aboriginal people were seen to be potentially taking jobs from white people and many found themselves at the Moore River Settlement, for example, even though they were gainfully employed. During the 1930's Aboriginal people sought assistance from Unions to help them with their inequity and plight as workers; they sought equal access to unemployment benefit. The outcome of this, Purdy (2010: 97) reveals was "Only the Collie Miners Union and the Fremantle Lumpers Union supported them". All other unions failed to support this move towards equity and it did not occur.

The First Nations, critical consciousness raising programme mentioned above, Go Forward with Correct Knowledge (Keahiolalo- Karasuda, 2008) is a preparation for re-entry programme that is culturally appropriate and teaches critical thinking so necessary to live successfully after leaving prison. It is based on the assumption that, as

the majority of the prison population in Hawai‘i is disproportionately represented by Hawaiians, the content of this curriculum is focused on the culture, history, and politics of Hawai‘i...with the curriculum written to increase community and political literacy among prisoners in Hawai‘i. (Keahiolalo- Karasuda, 2008: 2)

Given that Aboriginal prisoners in Western Australia are also grossly over-represented in prisons it is appropriate for pre-release programmes to be developed and delivered by Aboriginal people for their own First Nations people. I consider that such programmes are essential if the merry-go-round of recidivism is to be addressed.

7.2C Education to meet local needs: beyond capitalism and globalisation
It is useful to say a brief word here about policy development in this era of globalisation. Firstly, as Walter (2007: 155) points out, globalisation brings with it the international marketplace, the primacy of market forces and private property rights, privatisation ... and the ascension of neo-liberalism as the dominant policy paradigm across all areas of social, political and economic life... in effect, globalisations is eroding the sovereignty of contemporary nation states.

Rights and needs of Aboriginal Australians are subsumed within this global competition as Australia competes globally to survive in a world of white noise.

Other purposes unrelated to capitalist progress can also be subsumed, such as “connecting and relating to each other through land and all that it represents - the generational, spiritual and cultural core of identity, in both individuals and their community” (Brady, 2007: 148). Such identity strengthening has been the purpose of much traditional Aboriginal education, but is lost in our current prisoner education system which has a focus on providing prisoners and offenders with “educational and vocational pathways which will support their productive contribution to the economic and social life of the community” (Australian National Training Authority, 2001: 3).

Secondly, within this neo-liberal context, educators are expected to produce people able to work to meet the demands of the state to survive and contribute in the global context. As Down (2009; 51) says, “under the influence of neo-liberalism the role of schooling has been narrowly redefined as helping students to gain the knowledge and skills to ‘get a job’.” Furthermore, the necessary skills and knowledge are defined by those with the power, predominantly non-Aboriginal people.
In a neo-liberal world, if something is not cost-effective or seen to directly add to the financial economy, it is not highly valued. Policymakers are taught at universities in courses usually based on sound western styled research. Like the medical professions referred to by Black (2001), teachers and trainers are expected to follow proven, evidence-based methods while those making the policy that drives course provision may have other competing priorities such as social, financial, strategic, personal career or electoral priorities.

Where there are competing personal interests and white dominance there is a danger of the richness of diversity, uniqueness and localised needs being swallowed up into a colonial, white, centralised norm. Honouring Indigenous sovereignty necessitates respect for the deep knowledge and understanding of Aboriginal people’s education methods. This knowledge may in fact benefit all those being taught, not only Aboriginal children and adults.

7.2D Restoration of harmony as opposed to punishment

Restoration of harmony in relationships can occur when the justice and correctional services systems are based not only on white colonial assumptions about punishment but are also inclusive of the Indigenous aim of restoring harmony and equanimity to relationships. This requires shifting the focus away from the ‘other’ and what deficits are perceived in ‘them’ to also consider what white noise contributes to the situation. For this to transpire in a sustainable way Fournier (2005: ix) asserts that political leadership and media support are not sufficient ... a ‘whole of society’ approach is also required ... the active involvement of all levels of government, the private sector and main-stream institutions (notably health, education and police) … along with adequate levels of public funding.
While adequate funding is essential for sustainable change, Smyth (2010:124), however, believes that “turning around disadvantaged communities” requires more than material resources.

Daisy too, sees that a change in honouring of Aboriginal people requires more than money. For her, moving towards harmony and understanding begins with whitefellas being taught by Aboriginal people. *That Julia Gillard*[^60] and *that Colin Barnett*, do they know there are people out there on the Lands and that we need help not our people sent away to prisons? ...Government and politicians need to come to the lands for a week and see how people live, how they are crowded in houses like sardines, not just fly in, talk some rubbish and leave. They need to see how we are treated there, see it for themselves. People need to come three times; once to see, once to learn and once to understand. They need to sit and listen. This is what Daisy sees as ‘active involvement’ which is a different interpretation to that of government whose active involvement includes the interventionist policies and practices imposed on many Aboriginal communities today.

### 7.2E Focusing on strengths not deficits

Lowe (2010: 27-28) claims that to start re-authoring the dominant view of Aboriginal people as being unable to cope requires challenging persistent colonial domination in the decision making of government and non-government agencies, their policies and actions. This view is shared by Bishop (2002) who believes that

[^60]: Prime Minister of Australia at time of yarns
[^61]: Premier of Western Australia at time of yarns
pathologising of Indigenous people as not coping or having gaps that need to be filled maintains the dominance of whiteness and colonialism.

Most important in working with disadvantaged communities, claims Smyth (2010:124) are building mutual trust and respect and an authentic sense of being valued. The need to focus on strengths rather than deficits is also highlighted by Andersen (2011: 102) in this way, “teachers and students should not try to change the culture, custom or values of Indigenous students, but must work towards creating a welcoming environment that respects, nurtures and enables all within the class to learn.” Purdie, Milgate and Bell (2008) refer to this mutual learning as Two way teaching and learning. To work in this way has been seen by Yunkaporta and McGinty (2009: 55) as something with which non-Indigenous teachers struggle as it requires “a radical shift in their thinking in order to set aside deficit logic, or stimulus-response approaches to teaching and learning, to embrace sophisticated Indigenous ways of knowing”.

Ungenmerr (nd) says, “We know that our white brothers and sisters carry their own particular burdens. We believe that if they let us come to them, if they open up their minds and hearts to us, we may lighten their burdens.” When non-Indigenous people see the strength in Aboriginal ways of knowing, being and doing, instead of only seeing deficit it is possible for mutual benefit and two way learning.

7.2F Sovereignty can be honoured before governments make that choice

Individual communities, organisations, schools and teachers can act to create change. As Harrison (2011: 9) says, a teachers’ job “is to unite people from different cultures in how we teach, talk and act...we need to show kids how to get on with one another, and we can do this by developing good relationships.” Such
modelling of positive behaviour is not only the domain of teachers. Prisons, organisations and communities can all show others how to get on with one another and develop good relationships. Purdie, Milgate and Bell (2011: 222) provide clear ideas on how to begin, dwell in the cultural interface and listen to each other's stories. From this space, separate stories develop into shared stories in which cultural and social differences and similarities are acknowledged, accepted and absorbed as personally and collectively lived experience that eventually shapes itself into a shared history. Friendship is the most obvious and effective relationship through which to appreciate and understand the plethora of influences and agencies that contribute to learning and wellbeing.

Simply being friends provides a strong beginning. Adopting an attitude of humility and openness to our own life-long learning, listening in the way outlined in Chapter Four, and respecting as outlined in Figure 28, Honouring Aboriginal sovereignty, are also ways of beginning to honour Aboriginal sovereignty at any level. Teachers, trainers, educators of all kinds, in all locations can, like Freire (1974: 32) take an approach to education that begins with “‘I wonder’, instead of merely ‘I do’”. For example, I wonder...

- what this class, training session might look like or be like if I implemented some of these listening skills;
- what would happen if individual prisons, teachers, schools, districts, departments and governments asked Aboriginal people with whom they worked how their behaviour could show respect for those peoples Land, Laws, Elders, Culture, Communities, Families and Futures;
- what would happen if they then committed to follow those agreed rules of behaviour; and
- what might happen if we became friends?
I see this as an essential step in creating an environment in which intergenerational trauma can begin to be tackled effectively at both a community and individual level.

### 7.3 Healing of Ongoing Historical, Intergenerational Trauma

In Australia, Judy Atkinson (Atkinson and Ober, 1995; Atkinson, 2002, 2008a, 2008b, 2012) focuses her work on ways to heal intergenerational and ongoing trauma experienced by Indigenous Australians. As noted in Chapter Two, Atkinson believes that healing comes in a community context. Her We Al-Li (Fire Water) workshops aim to assist in restoring wellbeing for individuals and communities in a culturally respectful and safe environment. To Atkinson, (2008: 121) “finding our Stories of Relatedness is necessary for us to understand who we are: who we are as Indigenous Australians, seeking healing from layered traumatisation”. Such healing Atkinson (2008: 121) believes to also be dependent on learning from one another “as we sit together in circles of sharing, learning and healing”. In this way teaching, learning, relating and healing are all interwoven and occur in synchronicity.

Martin (2008: 83) echoes Atkinson, saying that when Indigenous peoples stories of relatedness have been distorted or forgotten “they still exist and the task becomes one of finding how this [distortion or loss] happened in order to reclaim them”. Where colonisation has ripped away from people over generations their sense of identity, safety and being, the task becomes to listen to one another and learn from one another. Also essential is acceptance that there will be parts of this journey of healing and rediscovery that westerners cannot and should not be part of, much less direct or ‘own’.
7.3A  Working with traumatised people to heal

Indigenous academics and authors provide insight into what can help Aboriginal people heal from trauma. These insights include focusing on strengths (Mehl-Madrona, 2010: 301-318) and re-authoring of incomplete, untrue or misconstrued stories. This develops a sense of belonging and community, recovery of stories (Martin, 2008a) and a safe, communal place, described by Atkinson (2002: 213) as a place of healing and education, “educating the self about the Self... Healing is a group interaction.” Atkinson (2012) names this group healing process educaring. Atkinson (2012) identifies that educaring embraces an Indigenous Critical Pedagogy in response to historic social and cultural trauma. She points out that “We don’t need the three ‘R’s , we need the five ‘R’s . Respect, rights, responsibilities, reciprocity, relatedness” (Atkinson, 2012). Without due attention to the five R’s healing is likely to be a difficult task.

Ultimately, prison is not conducive to healing the traumatic experiences that so often lead Aboriginal people to prison in the first place. Prison is also not a place where the five ‘R’s of respect, rights, responsibilities, reciprocity and relatedness are consistently modelled or reinforced. For rehabilitation and healing to be visible priorities, options are required that focus on reparation and restoration of relationships, the central concern of Indigenous world views. Provision of such healing is very difficult in a total institution such as a prison.

7.3B  How can healing projects be funded?

Tucker and Cadora (2003:3) describe justice reinvestment as a potential way of resourcing non-punitive ways of dealing with crime. Such non-punitive measures can include opportunities for healing, education or other programmes
that are locally targeted, developed and owned. Clear (2011: 587) says that justice reinvestment is best understood as

a broad strategic plan of action: incarceration rates are purposefully reduced through new sanctioning policies and practices, and the money saved by doing so is invested in local communities hard hit by crime and cycles of incarceration.”

Justice reinvestment promotes that people in prison for things such as non-payment of fines and traffic offences are not necessarily a danger to society and require rehabilitation not punishment.

Speaking from a British perspective Moudell (2012: 22) says that, as justice reinvestment is a relatively new concept, it is not fully understood and there is no solid base of evidence as yet about its level of success. In the United States Clear (2011: 586) agrees that it is in its infancy but “based on the activity to date, justice reinvestment is an idea to be reckoned with.”

In Australia there have been a number of reports since 2009 at both state and national level that recommend use, or at the very least serious consideration and trialling of, justice reinvestment as a way to build communities, reduce recidivism and tackle the high rate of Indigenous incarceration. These have included, federally, the Human Rights Commission annual Social Justice Report (Calma, 2009) and the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (2011) Doing Time – Time for Doing. At a state level they have included the Community Development and Justice Standing Committee (2010) Making Our Prisons Work as well as a report I prepared for the Deaths in Custody Watch Committee as part of the reciprocity of this research. The report was on an Amnesty funded project, Taking Justice Reinvestment to Swan and
Stirling local government areas\textsuperscript{62} (Carnes, 2011d). This latter project listened to the voices of some of the key Aboriginal community members in Swan and Stirling and was a part of the kick start to support for justice reinvestment in Perth.

The Greens have openly supported Justice Reinvestment options and during the life time of this project we have seen the WA Labor Party adopt Justice Reinvestment as official policy, endorsed at their 2011 state conference. While we have not yet seen the desired policy changes, there is increasing pressure on state government to consider the option (Carnes, 2011d: 1).\textsuperscript{63}

In Western Australia strong community sector support for justice reinvestment is evidenced in the establishment in 2011 of a Community Justice Coalition. This is a lobby group for change in prison and correctional services. Co-founded by DICWC and chaired by the Anglican Archbishop of WA, this group includes representatives from the union movement, Outcare, prison chaplain service and other non-government agencies.

Recently in Western Australia a discussion paper has been prepared by peak bodies, WAMH, WACOSS and WANADA\textsuperscript{64} which recommends justice reinvestment as an appropriate approach in this state. In relation to the current approach of building a new culturally appropriate prison in Derby, it states (Western Australian Association for Mental Health et.al., 2013: 11),

While we acknowledge there is value in providing culturally appropriate facilities, we question whether the high rates of Indigenous offending in the (primarily Indigenous) communities surrounding these

\textsuperscript{62} A copy of this report is included in Appendix 7.

\textsuperscript{63} At the time of final editing of this dissertation the situation in the state of Western Australia has not changed. At a national level, the Senate Legal and Constitutional Affairs Committee has been undertaking an inquiry, Value of a justice reinvestment approach to criminal justice in Australia. The findings are due to be reported by the end of June 2013.

\textsuperscript{64} Western Australian Association of Mental Health, Western Australian Council of Social Services and Western Australian Network of Alcohol and Other Drug Agencies
new facilities could not be better dealt with by instead increasing investment in local, community directed initiatives targeting the factors which have been shown to precipitate offending behaviour in a local area. Providing ongoing funding for evidence-based programs and services which address existing areas of disadvantage (and other identified issues) has the potential to bring long term, much more positive outcomes to local communities than it are likely any prison will be able to achieve.

Unfortunately, the current state government in Western Australia continues to oppose justice reinvestment and redirecting money to potentially transformative areas such as education. If there is a change of government this stance may alter as the opposition have a clear policy of investigating the implementation of justice reinvestment in communities of high recidivism. Wherever the resources come from, healing will need to include a focus not on deficit but on strengths, will place relationship at the centre and aim for recovery of stories in safety.

**7.3C  Start by focusing on strengths and Aboriginal agency**

Sociologically the term agency refers to the capacity for voluntary action, to act in the world (*A Dictionary of Sociology, 2009*) and, in this context, means recognising the ability of Aboriginal people to make choices and decisions for themselves in the world, to be autonomous.

In an Australian context Williams (2007: 40) sees autonomy as intrinsic to the survival of our cultural identity. I feel strongly that it is because we value our cultural autonomy that we have been able to resist, since 1788, the onslaught of colonisation and assimilation. Autonomy is the collective and spiritual expression of our right to cultural sovereignty, land rights and native title, social justice, and treaty. It engenders our social/collective and cultural/spiritual pride.
These words provide an explanation of an important source of Aboriginal agency that is outside the reach of colonialism or assimilation; living collectively with a strong spirituality and millennia-old autonomy is the source of Indigenous agency.

Lowe (2011: 27-28) raises the issue that the dominant whitefellas view of Aboriginal people is that of being unable to cope. Pathologising Indigenous people in this way does not represent any irrefutable ‘truth’; rather it maintains the dominance of white noise and colonialism. Evidence of Aboriginal resilience, strength and agency is seen in the longevity of settlement on this continent for at least 50000 years as noted by Van Den Berg (2002:1). The challenge to relinquish power put to us by Moreton-Robinson (2000: 186) can therefore begin with critical questioning of such dominant pathologising beliefs and a refocusing on strengths and agency.

Speaking at the *Sustaining Our Ways: Educating for Sustainability Conference* in Winnipeg Chief Phil Lane Jr (Lane, 2012) typifies the focus of Indigenous education on the positive when he says,

Solving the critical problems in our lives and communities is best approached by visualizing and moving into the positive alternative that we wish to create, and by building on the strengths we already have, rather than on giving away our energy fighting the negative. Healing and education go hand in hand with a belief in the existing agency of Indigenous people.

One approach to Indigenous healing that focuses specifically on agency and strengths is that of Mehl-Madrona (2010: 301-318). This narrative approach to healing has been discussed previously in Chapter Two and is based on assumptions such as
• There are no bad people, only bad stories
• New stories have to be lived within community, which is what makes them real and able to replace the old stories
• Every time a story is told, it has an effect on the person hearing it (so tell lots of good stories).
• Don’t tell bad stories because they will undo the good stories you tell. (Mehl-Madrona, 2010: 303).

As with the approaches advocated by Martin (2008) and Atkinson (2002, 2012) strengths, agency, teaching, learning and community all weave together to heal. A Eurocentric healing and education system based on a one size fits all mantra and a focus on the individual cannot provide all of these necessities. Focusing on Aboriginal autonomy and agency rather than deficits will be returned to and discussed more fully in Chapter Eight.

7.3D Place relationships, belonging and community at the centre

Walls and Whitbeck (2012: 1290) contend that “One of the keys to breaking the cycle set in motion by historical cultural losses is reconnecting generations, linking lives in a good way to support the healthy growth of the next generation.” This comment implies the need for long term approaches to healing. It is unlikely that short term projects can achieve long term benefits. As Menzies (2006: 20) explains

long term approaches must be... offered to family and community members ... it must be recognised that, given the pervasive influence of trauma on our lives, it may take more than one generation to heal from experiences with a lengthy history. There is no ‘quick fix’.
When the central importance and necessity of belonging and community is denied by neo-colonial institutions deep, long term healing is not possible. Instead, what is experienced is ongoing re-traumatisation.

Healing of trauma and subsequent re-learning of strong spiritual behaviours cannot happen away from country, behind prison walls. Healing, in this sense, is not like the conventional healing of a wound by applying antibiotic cream. It is seen by Mehl-Madrona (2007: 102) as difficult for mainstream agencies and workers to understand because it lies outside the cause and effect paradigm of classical medicines. Spiritual healing cannot be traced to a linear series of events. It appears to rise almost out of nowhere from within the entity (person, family, community) being healed.

The richness of stories and teachings in Aboriginal cultures cannot be accessed far from country; parents and Elders cannot teach those they cannot see and who are not on the country that holds those stories. Recovery of stories and self cannot occur so far from homelands. As Mehl-Madrona (2010: 10) points out, “no one heals without community... We need each other to grow and change and heal. We cannot do so alone. We must overthrow the primacy of the individual story...”

7.3E Emphasise recovery of stories

As noted above, current stories integrate the trauma experienced by Aboriginal people and form some of the stories being passed on. One such story is that of the Aboriginal Women of the Yarning Circle (Robertson, Demosthenous and Demosthenous, 2005: 42-43) who maintain that legal and social sanctions imposed on Aboriginal families women, men, and children reveal the collisions of cultures, as they are articulated
from a position of cultural arrogance – a position which is constructed and reconstructed in legislation, policies, and practices of institutionalisation, from contemporary policing through to everyday life, and the whole gamut in between... what has changed?

As Behrendt (2003: 138) claims, it is important for these stories to be heard by whitefellas and integrated into the white, mainstream history stories that are told. This is an important part of working from a third space as a whitefella; taking the time to listen, learn and evolve so that white noise can be turned down. For Indigenous healing to occur some stories need to be re-authored and new positive experiences created, without negating or ignoring the truth of the traumatic stories now told as part of the history being passed down. As I recalled in my journal one night,

I was once lamenting the difficulty I was having in moving on from an old type of living I had in a core relationship in my life. “Why do I keep getting stuck on this same old story?” I asked my friend Julie. “Dear friend,” she replied, “how can you move on when they still treat you the same way? It isn’t over, it is still happening so you can’t let it go.” (Journal, August 21, 2012)

7.3F Ensure places and processes of personal and cultural safety

The matter of what happens for people post release is raised again and again by participant teachers and exemplifies the ongoing issue of trying to find somewhere safe to live, be, learn, heal. The common experience seems to be one of no safety, whether living in remote areas or in the city. Healing is hard work. It takes energy and time and a sense of support and safety. Willis and Moore (2008: 21) identify that “prior to their current imprisonment period, almost three-quarters (74%) of Indigenous prisoners had served an adult prison sentence previously, compared with under half (47%) of non-Indigenous prisoners.”
Without a home or safe place to go to it becomes easy for people to return to prison where once again they are assessed and judged and a merry-go-round is repeated, a merry-go-round of surveillance by a system that Foucault (1977: 143) maintains, is intent on “knowing, mastering and using” of the individual.

Foucault argues that supervision, control and correction aim to attach those outside the mainstream to its structures and systems (Faubion, 1994: 78). Faubion (1994: 58-59) also describes Foucault’s belief that power in the form of schoolteacher, doctor, mental health worker or prison officer determines the norm to which people need to adhere, the behaviours they need to exhibit, a view that is congruous with Moreton-Robinson’s (2004a: vii) of patriarchal white sovereignty as “the invisible norm against which other races are judged in the construction of identity, representation, subjectivity, nationalism and law”. A sense of safety is difficult to achieve for people who are fearful of constant surveillance, living rough on the streets, disconnected from cultural history, continually trying to find a place to live or without the necessary resources to reach a benchmark of what is considered by dominant voices to be ‘normal’.

In relation to education in a prison setting, a focus on skills based, employer driven training does not provide development of critical consciousness, cultural pride or healing of trauma to ensure a strong basis to build a life upon once released from prison. This is iterated by Borzycki (2005: executive summary) when he says, “The complexity of the disadvantages confronting prisoners pre- and post-release means that individual offenders’ issues cannot be addressed with a single generic program or intervention”. Providing generic courses does not meet an essential purpose of education identified by Freire (1974: 48); learners
achieving “critical consciousness so that they can teach themselves“ in new situations.

Continuing to punish people and put them in unsafe situations does not heal trauma, does not allow the brain to find ways other than hyper-arousal or dissociation to respond. Achieving healing requires, from whitefellas like me, what Mehl-Madrona (2010: 280) calls the radical alternative to drugs and modern medicine, listening. It is only our place to be involved actively when given permission or invited because, as Freire (1972: 30) asserts, “oppressors cannot practice liberation of those they have oppressed”.

Atkinson’s (2002) *We Al-li* programme provides support for healing along with learning about self, community and family. It is grounded in the philosophy that there is an “innate capacity within all of us, to restore our physical, mental, social and spiritual selves to a state of full productivity and quality of life, no matter how severe the initial damage” (Atkinson, 2012). Atkinson continues, referring to the process as “educaring, a process in which the teacher and the taught together create the teaching”. This indeed has been my experience in this research project. I am not an expert, rather I am on a learning journey and play my part in giving back. At times I think I fall short of the mark in my giving back and so the journey continues beyond this dissertation and the present timeframe. The reciprocity has not ended.

While it may seem incongruous to think of prisons and healing, van der Kolk (2007: 228) reminds us that “people with childhood histories of trauma make up almost our entire criminal justice population.” As this is the case, it is essential for education in prisons to be developed that takes this into account. Much more work is needed in this area to investigate educaring approaches in a range of settings, to
move beyond dominant Settler paradigms of mainstream education and toward a system of education that is not only informed by the work of Indigenous academics and Indigenous pedagogies but also ‘owned’, developed, implemented and evaluated by Indigenous educators. Also, as noted earlier, alternatives to prison such as community developed and owned programmes funded by justice reinvestment can provide alternative ways to heal and be strong at all levels, community, individual and family.

7.4 Identifying and Monitoring Challenges in Honouring Aboriginal Sovereignty and Healing Historical Trauma

Challenging mainstream agencies and organisations requires turning the mainstream gaze away from pathologising and problematising Aboriginal people and communities. It requires turning that gaze to ourselves, not as some kind of self-indulgence but to see ourselves reflected through Indigenous eyes. In order to do this it would be useful to have a means of monitoring our challenges as whitefellas and how we are addressing them. I am often asked, “But where do we begin to change? What do we do?”

I maintain that it is possible to monitor and identify our own challenges of respecting Aboriginal sovereignty and healing historical trauma. A similar audit process that has a focus for mainstream agencies to consider their level of cultural safety has been developed by Walker and Sonn (2010). They facilitate a process with organisations to consider their gaps and then work with them on ways to fill those gaps. To develop and apply such a framework in education would be a move beyond cultural awareness training, as requested by Fredericks’ (2008) article The need to extend beyond the knowledge gained in cross-cultural awareness training.
Some questions can be helpful in identifying gaps created by white noise and locating places for action. These questions are represented in Figure 29. At the centre of the diagram is the goal: strong, healthy and equal relationships with Aboriginal people. Without this goal we risk making little more than superficial, cosmetic changes and perpetuating a “bourgeois self-indulgence...a psychological attempt to ‘feel good’ about the angst of privilege” as described by Kincheloe and Steinberg (1998: 26).

The questions in Figure 29 ask,
- what are we doing?
- how are we doing?
- what could be better?

In my years of management and working in the not for profit sector I have seen similar questions asked as part of mainstream planning and evaluation processes. These same questions can be used to monitor progress and position against the issues of Aboriginal sovereignty and healing of trauma. As Smith (2003) argues, when speaking of transformative learning in a Maori context, all Maori can be plotted somewhere ... (some are standing still, some are going backwards, others are well advanced) - the point is that every Maori is in the struggle whether they like it or not, whether they know it or not.

I maintain that the same can be said of non-Indigenous people. Whether we like it or not, whether we know it or not, we are all at some stage of the journey in our relationships with Aboriginal people, whether it being going backward, forwards, standing still or being well advanced. These questions and framework provide a tool to identify what stage we are at. Implementation and appraisal of this
framework in situations such as prisons and other educational settings is required and would benefit from further research and evaluation.

Referring to Figure 27 on page 277 I can see that, while this framework considers sovereignty and trauma, there are a number of other aspects that remain unaddressed including practical challenges such as housing, the need for whitefellas to learn about history from an Aboriginal view and provision of adequate resources in prisons. The research question asked, What do Aboriginal people from the Deaths in Custody Watch Committee networks say helps and hinders education in Western Australian prisons? Answering this question requires going beyond curriculum content to a consideration of transformation of systems and processes of education. The two areas of education highlighted are Starting with Aboriginal Agency and Becoming Informed as Whitefella and they are the focus of Chapter Eight.
A pedagogy of the oppressed cannot be practised by the oppressors. (Freire, 1972:30)
Expanding on the goals identified in Chapter Seven this chapter identifies potential actions through transformative education which was defined in Chapter Two as “communicative learning and a critical assessment of assumptions supporting the justification of the norms “ Mezirow (2000: 9). It was also noted in Chapter Two that transformative education could be a potential tool in addressing the ongoing impact of colonisation and historical trauma. While educational actions will not, in and of themselves, lead to Aboriginal sovereignty being honoured, or the healing of historical trauma, they do move in that direction and begin a journey of transformation for the relationship between whitefellas and Aboriginal people in Australia.

The two areas of transformative education identified are *Aboriginal Agency*; education in being Aboriginal and surviving in a white man’s world and *Being Informed*; education for whitefellas about privilege, advantage and an Aboriginal view of history. Neither of these areas replaces the current education system. Initially they may need to sit alongside it. Hopefully, in time, they can also become part of mainstream education’s own transformation.

### 8.1 Starting with Aboriginal Agency

Raising critical consciousness and building on inherent strengths and resilience rather than deficits provides a foundation for *Starting with Aboriginal Agency*. This section of Chapter Eight ponders the concept of agency, particularly from an Indigenous perspective and briefly explores the value of adult education beyond a focus on employer driven skills training programmes. The discussion then considers the need for education that educates Aboriginal adults in both *how to be Aboriginal and how to survive in a white man’s world*. Two examples of
programmes are provided from Hawaii and Canada that have been created, delivered and evaluated by Indigenous people and operate in the context of correctional services and/or incarceration.

8.1A What is agency?

Agency is defined in a political sense by Howlett (2010: 103) as the ability or capacity of an individual or group “to act consciously to realize their intentions. This notion of agency implies a sense of free will, choice, or autonomy... implying that it is their behaviour, their agency, that is responsible for the effects and outcomes we observe.” Similarly, Davies (1991: 42), speaking from a sociological viewpoint, explains that in the humanist tradition agency was seen as the domain of the individual when she says that “agency is a feature of each sane, adult human being. Those who are generally not constituted as agentic, such as women, children, natives ... and the insane are ... not fully human.” She, however, argues that “agency is spoken into existence at any one moment... it is a readily attainable positioning for some and an almost inaccessible position for others” (Davies, 1991: 52). In Davies’ view, agency is a socially constructed concept dependent upon an individual’s context and circumstances.

These views of agency are from mainstream, Settler perspectives and do not take into account Indigenous world views. Working with Indigenous communities in Canada to heal from trauma Kirmayer et.al., (2011: 84) acknowledge that mainstream understandings of resilience and agency do not take into account Indigenous constructs such as collective identity and relational concepts of self. Incorporation of these aspects of Indigenous understandings, they have found, builds agency and resilience for Indigenous people. They speak of the importance and value of revisioning history to learn about the impact of colonialism,
revitalising language and culture and the essential need for connection to a sense of place to ensure wellbeing. This way of viewing agency is, as Davies believes, socially constructed in a collective way, providing a strong identity for both the individual and group.

Importantly, while stories of Aboriginal history and resilience contribute to a sense of balance, harmony and peace for Indigenous people they can also, argue Kirmayer et al. (2011: 89),

circulate outside the community as well, refiguring the representations of Aboriginal Peoples in the larger society in ways that can foster resilience through recognition, respect and reconciliation. These stories also provide useful metaphors for thinking about the social and political changes that must occur to reduce health disparities and insure well-being for indigenous people and all who share this land.

Re-learning history, as represented in Figure 22, Listening as a critical ally, is thus reinforced as an important step in closing the gap for both Indigenous and non-Indigenous Australians. From what the participant teachers have relayed in their stories, this is not yet happening in Western Australian prisoner education or the wider education sector.

8.1B Euro-centricity of current education provision

As noted in Chapter Three, education received by Aboriginal children through the mainstream school system continues to be Eurocentric. Aboriginal perspectives and processes have not been included in mainstream formal education systems since the time of colonisation. This has been noted by Andersen (2011: 96) as “perhaps the most disturbing impediment to educational success for the Indigenous child”. By the time they are adults in the prison system Aboriginal people have had a lifetime of such educational impediment. Andersen
(2011: 97) adds that students need to be supported in choosing “academic success without loss of cultural identity.”

There is also a need for curriculum in prisons to include culturally related material, approaches, evaluation and purpose. The gaps from lost stories and lost identity require filling, as outlined in the discussion on trauma in the previous chapter. Settler, Eurocentric education models are not best placed to develop, implement or evaluate programmes that fill these story and identity gaps or build strength and pride in Aboriginality.

8.1C **Getting stuck on the skills training treadmill**

As Alice Nannup (1992: 221-222) realised, the purpose of assisting Aboriginal people to be educated was that they learn to write their name and count money. This is confirmed by A. O Neville, Chief Protector of Aborigines/Commissioner for Native Affairs in Western Australia from 1915 to 1940 who, as noted earlier in this thesis, is reported as saying Aboriginal people should be absorbed into the general community ...and educated at least to the three ‘R’s. If they can read, write and count, and know what wages they should get and how to enter into an agreement with an employer that is all that should be necessary. (Commonwealth of Australia, 1937)

There are echoes of this sentiment in the ANTA vision (ANTA, 2001: 3) that education and training in prisons aim “to provide prisoners and offenders with educational and vocational pathways which will support their productive contribution to the economic and social life of the community.” This vision still drives prisoner education in Western Australia, ensuring that training aims to
make prisoners ‘good citizens’, to produce what Foucault (1977: 136) called docile bodies to be “subjected, used, transformed and improved.”

While employment is essential for people to participate in Settler society to the fullest, current employer directed Indigenous training programmes such as Generation One (Generation One, 2012, 4) resonate somewhat with Neville’s comment from 1937. It is an approach that Milnes (2001: 47) has said “facilitates education for servitude.” Employer directed training programmes can be compared to past assimilation policies. The following question, for example, was asked by the then Chair of DICWC on Q and A Goes West (Australian Broadcasting Corporation, November 1, 2010),

MARIANNE MACKAY: I just wanted to ask a question in regards to generation one. As an Aboriginal person, generation one seems like a modern day assimilation policy and I’d like to know your thoughts on that and also just talking about Aboriginal people, we don't like the word Indigenous, so we’d prefer Aboriginal…

It remains to be seen if, in the longer term, outcomes for those being drawn into such employer driven programmes provide the promised gains or, as with the mission education of the past there is, as argued by Beresford and Omaji (1998: 169) “no evidence of ... greater advantages in the labour market than [for] those who remained in their communities.” While, in the short term employer driven programmes may have benefit for those being trained, they do not address the education for critical consciousness referred to by Freire (1974). He does not find it surprising that there is a lack of critical consciousness raising education for disadvantaged people. Freire (1974: 29) describes how, as people's consciousness rises they become angry about their treatment and oppression
which in turn leads to a fear of losing power by the dominant group who then try to impede processes of growth by the people.

Given this line of thinking it is of interest to consider part of the response from Andrew Forrest (the mining magnate behind Generation One) to Marianne’s question.

ANDREW FORREST: ... I remember growing up (pause) with (pause) there just aren’t the jobs. So training for training’s sake - underwater origami used to get justified, right, because there were no jobs (pause). Now, it’s easy to knock the steps, okay, but at least there’s people out there - the 60 per cent of people who work for the Australian Employment Covenant who are Indigenous aren’t saying this is the best model, but they’re saying it’s a model and let’s applaud all the models because we can have an Australia without a disparity.

The first thing that strikes me about this comment is that it exemplifies a typical response from white people when challenged, as identified by Rains (1998: 86-88), “the citation of exceptions response.” This seemingly benign response highlights those who have “managed to pull themselves up by their proverbial bootstraps” (Rains, 1998: 86). It takes the centre of attention away from the question being asked and places it on those ‘succeeding’ as defined by a dominant worldview. Marianne refers to a history of disadvantage but Andrew’s response blocks any consideration of changing the status quo. If the spotlight is on what has worked for the few, then the needs of the many can be lost and the individual seen to be to blame because they have not ‘succeeded’. If they only tried hard enough they too could be like the 60% of people Andrew refers to who are achieving what he calls ‘parity’.

A summary of typical responses identified by Rains (1998) is provided in Figure 31 on page 337. These responses support the words of Fraser (1997: 3)
who speaks of the post socialist condition being an “absence of any credible overarching emancipatory project despite the proliferation of fronts of struggle; a general decoupling of the cultural politics of recognition from the social politics of redistribution.” In such a world individuals become at once blamed for their lot in life as well as responsible for addressing it, while those most advantaged have a choice to not get involved with the needs of those outside the mainstream.

One of the assumptions Mr Forrest seems to make is that working in mining provides an opportunity for success for all people. For those people wanting to stay on country, with family or who do not wish to sign over native title to create jobs, parity is not obtainable under such a model. Another assumption appears to be that broader education is useless. His mocking tone about “underwater origami” dismisses education other than that which leads to a job.

There are examples of deep, respectful education that utilises Indigenous pedagogies. Cajete (1994: 190), for example, describes his vision of education believing that

\[
to \text{ have authentic empowerment you must have a system of educating that not only trains for vocation but prepares individuals: for self-actualising themselves, fulfilling their human potentials, enlivening their creative spirit, and finding their personal meaning, power and what in earlier times Indians called medicine. This is exactly what tradition Indigenous processes of education did. This is the essential meaning of the word empowerment. The implementation of Indigenous ways of educating is toward this most basic of human need. It authentically empowers and perpetuates the development of the spirit of families, communities and tribes.}
\]

Chief Phil Lane (2012: slides) adds a description of life-long learning to the above view when he says,
human beings are learning beings. We begin learning while we are still in our mother’s wombs, and unless something happens to close off our minds and paralyse our capacities, we keep learning throughout our entire lives. Learning is at the core of healing and development.

Williams (2007: 3-4) sees the depth and richness that could occur if mainstream education took Indigenous pedagogy into account when he says it is because my cultural education has been so strong that I feel the cultural chasm that exists between Indigenous education and Western mainstream education. For me this chasm is most stark when I think about our spiritualism, but I see it also in social and political terms.

Education that is respectful of Indigenous pedagogies is required for both healing and attention to equity. Lesley’s words describe what is required in a direct, unequivocal way when she says in prisons and in schools, you people don’t take the fuckin time to teach us because we have a different pedagogy of learning. OK? So you need to stop doing that shit with us.

Being in secure employment can address many issues of poverty such as living standards, achieving health outcomes, having a home and being able to focus on learning and education. An approach that starts with Aboriginal agency requires more than this, more than education for getting a job. It requires education about the impact of colonisation and settlement that helps people to, as Freire (1974: 13) said, “enter the historical process critically.” To respect Aboriginal agency requires healing and strengthening Indigeneity. It requires re-discovering the stories of relatedness that have been lost and, as Kate said, learning how to survive in a white man’s world.
8.1D  Honouring Aboriginality and how to be Aboriginal

Education of Aboriginal people on how to be Aboriginal is the realm of Aboriginal teachers and Aboriginal educational paradigms. It is done in various informal ways already in Western Australia, though rarely funded by government. Programmes are often established by concerned Elders and senior community members and run on a shoe string budget. They focus on building strength and pride and healing young people. There may be non-Indigenous involvement, but only at the invitation of Aboriginal people running the programme, not as invading Settler experts. Programmes may have a name, such as Boordiya Maaman in the Peel region. Others are funded and linked to Aboriginal service providers such as the Bringing Them Home programme offered through Derbarl Yerrigan Health Service. Most, however, from what I see and hear from Aboriginal people, run much less formally and without any mainstream support or funding, like the work that Daisy does: *Children aren’t taught in language anymore and cultural education is not in the schools so I have to take the children out bush after school and weekends and that and I teach them. I pay for that, my chops, my flour, my sugar, my tea. And we have no car to go out in. Sometimes shire will take us but we have no funding to do this really important work. I get paid as a Liaison but these costs come out of my pocket. Our people need this education to stay well and strong and not get into trouble.*

My fear is that, if dominant Settler institutions and departments realise the importance of this kind of education, they will attempt to take over, commandeer and adopt ways of working without proper permission or consideration for ‘proper way’ of doing business. It would be a concern to see whitefella education departments ‘domesticating’ (Freire, 1972, chapter 2) cultural education, drawing
up curriculum with key performance indicators, testing and a national framework on ‘how to be Aboriginal’. This is why developing indicators of respect (as referred to in Figure 28 on page 280) at a local level and revisiting them regularly is such an important aspect of the framework offered in this thesis. It is essential for acting to relinquish power and control, the challenge posed at the beginning of this chapter by Moreton-Robinson (2000).

A challenge for mainstream systems in recognising the value and importance of the work done by community and Elders is to re-author the assumption that western, dominant paradigms of education will work for all. Another part of the conundrum is highlighted by Harrison (2011: 8) who points out that while “Aboriginal kids learn in different ways, we also need to be careful not to make these differences so enormous that we create an insurmountable gap between Aboriginal and non-Aboriginal Australians.” While this is a very pertinent point, the teachers in this project tell me that the current gap is already huge and feels insurmountable for many Aboriginal people. It could be easy to interpret the comment by Harrison as a reason to not have cultural education provided either at school or after hours. The assumption could be, yet again, that to succeed in a white man’s world requires giving up Aboriginality.

This scenario from Canada, related by Manuel and Posluns (1974: 247) almost forty years ago still rings true in Australia today,

The minute a budget is created by the rich to help the poor, or by people in power positions...they immediately set up an administration to look after those funds that saps away both the financial resources and the growth of any kind of leadership and initiative within the community that can speak for the people who need the help.
To address this concern Manuel and Posluns (1974: 247) believed it was necessary “to put the initiative for planning and decision making into the hands of local communities...with the support of technical staff employed to serve that community's interests and no other.” Arguments such as these lead me to maintain that the vital question is not ‘what should or should not occur in education’ so much as it is a series of four questions namely

1. is there an alternative to mainstream? Who says so?
2. is there an opportunity for Aboriginal people to learn how to be Aboriginal and survive in a white man’s world? Who decides?
3. are the choices of Aboriginal people sapped away by those in powerful positions?
4. who decides what should or should not occur in education?’

8.1E  Building skills and knowledge to survive in a white mans’ world

As with learning of culture, education of how to survive in a white man’s world needs to be developed and ‘owned' by Indigenous people. As Freire (1972: 30) said, “a pedagogy of the oppressed cannot be practised by the oppressors.”

Given the history of oppression by whitefellas in Australia, as summarised in part in Chapter Three, dominant, white processes cannot implement a liberating education. Whitefellas cannot ‘know’ the experience of oppression of Australia’s First Nations peoples which means we are not in the best position to direct how that oppression is dealt with. At best we can be allies.

It is, however, possible to learn from Aboriginal people without appropriation and inappropriate use of knowledge. This can be achieved by being open to learning when it is deemed by the holders of the knowledge that we are ready to learn. As Dr H C “Nugget” Coombs (1976) said thirty eight years ago in the third Walter Murdoch lecture at Murdoch University,
if there is a taste of ashes on the lips of white Australian civilisation, it is because while we have mastered a continent and subordinated a proud people, we have remained in spirit aliens and strangers to it and them.

In the light of this comment it is significant to recall Harrison’s’ (2011: 8) caution about creating a wide gap between Indigenous and western education, that was referred to earlier in this chapter, when he advises educators that “Aboriginal kids learn in different ways, we also need to be careful not to make these differences so enormous that we create an insurmountable gap between Aboriginal and non-Aboriginal Australians.” There seems to be an underlying supposition that Aboriginal ways of learning will remain alien and a stranger to the mainstream of education. I claim that education can be enriched by a two way dialogic consideration of the purpose of education as more than what Adichie (2009) calls a “single story” created by dominant white voices.

8.1F Practical examples from Hawaii and Canada

E HOLOMUA ME KA ‘IKE PONO (Go Forward with the Correct Knowledge)

Developed during her PhD, the E HOLOMUA ME KA ‘IKE PONO (Keahiolalo-Karasuda, 2008) curriculum delivers pre-entry prisoner education that builds Aboriginal agency and teaches how to be strong and survive in a white man’s world. Developed by Indigenous people, the curriculum is flexible in both content and delivery to meet the needs of each group doing the programme. Keahiolalo-Karasuda (2008: 2), who developed the programme describes it as follows,

This curriculum was written to increase community and political literacy among prisoners in Hawaii. ... Rather than depend on a pre-packaged set of course materials, the classes were based on students’ interests and feedback. This approach required flexibility in terms of preparation and planning. However, placing the students’ interests and experiences at the
heart of the course proved successful... some of the staff ... expected high rates of attrition over time. Despite this expectation, class participation steadily increased. Students were highly engaged, oftentimes expressing an appreciation to understand history, place, and community in new or different ways as well as to have opportunity to engage with and contribute to community in positive and impacting ways.

The content of the curriculum covers areas such as reconsidering history, tracing family history, how government policies are made, voting, how to get to university or do other further study and writing letters to the editor. Within this framework students choose topics of specific interest to them and prepare presentations for a final celebration day.

**History of spirits and nations.**

Speaking at the Native American and Indigenous Studies Association conference in Sacramento, California Williams (2011) outlined a programme he works in that is a partnership between the Camosun College department of Aboriginal Education and Community Connections (AECC) and the Victoria Youth Correction Centre. Operating in Victoria, British Columbia, Canada, the goal of the programme is to keep young Indigenous people out of prison by helping them locate themselves in their own culture. Such a programme could be seriously considered with funding redirected via Justice Reinvestment approaches.

The *History of spirits and nations* programme focuses largely on strengthening self as an Indigenous person while also becoming educated about the impact of colonisation. The content of this curriculum covers colonisation, political awareness, learning about the medicine wheel to stay whole and healthy, land and environment and traditional values (that cross all Aboriginal cultures and world areas). The traditional values spoken about by Williams mirror those of
Atkinson (2012), Respect, Reciprocity, Relatedness, Rights and Responsibilities to family and community. At least two sessions are dedicated to making medicine bags and dream catchers that assist in staying strong beyond the programme.65

Each of the Canadian and Hawaiian programmes begins with an informal meeting and getting to know one another. Each refers to the importance of building of relationship and trust between participants and teachers/tutors. At the conclusion of each programme there is a special celebration. Each programme is run by, for and with Indigenous people and centres.

8.2 Implications for learning and education

The older teachers I have met speak of a time when their role was clear and learning took place in the context of the world in which they lived. Education as an ongoing part of life gave people a sense of strength, purpose and ability to fend for themselves. They tell me that these abilities have been eroded. Teaching of Aboriginal culture, of who someone is, of knowing their heritage and where they come from and belong in the world is central to strength, as pointed out earlier in the discussion on trauma.

While, as Andersen (2011: 96-97) relates, there is a necessity to move beyond the current Eurocentric view in Australian education, what I have learned from my teachers is that the biggest impediment to that happening is white noise and the resulting lack of self-awareness of the degree of privilege history has bequeathed whitefellas. Andersen (2011: 97) goes on to note that non-Indigenous awareness of the history of First Australians is improving and provides some

65 The most up to date information on this program is available via the Victoria Native Friendship Centre website http://www.vnfc.ca/programs-services/victoria-youth-custody-centre (Link correct as of June 12, 2013)
examples of where this is occurring in schools. She points out that what works is “small, holistic, tailor-made and flexible” (Andersen, 2011: 98). Unfortunately prisoner education received by participant teachers in this research seems to have been barren of such education.

8.2A Generative education: Listening, learning and acting two-way

Education can teach more than reading, writing and arithmetic. It can teach someone who they are, their value and place in the world and how to survive within that world. Teaching job related ‘skills’ alone to the detriment of deeper education is a one way approach to learning rather than a deeper two way education and learning as outlined by Purdie, Milgate and Bell (2011) in Two Way Teaching and Learning: toward culturally reflective and relevant education. In this book, as in the context of this research project, ‘two way’ has the same meaning as ‘both ways. Two way teaching and learning “infers a partner relationship between First Peoples and Settler cultures in Australia...this means that both cultures have much to learn from each other” (Purdie, Milgate and Bell, 2011: xx).

In such a relationship there is a process similar to that of action research: listen....learn....act ....listen again ....learn some more....act in a slightly different way.... Listen again. This is my understanding of applying a learning model. It involves sharing with one another and taking into account the context which has relatedness at its centre which is informed by the forces of what Freire (2003: 46 and 75) referred to as the word and the world acting in reciprocity.

Such a form of education has been shown to be possible and to have effective outcomes, including reciprocal learning. Ball (2004: 467) tells us that First Nations Partnership Programs in Canada strengthen community capacity as well as being able to
create or consolidate communities of learners who are encouraged to explore, discuss, and evaluate various sources of knowledge with respect to their potential utility in local contexts. Students can experience a high degree of agency in determining what they learn and how they learn it, and their education can reflect the settings in which they live and intend to work. The First Nations Partnership Programs have demonstrated successes in terms of student completion, community capacity, revitalization of intergenerational teaching and learning roles, and contributions to First Nations’ social development goals.

As mentioned many times in this dissertation, working effectively with Aboriginal people as equals requires dominant colonial Settler systems and processes to consider how to relinquish white privilege and share power as in the case of the educative programmes outlined above. For this to happen there is, as Andersen (2011: 96-97) points out, a necessity to move beyond a Eurocentric view in Australian education. Behrendt (2003: 76) takes this further saying that, a vast number of Australians do not know any Indigenous people, do not mix with Indigenous people socially; they rarely live within Indigenous communities, whether rural or urban. This lack of contact, coupled with a lack of education about experiences and perspectives, allows Indigenous communities to become invisible.

Therefore, white privilege continues unabated and unchallenged. Education has a central role to play in teaching whitefellas about our privilege, not as a guilt trip but as a part of the history of colonisation and white noise of which we are all a product.

Yunkaporta and McGinty (2009) provide an example from Australian education where this has happened successfully. A significant factor that led to the
success of this project is reported by Yunkaporta and McGinty (2009: 55) as follows:

Participants went beyond explorations of “cultural items” and worked in the overlap between the New South Wales Department’s Quality Teaching Framework and Indigenous Pedagogies drawn from local lore, language and the sentient landscape. Indigenous knowledge was used not merely as content, but to provide innovative ways of thinking and problem solving.

To introduce Indigenous content into curriculum without addressing processes and approaches will not effectively shift awareness beyond a mainstream world of white noise.

8.2B  Telling the Emperor

As I become more and more aware of the insidious nature of white privilege I am reminded of the story of The Emperor and I feel like the little child who is blurting out “The Emperor is wearing no clothes”. The Settler Emperor of Colonialism believes he is wearing great finery even though many Aboriginal and some non-Aboriginal allies in the crowd can see the fine garments are of his own imagining.

This dissertation considers how Indigenous people and non-Indigenous allies see the Emperor – clearly wearing no clothes, clearly divested of his finery and trappings, showing him as he is … naked and not so good looking. But the Settler Emperor of Colonialism is oblivious to what the Indigenous people are saying, so convinced is he of his own way of seeing the world. (Journal, December 21, 2011)
8.3 Being informed - Re-education for whitefellas

Western Australia’s first Aboriginal school teacher, May O’Brien (1994, 29-30) eloquently tells us she understands that

many non-Aboriginal people were victims of the past too. They too were caught up in the laws and social expectations and norms of their time. ... it is not guilt that must motivate the modern Australian to address the needs of twentieth century Aboriginal and Torres Strait Islanders. Instead it is a recognition that to address the present we need to understand and learn from the past. Injustices were done but there is no reason for them to continue.

Almost twenty years later Aboriginal people are saying the same thing in this research. The past has happened, whitefellas need to learn about and from it in order for injustices to stop. In this vein Purdie, Milgate and Bell (2011:7) recommend that Australia should “refurbish its consciousness” to prevent “many Aboriginal people moving further and further from reconciliation, because all reconciliation means is that white Australia says sorry and you give up your rights”. To extend this metaphor, in becoming informed by Indigenous Australians whitefellas can renovate and revamp our world view.

8.3A Learning about humility

Powis (2008: 82) highlights the importance of non-Indigenous people “doing our own work” to become informed about the past and monitor our responses when we become aware of First Nation’s views of history. This monitoring of responses is important as, the legacy of terra nullius outlined in Chapter Two means we are unaccustomed to such confrontation of white privilege. Powis ponders the difficulties of how to ‘do whiteness’ differently when it is invisible to white people and recommends taking a reflexive approach to the relationships we
are in. In her experience change occurs not “as singular epiphanies, as grand moments on the road to Damascus; rather they recur for me, return to me, in the ordinariness of every day...perhaps what is sought is not an answer, as much as a politics of response.” (Powis, 2008: 86).

This incremental development resonates with my own journey over the last decade or more, a significant part of which has been a growing awareness of the importance and place of humility. Powis (2008: 90) speaks of encountering the presence of humility after being confronted by an Indigenous Australian with “you haven’t been around that long – where do you fellas come from anyway?” Her response describes accurately my own experiences in this research project. She describes how “in that moment I felt humbled by an apprehension of similarities and profound differences in the form that ‘our’ historical work might assume: .... I touched the edges of humility, and realised ...how little space we give humility in conversations within psychology” (Powis, 2008: 90). The same could be said of conversations in education though Freire (1972: 63) saw the value of humility when he said that [sic]

men who lack humility (or have lost it) cannot come to the people, cannot be their partners in naming the world. Someone who cannot acknowledge himself to be as mortal as everyone else still has a long way to go before he can reach the point of encounter. At the point of encounter there are neither utter ignoramuses nor perfect sages; there are only men who are attempting, together, to learn more than they now know.

There is little evidence apparent to me in mainstream educational policy development and implementation of such meaningful humble dialogue. Yet, for me, this has been one of the most central and valuable things I am taught by all my
teachers. It is also something that I struggle to achieve, as the journal entries throughout the dissertation illustrate.

One small realisation about humility came as I sat on a plane headed towards the Australian Association for Research in Education conference in Tasmania where I was to present a paper on education in prisons in Western Australia. It was a moment of clarity based on what I had been learning from the teachers and Indigenous academic texts. It was a moment of setting another challenge for myself on this research road.

Yesterday .... (a close friend, fellow student and Aboriginal mentor) and I went to a conference on Creating Indigenous Mental Wealth... At the end of the day I just felt uncomfortable in the guts and didn’t quite know what had disturbed me. I talked about it with L and it dawned on me... from all the non-Indigenous speakers (most of those who presented were not Indigenous) there had been no real humility ... it was all about them and their clever research – and the Aboriginal participants from whom they had learned were kind of to the side. Later L said “I don’t like the way [one of the wadjella presenters] talked about us as if we were things that didn’t matter.”

And I ruminated on that a while and decided that I could paint myself purple and say I wasn’t white anymore but the way I act, speak and the assumptions I make will remain white and obviously so to Aboriginal people. I can’t be ‘not white’ but I can be open about my whiteness.

So as I head off to this next conference I will remember, as a wadjella presenter, that I need to be humble in presentations about my part in the research and the relationships. The knowledge I have gained
is not ‘mine’... I don’t want to be presenting all about me and my clever research.....I want to be upfront and own my white privilege and its impact on what I do and talk about what I am learning. (Journal, November 22, 2011)

8.3B Looking in the mirror

As I listened time and again to the voices of the participant teachers the ignorance of whiteness struck me as being sustained by assumptions of a dominant single story. This dominant story becomes, as Corradi Fiumara (1990: 19) argues, the one overriding voice as the accredited source of knowledge. On the journey of this research, the prioritising and privileging of Indigenous voices as my teachers has provided me with an opportunity to hold up a mirror to myself and white privilege and see a reflection that contains some of what my teachers see. Admittedly, when I hold up a mirror in this way I do not always like the ignorance and privilege I see in that mirror, but not acknowledging it does not mean it ceases to exist.

Titone (1999: 163-164) identifies that in teaching we are “rarely, if ever, systematically provided with the experiences or the role models to ensure a process of racial identity development and its critical connection” to the work that we do. Titone’s (1999: 164) words describe the impact of not being taught to look in the mirror and see what others see when she says non-Indigenous self-reflection can “intellectualise and avoid the ugliness”. Where we are not encouraged to critically examine the impact of privilege in our lives, the importance of being non-racist is able to overshadow the examination of how privilege works in our institutions, state and lives.
It is such an unquestioned acceptance of privilege and lack of critical self-reflection that underlies current racial issues in Australia as described by Standfield (2007: 187), “Thus white Australians continue to congratulate themselves on their tolerance and goodwill towards racial others while structural inequality based on race persists...and see inequality as a natural part of Australian society.”

Prime Minister Paul Keating (Keating, 1992) stated in his renowned Redfern Address that “the starting point might be to recognise that the problem starts with us non-Aboriginal Australians.” Paul Keating’s Labor Party lost power in the 1996 election but his words resonate as strongly today as they did twenty years ago. When whitefellas look in the mirror we can be overwhelmed with racism in so many places. We can be met with what Regnier (1995: 80) called a “hidden curriculum of attitudes, predispositions, and cultural expectations” in contexts, policy and practice. Regnier (1995: 80) continues on to say that it takes courage to confront such “entrenched racist hegemony ...by inserting yourself into the hidden curriculum [to]... reveal and name the contradictions, while acting out possibilities that address them”.

If all non-Indigenous individuals, groups, organisations and governments put the mirror down and do not confront and challenge what we see, there are then no critical allies to challenge such racist hegemony. Holding up the mirror provides an opportunity to develop a level of cultural self-awareness amongst whitefellas at individual, organisation, community and national levels.

8.3C Building cultural self-awareness

Cultural awareness, cultural competency, cultural safety... I have even heard ‘it’ (whatever ‘it’ is) called cultural “fitness” training. What do all these terms mean?
I summarise my understanding in Figure 30. This summary table draws heavily on work from the health sector, especially from Australian, New Zealand and Canadian publications Binan Goonj: Bridging cultures in Aboriginal health (Eckerman et al., 2006), Anti-racist Health Care Practice (McGibbon and Etowa, 2009) and Cultural Safety in Aotearoa New Zealand (Wepa, 2005). There is much that education can learn from health in relation to culturally safe practice, as acknowledged by Bin-Sallick (2003: 21) when she says, “We need to extend [cultural safety] from our psyches and put it out there to be developed, discussed, debated and evaluated. This is what is beginning to take place within Indigenous health – so why not Indigenous education?”

I have added the final column (usefulness of training is limited by...) based on my own observations over more than fifteen years of receiving various forms of cultural awareness and cultural sensitivity training. Each session has taught me something new but what I became aware of is the focus of non-Aboriginal people at the training session on ‘difference’. This leads to questions and discussion revolving around questions and comments such as: ‘should I look an Aboriginal person in the eyes? ‘What is the word for ‘hello’ in Aboriginal?’ ‘I used to live next door to an Aboriginal person and they had a job and were really nice’. ‘I don’t know any Aboriginal people.’ Each and every time such questions and comments have been fielded with patience and dignity by the Indigenous facilitator. This is an essential part of a process of learning.

The thought that has germinated for me over the years is that there could be a place in education and training for a whitefella to confront other whitefellas and say things that Aboriginal people are not always in a position to say. Such white cultural self-awareness education that alerts us to the level of white noise in our
country, work place, community, family and selves appears to be a void begging to be filled. This personal experience is supported by Westerman (2008: 138-139) who concludes that cultural awareness training on its own will not guarantee an organisation or environment where service delivery is culturally appropriate.

Having clarified the meaning of these terms (see Figure 30) I refer to Fredericks (2008c: 81) who argues that it is time to extend beyond knowledge gained through Cross-Cultural Awareness Training to Anti-Racism Training. Furthermore, that Anti-Racism Training and addressing white race privilege is required in order to address the inequities... the marginalisation and disempowerment of Aboriginal and Torres Strait Islander peoples.

I deduce from these arguments by Fredericks (2008: 81) and Westerman (2008: 138-139) that cultural awareness training alone will not expose white noise and its role in creating advantage and privilege while simultaneously underlying situations that can sustain disadvantage.

Bringing a focus on to white noise is not an easy thing to do. As mentioned earlier in this chapter, whitefellas are not usually asked to reflect seriously on how colonially created Settler privilege sustains a status quo of disadvantage for First Nations people. I struggle with this myself and, though I know the words I find myself challenged constantly about how I put those words into practice, as this reflection demonstrates,

Some people today [at the conference] talked about the importance of their research ‘hearing’ Indigenous voices – another thing I have carried on about and emphasised but it sounds trite to hear it spoken; trite and condescending. It’s much more than ‘hearing voices’; it’s about privileging Indigenous voices above my own and other white fellas as much as I can. ...
<table>
<thead>
<tr>
<th>What it is called</th>
<th>What it is usually about</th>
<th>The focus is on</th>
<th>Usefulness of training is limited by</th>
</tr>
</thead>
<tbody>
<tr>
<td>cultural awareness</td>
<td>Acknowledging we do not all have one shared history; demystifying the unknown.</td>
<td>Focus is on learning about our difference</td>
<td>The level of whitefella Cultural Self Awareness and level of white noise</td>
</tr>
<tr>
<td>cultural sensitivity</td>
<td>Sees differences are not right/wrong, better/worse...they just &quot;are&quot;.</td>
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<td></td>
<td>Develops a growing awareness that your actions impact on others</td>
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<tr>
<td>cultural competence</td>
<td>Extends the notion of cultural sensitivity and awareness (Herring et.al., 2012: 106). Improving the skills of the professional and their ability to honour and respect beliefs, attitudes and behaviours of clients and &quot;multi-cultural&quot; staff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>cultural safety</td>
<td>'is about ... learning together with dignity and truly listening'. [Eckerman et.al., 2006: 213].</td>
<td>Us learning how to relate</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Has a focus on building relationships with diverse groups in the community and being guided by them as experts in their own needs and lives.</td>
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<td></td>
<td>Means you will become more and more aware of how you are perceived by and impact on others.</td>
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<tr>
<td></td>
<td>Works to extend the frame of reference beyond a merely western one</td>
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**Figure 30 What is cultural awareness, sensitivity, safety?**

"we aren’t raised to do that and we aren’t educated to do that. But I really think it should be what we aim to do; just coz it’s hard doesn’t mean it shouldn’t be tried.... There was one funny minute where Glenn Pearson spoke about ‘racism paralysis’ where white people want to do the right thing, but are scared of doing the wrong thing, so they don’t do anything. I wrote down... the ‘frozen
whitefella’... and chuckled to think of us all as little white icy poles on sticks trying to make out we knew everything. We are so used to being in control. (Journal, November 22, 2011)

In prison settings the Office of Inspector of Custodial Services (OICS, September 2010a; OICS, August 2010) has noted that cultural awareness training for staff has been identified as inadequately addressed. The Inspector concludes that the ‘one size fits all’ cultural awareness training does not work effectively in either metropolitan or regional prisons. He describes (OICS, August 2010: 34) how staff at Greenough prison “had concluded that the Department’s training package was too metropolitan focused and was not culturally appropriate for the prisoners held at Greenough”. At the large metropolitan Casuarina prison, however, the Inspector (OICS, September 2010a: 49) declares that “despite the very high numbers of Aboriginal prisoners, this inspection found that little training in culturally appropriate custodial management had been provided to staff”. Effective cultural awareness does not appear to have been provided in either the regional or the metropolitan prison settings.

8.3D Implications of whitefellas being educated from an Aboriginal point of view

Being educated by Aboriginal people has the potential to expand the horizons of whitefellas. As Western Australia’s first Aboriginal school teacher May O’Brien (1994, 29-30) suggested, non-Aboriginal people have also been victims of the past and the dominance of one world view with its attendant expectations. Freire (1974:5) saw that where there is such domination of one group of people by another, “the ordinary person is crushed, diminished, converted into a spectator, manoeuvred by myths which powerful social forces have created.” Mansell (2005: 87) contends that the myth of peaceful Australian settlement is now part of the
white Australian identity. This myth then becomes another reason for white dominance to continue unaddressed and largely unnoted.

Magwaro (2005: 215-217) maintains that, while Aboriginal nations have the ability to incorporate Western laws into their ways of doing business, there has historically been suspicion of Indigenous laws and dispute management by Western governments and law makers internationally. The result of this is that the knowledge and wisdom of Aboriginal ways of doing business have become negated. Rather than being the rich multi-cultural country of diversity that Australia claims to be, we are, as discussed by Coombs (1974) the poorer for such ignorance and alienation from Aboriginal people. This can, I believe, begin to be changed if whitefellas, with the aim of becoming critical allies, open themselves to being educated by Aboriginal and other Indigenous First Peoples. Being educated ‘by’ is very different to appropriating and using Indigenous knowledge because permission is given along with a mutual commitment to strong relationship based on equitable balance of power.

As suggested in Chapter Three, a critical ally’s journey is not an easy one. It requires commitment to living, working and learning from what Powis (2008: 82) describes as “a place of discomfort” and engaging in adaptive, transformative work instead of what Maddison (2011: 9) portrays as “applying a technical solution ... [so that] the problem appears to be taken care of.” A critical ally requires strength and one potential source of strength is the knowledge that, as a whitefella I have a choice to confront these issues. This choice is not available to Aboriginal people for whom it is part of everyday life. Being a critical ally requires more than theorising and learning ‘about’ issues. It takes action and, as Reverend Dr Djiniyini
Gondarra challenges in ‘Our Generation’ (Sinem Saban, 2010),” the action is .... to work with us, to put our heads together to fight the system.”

8.4 Implications of white fellas becoming informed

While it can be argued that non-Indigenous systems and people need to become informed about our privilege, this is not a straightforward process. As those aiming to deconstruct whiteness and privilege such as Freire (1972), Rains (1999) and Nicoll (2000, 2004, 2007) tell us, there is often strong resistance to exploring racism. Speaking of her own experiences as a white woman ‘coming out’ Nicoll (2000: 382) reflects that

Using my own experience as a guide, I would suggest that the reason so many non-Indigenous people are reluctant to come out as white is because they will henceforth be aware of the responsibility to engage with Indigenous sovereignty in the face of massive resistance, not just from the state but from other, well-intentioned, white people. By now I hope to have convinced you that I am not a good woman. So you won’t be shocked when I tell you that since coming out as white and landing on the ground of Australian race relations, I periodically have panic attacks and think: ‘I’ve got to get out of here. Beam me back to terra nullius’. The upside of coming out is that I no longer have to be good and have found a community of Indigenous and non-Indigenous people where I can speak in the first person singular and plural pronouns and be listened to.

Nicoll’s comments illustrate the challenge of relinquishing power that is requested by Moreton-Robinson (2000: 186) as well as the place of discomfort spoken of by Powis (2008:32). It is at these points of challenge that people can balk and want to return to a time of unawareness. Such a journey of change is not swift. In Australia it has taken 200 years to create the current situation of inequity so it will not disappear overnight.
Cultural self awareness training cannot be packaged with a ‘train the trainer’, one size fits all approach and needs careful development, delivery and evaluation. It requires the ability to avoid essentialising or demonising either Indigenous or non-Indigenous people and also the skill to work with strong emotions such as guilt or anger that can arise in group participants. Kowal, Franklin and Paradies (2011: 11) use reflexivity in their training to encourage “people to consider their own position in relation to racism and societal inequalities, without eliciting unproductive negative reactions, such as those of guilt or anger.” They believe this requires facilitators who are able to work with people both reflexively and flexibly as they reflect on the impact of white privilege on their work practices.

Walker and Sonn (2010: 171) believe that working at this Indigenous/non-Indigenous interface can result in a way of working that is “both decolonising and transformative.” Their training is not a one-off but a process throughout which they work closely with organisations to consider the impact on them of whiteness and identify strategies to address any resulting Indigenous disadvantage. Though this work is done largely in the health sector, such a process could be adapted to education and schools.

When it comes to anti-racism or diversity training of any kind it is not true that something is better than nothing. If it is not done well Kowal, Franklin and Paradies (2011: 135) caution that it can actually heighten stereotyping and make oppression worse. It is not within the scope of this dissertation to go deeply into anti-racist, cultural self awareness training, however it is an important area for future consideration, research and exploration as to how it can be utilised effectively in education. Also of interest is how it could be utilised in teacher
training programmes, especially given the constraints such as the didactic nature of many university offerings, timetables and room availability.

Unlike much cultural awareness and sensitivity training, cultural self-awareness training can be undertaken at an organisational level. Being one stepped removed it steps outside the realm of individual guilt and is therefore potentially less threatening. The organisation can, as noted by Kowal, Franklin and Paradies (2011: 143) take a “reflexive stance towards [its] own attitudes, beliefs and behaviours as well as the reactions of others”. The impact of such training in correctional services facilities and prisoner education can only be imagined. As far as I am aware, it is yet to be seen in these areas.

**8.4A Identifying a willingness block**

Ultimately a determinant of any successful, positive change is willingness. Putting the framework offered in this dissertation into action requires willingness to consider more than economic structures and courage for dominant Settler groups and neo-colonial institutions to feel uncomfortable while things change. As Cross-Townsend (2011: 74) reveals “the social reality of Indigenous oppression and inequity can be difficult to intellectually and emotionally relate to for dominant culture learners.” This is not a quick fix project as much as it is a long term commitment to sustainably strong relationships. The good news is, as noted in Chapter Two, that we do not have to wait for large bureaucracies and governments to start the journey at local, organisational or individual levels. The framework can be applied in a classroom, in a prison training room or in a university lecture.
Another positive is that there already exists a model for incorporating new ways of thinking and acting. Magwaro (2005: 215) describes Indigenous cultures as not static and as such they can only effectively evolve when they make and determine their own customs and laws from time to time. It is therefore possible for Indigenous peoples to inherit aspects of international laws and domestic treaties and bills or rights in their management of disputes in the community.

First Nations peoples can adapt and change. My question is, can whitefellas? Are privileged groups, organisations and institutions willing to learn from First Nations how successful adaptation to change can occur?

Michael Mansell, (2005; 86-87) clarifies that one of the preliminaries to acknowledging Aboriginal sovereignty is “whether minds can even open up to the discussion itself.” Until white noise is acknowledged and education becomes inclusive of Aboriginal world views, development of partnerships will be limited by having to continually start at a point of inequality where non-Indigenous gaps in knowledge and understanding remain unacknowledged and hinder progress.

Again, however, there is good news and a precedent. In relation to Norfolk Island, a self-governing Australian territory with its own laws, Mansell (2005) relates how Pitcairn descendants have been given sovereignty to ensure survival of their culture. As yet this seems not to be applied in similar ways to First Nations people throughout the remainder of Australia. A cynic might suggest this is due to the mineral and other natural wealth on the mainland of Australia or some other economic factor and the following reasoning by Waters’ (2005: 206) tends to support this cynicism,
When visionary activities threaten the commodified organisation of economic capitalist structures that support the new global economy, it is visionaries who become targets of extermination. Indigenous people have learned this lesson well over more than five hundred years of European colonization [in the USA].

While the example of Pitcairn provides a glimmer of hope that there is a precedent for recognition of sovereignty, for this process to begin willingness is required on the part of dominant Settler systems to acknowledge there are other ways of seeing the world.

### 8.4B Finding the courage to feel uncomfortable

<table>
<thead>
<tr>
<th>Sense of entitlement</th>
<th>Citation of exceptions</th>
<th>“Well-I can’t speak for…”</th>
<th>Sense of guilt</th>
<th>Racially neutral</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am in danger of losing entitlements that I have</td>
<td>Indigenous people exist who pulled themselves up by their bootstraps</td>
<td>Can look like being sensitive</td>
<td>The focus becomes the white person’s reactions and emotions, rather than the issues of Indigenous people</td>
<td>Stories that relate how I am not one of “those” white people</td>
</tr>
<tr>
<td>Some of the Indigenous people who got the rewards somehow didn’t deserve them</td>
<td>Hardships can be overcome with enough hard work</td>
<td>Absolves us from the responsibility of learning from the work of Indigenous people</td>
<td>Immobilises addressing issues of social justice</td>
<td>“I don’t think of you as Indigenous…”</td>
</tr>
<tr>
<td>Ignores that my advantage can be at the expense of someone else’s disadvantage</td>
<td>Neglects the systemic nature of disadvantage – neglects the principles of social justice</td>
<td>Sends a message to others that the issues of Indigenous people are not worth exploring, learning about, or understanding.</td>
<td>Shifts the centre of attention from points of discussion to the needs of the reactor</td>
<td>Universalsises whiteness as the norm – “you are thought of as white”</td>
</tr>
</tbody>
</table>

Rains (1998: 77-101) speaks of five common, seemingly benign, reactions from people whose white privilege is challenged. Summarised in Figure 31 each reaction is based on underlying assumptions and beliefs that serve to undermine the discourse on white privilege and attendant disadvantage. Each reaction reasserts white privilege and sense of entitlement. White noise avoids discomfort
for the non-Indigenous person, while simultaneously ignoring and negating the discomfort or concerns of Indigenous people and their needs.

Being open to our own growth, claims DeRosa (1999: 193), requires “learning how to push through ... defensiveness and denial....learning to let go of... defensiveness and self-righteousness is an ongoing challenge”. Not facing, learning about or from the context outlined in Chapters Two and Three perpetuates avoidance of white noise and subsequent unsettling discomfort for whitefellas. Behrendt (2003: 3) believes this was the case for Prime Minister John Howard who claimed that wrongs committed were in the past and therefore not the responsibility of Australians today. This permitted Australia, as a nation, to not act on recommendations or the sentiment of Keating’s Redfern Address, The Royal Commission into Aboriginal Deaths in Custody or the Bringing Them Home report. Dominant cultures thus, says Behrendt (2003: 75) “chain their children to a legacy of ignorance while Indigenous people are denied the dignity of acknowledgement... for what happened to them and their families.” In effect, no one ‘wins’ in such a scenario.

8.6 Monitoring Transformation in Education

The most well-known advocate and practitioner of transformative education of the past century has been Brazilian born Paulo Freire (1972, 1974, 1982, 1997). In seeking new realities for oppressed people, he was consistently clear in the role of those who have been oppressors. He says, “The oppressor shows solidarity with the oppressed only when he stops regarding the oppressed as an abstract category and sees them as persons...when he stops making pious, sentimental and individualistic gestures and risks an act of love” (Freire, 1972: 26). Transformative education is relationship based and therefore inclusive of criteria other than the 3
Progress and success in transformative education can be seen where the five ‘R’s of Respect, Reciprocity, Relatedness, Rights and Responsibilities to family and community identified by Atkinson (2012) are adopted. Progress with transformative education is not an identified category in the targets set and measured by COAG (2009; 2012).

Figure 32 Monitoring education transformation

As with the challenges of respecting sovereignty and healing trauma discussed in Chapter Seven, at the centre of monitoring transformation in education are strong, healthy relationships. Such relationships are not forged in the formal rhetoric and jargon of education or any other discipline. They require what Freire (1972: 68) describes as language that is relevant to the people. Therefore, in monitoring the progress of education against Starting With

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Aboriginal Agency and Becoming Informed the language used needs to be relevant to those being educated. Figure 32 above provides some questions to ask as a way of identifying potentially transformative processes that focus on Starting With Aboriginal Agency and Becoming Informed. These questions may need rewording with people in their own context. What the questions require is what Freire (2003: 46 and 75) refers to as reading of the world and context alongside reading of the word and text. In this view of understanding, the word creates an understanding of the world, which in turn creates an understanding of the word.
Ultimately the aim of critical whiteness theory should be to unsettle white subjectivity rather than create opportunities for individual confession, catharsis and redemption. A more effective model for critical whiteness pedagogy would be for white people to examine why Indigenous claims on this place unsettle us so deeply. (Nicoll, 2007: 29)
9.1 Introducing the framework

The four areas discussed in Chapters Seven and Eight, Respecting Aboriginal Sovereignty, Healing Historical Trauma, Starting With Aboriginal Agency and Being Informed, together provide a framework, represented in Figure 33, through which to view prisoner education with Aboriginal people. Based on the teachings of Aboriginal teachers and Aboriginal academics the framework aims to provide a structure through which to “unsettle white subjectivity”, as suggested by Nicoll (2007: 29). It also provides a framework for dulling white noise and taking steps towards “relinquishing power” (Moreton-Robinson, 2000: 186) in a range of contexts. It is anticipated that this framework is likely to evolve as more feedback is received into its usefulness in different situations.

The framework is for use in defined contexts. It is not intended for developing a one-size-fits-all approach that can be rolled out across the entire continent. In this dissertation, for example, it is considered in the context as outlined in Chapters Two and Three and the context of the education provided to me by the teachers in Chapters Five and Six. That context is Western Australia as a colony that was claimed by British Settlers in 1829 and education that has been that of the Settler society that took the lands from its First Nations peoples. The framework requires further exploration in its application in macro and micro settings; the level of a local community or the level of a state or nation.

9.1A Developing the framework

When Glenn spoke the words; I tell ya who needs educatin: wadjellas and I saw the agreement from others in the room it was as if a kernel of nebulous truth solidified in my mind. This experience crystallised for me that, as a critical ally it is part of my role to “fight the system that there is no freedom” (Revd. Dr Djiniyini
and autonomy for Aboriginal people. I can and should do this by challenging, interrogating and increasing awareness of myself and other whitefellas as to the historical and structural nature of oppression of First Peoples in Australia. Such awareness and knowledge can only create change when Aboriginal sovereignty is honoured and there is space for healing of intergenerational trauma. Simple, one off cultural awareness training will not create culturally safe services that can achieve this (Westerman, 2008: 138).

Fundamental to development of the framework has been recognition of what Kincheloe (2008: 149) refers to as “hidden structures of dominant power so often ignored in mainstream Western research”. Therefore, the teachers’ voices of Chapters Five and Six have been the primary source of my learning as I began to see the issue of education and the impact of white privilege from their view point. To this was added what I had learned from the academic literature, especially from published Aboriginal and other Indigenous academics and authors. Thirdly I added teachings from other non-Indigenous academics I saw as critical allies such as Kincheloe (1999, 2008), Nicoll (2000, 2004, 2007) and Riggs (2004, 2007). This is the manner in which non-Indigenous theory has been utilised in this critical ally’s approach. It is used to support, not direct, the work of Indigenous people.

Given the premise that “being colonised and oppressed makes a huge difference in the way we perceive and make sense of the world” (Kincheloe, 2008: 149) it was not surprising that the responses from my teachers to the question "What helps and hinders education in Western Australian prisons?“ went beyond a Settler concept of education and a prison setting. Experiences in prisons were not seen by my teachers as divorced from the web of relationships, country, justice and personal experiences of colonisation that is their lives. To write here only in
terms of education provided in prisons from a western perspective would limit the depth, breadth and richness of the teaching I have received. Responses to the research question provide clarity as to where to begin relinquishing white power and privilege. Maddison (2011: 8-9) expresses what I have been learning, “if we want to ‘close the gap’ between the values many of us profess to hold with regard to the status and life chances of Aboriginal and Torres Strait Islander peoples and the reality our nation faces, what needs to change is us.” This echoes the words of Paul Keating (1992) who also saw that the problem began with non-Indigenous Australians.

![Diagram](image)

**Figure 33 Unsettling white noise**

During the development of the framework I have spoken again to those teachers I was able to reconnect with. They agreed on the absolute necessity of
recognition of sovereignty (as understood by Indigenous peoples) and healing of trauma before real progress can be made. They also reiterated the need for whitefella education about their unrecognised privilege and history from an Aboriginal point of view. The necessity of strength in being taught the ‘old ways’ while still receiving a good quality whitefella education was also accepted. Of interest is that papers presented at conferences around Australia elicited feedback of Indigenous delegates that echoed the support and affirmation of these ideas as core to sustainable change and equity for Indigenous Australians.

The resulting framework of *Unsettling White Noise* aims to provide an alternative view of what gaps need closing if dignity and respect is to be achieved for all; a framework that has space for the five ‘R’s of Respect, Reciprocity, Relatedness, Rights and Responsibilities to family and community (Atkinson, 2012).

Therefore, based on the teachings I have received, the critical ally's framework consists of four central and interconnected legs of action that are tools for considering how to relinquish white privilege and, as Maddison (2011: 11) recommends, “rethink ourselves in some profound ways”. The legs of the model each of which contributes to movement of the other are *respecting and honouring Aboriginal sovereignty* and *healing historical trauma*. Until these two crucial areas are actively addressed programmes cannot create sustainable meaningful change. They are goals for individuals, organisations, communities and Australia as a nation.

The remaining two legs of the framework determine the quality of sovereignty recognition and healing of trauma. They are, firstly *starting with*
Aboriginal agency and whitefellas becoming informed. Together these two legs provide a framework for transformative educational opportunities.

Each of the four legs of action is considered within an overall structure of reciprocity. This listening, learning and acting 2 way is indicated by the double ended arrows. Because this is not a straightforward journey, the arrows are not straight, but meander on a path of discovery and learning together. The framework, as represented in Figure 33 on page 334 provides a way to consider how whitefellas might consider relinquishing privilege and taking responsibility for our own behaviours in order to address today’s results of yesterdays’ histories.

9.1B Applying critical thinking to ask ‘how are we...?’

Utilising the framework effectively involves asking questions and raising critical consciousness within a school, classroom, department, prison or organisation. Asking how are we or in what way are w’ is a place to begin using the framework. Organisations, families, practitioners, teachers and schools can all begin with these questions. For example,

- How are whitefellas in this organisation, school, classroom, parliament, town respecting Aboriginal sovereignty and showing respect for each of law, Elders, country, community, culture, families and futures?

Who says so, who decides?

- How, in this school, town, department are whitefellas developing relationships that understand the history of trauma for Aboriginal people in this state, town, country?
• Do we have the ability to provide support, or do we know where to refer in our community, Aboriginal people for healing?
• Is that healing community based?
• Does it occur with cultural safety?
• Does it recover stories of relatedness and focuses on strengths?

Who says this is appropriate healing?

• Is our whitefella organisation, department, staff, city, town becoming informed about Aboriginal views of Australia’s history, the importance of humility and cultural self awareness?

Who says we are getting anywhere with it? Who are we learning from?

• Do whitefellas in this school, classroom, team, organisation, department support or offer opportunities in our prison, school, classroom, office for Aboriginal people to learn about or practice being strong in Aboriginality and how to navigate and survive in a whitefellas world?

Who decides what opportunities there are and what is appropriate?

In addition there are a number of useful questions that help tease out assumptions that underly behaviour. I have used these questions in various training situations over the years and find them useful in encouraging people to stop and think about what they are saying.
Some of the Big Questions to Ask

- Who decides what happens, what is important, who has access, who is excluded?
- What assumptions inform the decisions?
- Where did the assumptions come from?
- Who decided what went into the sources of information?
- How do you know when something is working and who it is working for?
- Who decides what the indicators of success are?

Why are things done this way? Who decides?

Such critical thinking helps avoid complacency about white noise that is flying under the radar. Such questioning can begin a dialogue to unsettle white noise and the “danger of the single story” (Adichie, 2009). It is important, however, that addressing the questions goes beyond internal dialogue, meetings or reports. Ultimately, unsettling of white noise requires action. It requires action at an individual level and organisational level. As with other movements that led to significant change such as the civil rights movement in Australia prior to the 1967 Referendum (Behrendt, 2012: 166-174; Attwood and Marcus, 1997), the coming together and mobilisation of allies is a significant part of successful large scale change.

9.2 What might happen when whitefellas are unsettled?

Unsettled whitefellas honouring Aboriginal sovereignty will be evidenced in provision of space and resources to begin healing trauma in Aboriginal ways. Healing of trauma, in turn, reflects an honouring of Aboriginal sovereignty. Fully honouring Aboriginal sovereignty involves education by, not about, Aboriginal people. It also includes Indigenous educative processes, not only Indigenous content in curriculum.
When whitefellas honour sovereignty we are better placed to listen and learn about history in this different way.

When unsettled whitefellas honour sovereignty we will not quibble about Aboriginal people learning to be strong and proud in their Aboriginality while also thriving in a mainstream world. When this happens, sovereignty is respected, informs white learning and no one has to feel like they are missing out. This way of relating and learning does not negate the value of western, white teachings. It is a two-way honouring approach to learning. In a two-way honouring approach we listen, we learn and we act ... then listen again, learn some more and act again. We are changed as much as being involved in changing. Changing is done in the spirit of the Noongar ‘kaya’ which simultaneously means hello, welcome, yes.

That current systems full of white noise will know when we are ready to honour Aboriginal ways can be seen in these words from Sarra (2011: 116) who argues, in relation to education, that

At one level it is as simple as this – we either believe a ‘stronger smarter’ Aboriginal student identity exists, or we don’t. We either believe it exists, to the extent that our actions, beliefs and behaviours as educators are designed to collude only with this pursuit of quality education for Indigenous [people]; or we don’t. Any educator will know right now whether or not their actions, beliefs and behaviours collude with a stronger smarter Indigenous identity.

The same can be said of organisations, communities and departments.

### 9.2A Do whitefellas have the humility to be unsettled?

Answering the question what helps and hinders education in Western Australian prisons? requires considering the context in which those prisons and that education exist. My teachers have given me the message that for choices, options and outcomes for Aboriginal people to improve, whether it be in prisoner
education, general education, justice, health or anywhere else, the following is required: whitefella systems need to listen to Aboriginal people. This is a deep listening that aims to build relationships that honour one another. It is a listening that begins with accepting the agency of Aboriginal peoples.

Such listening requires humility as it entails more than mechanical communication skills. It includes heart and spirit. In order to be able to listen, whitefella systems need to become aware of white noise operating in our lives, institutions and organisations. Without doing this the words and stories of Aboriginal people are likely to be misheard, misconstrued or remain unheard.

History and life can be viewed through more than a western lense and we are called to listen, learn and act accordingly with Aboriginal brothers and sisters. As Kate says shut up and listen and as Daisy adds, shouldn’t be Aboriginal people having to change all the time, white people need to do that too. Teach them what they have done to us so they understand.

In pondering the concept of ‘shutting up and listening’ and the mutual obligation of becoming unsettled and learning from Aboriginal people, I am left with a sense of possibility but also a nagging discomfort. The discomfort I am left with at the conclusion of this research project is not the prospect of learning about white privilege. It is a question, do dominant, mainstream institutions, governments and people of Western Australia have the willingness to take a reflexive ‘voyage’ of discovery and humility? This unsettling journey takes place in waters and landscapes known best to Aboriginal people and as yet little visited or acknowledged by mainstream agencies and organisations: a place of honouring Aboriginal sovereignty and agency. Aboriginal First Peoples in Western Australia
have been waiting for a very long time to be greeted respectfully as sovereign beings so I sincerely hope we are willing to learn and show such humility.

I am encouraged by having learnt that we do not have to wait for governments before beginning to listen, learn and work from a shared, third place that is inclusive of the five ‘R’s of Respect, Reciprocity, Relatedness, Rights and Responsibilities. Further optimism is raised by examples of successful renegotiation of education processes and content from a third space that have been referred to elsewhere in this dissertation.

Problems related to institutional culture can seem outside the realm of teacher/educator impact. Processes of education can, however, be changed at a classroom level as reported by Yunkaporta and McGinty (2009). They found that “successful learning and behaviour outcomes occurred when we worked cooperatively in Indigenous learning circles, but also when students were supported to work autonomously and creatively. … Threats and bribes failed” (Yunkaporta and McGinty, 2009: 70). Working co-operatively in an equal, shared space is what brought about successful educational outcomes in their experience and it is such co-operative processes that are recommended in the stories of this dissertation.

Ultimately, it is not appropriate for Indigenous people alone to be expected to make shifts in thinking in order to match expectations of dominant Settler cultures. It is not enough to include some new “Indigenous content” in a curriculum. Changes are also required of non-Indigenous, mainstream systems, habits of mind and cultural self-awareness. Without such mutual transformation the din of white noise continues and reciprocal dignity and respect remains elusive whether inside or outside a prison.
9.3 An Epilogue

Just as this dissertation began with an introduction to me, so it ends. Rights, responsibilities, respect, reciprocity and relatedness do not stop here. The journey continues and I continue that journey with a word from my journal,

*Daisy and I were in my lounge one day in January 2012. Daisy was lying on a mattress and I was lying on the sofa beside her. It was a very hot day, over 40 degrees, and we had spent much of the afternoon dozing. In between naps, Daisy had been singing songs in language. Even though I do not speak or understand any Ngaanyatjarra languages I found the songs so soothing. I could feel them resonating in my body. I think what I was feeling was love. We were yarning softly about her people, her country. She was saying how important it was for me to come to the Lands, meet her families and see for myself how people lived. The families knew I wanted to go and meet them and were waiting. I felt powerless to find the resources I needed to make that journey or to do anything useful even if I did get there and asked “Daisy, what can I do that might be helpful, that might help make any kind of difference?” She smiled and said “finish that PhD and go and tell people what you have learned”. I think that approximately 4% of the Western Australia population have known for a very long time what, for me, is so newly learned. (Journal, January 2012)
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Appendices

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Appendix 2  Letter of support from Deaths in Custody Watch Committee

Appendix 3  Consent form

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Appendix 5  Being active
   Copy of Right Now! Article
   Letter to Editor published in Koori Mail
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   Fly By Night jazz night notes as guest speaker
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Appendix 7  Report: Amnesty funded Justice Reinvestment Campaign
Appendix 1

Information

Pamphlet
What did and didn’t help your education in prison?

Rose Carnes
Phone: 0403885976
Email: rosecarnes@bigpond.com

I acknowledge the sovereignty of the Noongar people on whose land this research is being conducted and pay my respects to past and current Elders.

This study has been approved by the Murdoch University Human Research Ethics Committee (Approval 2010/184).

If it is believed that I am not doing the right thing there are three ways to restore this so we can stay strong during and after the research:

1. I agree to meet and talk with the Trustees or their representatives. Contact Marc Newhouse on 0415074602.
2. You can contact one of these staff members at Murdoch University who know me and the research work I am doing.
   - Barry Down  93607020
   - Greg Thompson  93602091
3. You can talk with Murdoch University’s Research Ethics Office (Tel. 08 9360 6677 or e-mail ethics@murdoch.edu.au). What you say will be treated in confidence and investigated fully, and you will be told of the outcome.

This study has the support of Deaths in Custody WA.
“CLOSING THE GAP IN INDIGENOUS PRISONER EDUCATION”

Hi, I am Rose. I am a wadjella PhD student at Murdoch University. I also go to the Deaths in Custody Campaign Group meetings and they are supporting me in the research project. I want to learn from Aboriginal ex-prisoners about what helped or didn’t help their education in prison. The more voices that we can get out there, talking up what they think, the more we can lobby for changes to improve things, as well as keep things that are working.

It is possible that you will not personally get anything directly from talking with me. But having the issues you raise talked about and promoted by groups such as Deaths in Custody might help Aboriginal prisoners’ education in the future.

WHAT WILL HAPPEN

- We will meet on a day and time that suits you and I. We can meet at the Deaths in Custody Office at Outcare in East Perth or we can arrange to meet in another public place that is easier for you to get to.
- I will explain more about myself and the research. You can ask questions or go away to think about it some more or we can have a yarn then.
- When you are ready to continue we will have a yarn for about an hour about “What did and did not help your education in prison?” I will record this and send you a copy so you can tell me if there is anything I should not use.
- I will type up the yarn. I will leave out anything you do not want left in. I will also leave out anything that identifies who you are including your name.
- If you want to you can also be part of a group later on that gets together to check out what I think everyone has been telling me; the main ideas and themes.

I WANT TO DO THINGS THE RIGHT WAY SO I WILL:

- Talk straight face to face and not boss you around
- Always ask if I am working the right way
- Not let anyone know who has participated and keep private the information you want kept private
- Not rush people. I will give you time to decide if you want to take part and think about what you want to say
- Use Yarning to talk with and listen to you
- Answer any questions you have about the research
- Be respectful by being open and honest about what I am doing
- Re-gift the findings to the Deaths in Custody Trustees for them to use
- Give time to help the Deaths in Custody Committee To monitor and work to ensure the effective implementation of the recommendations of the Royal Commission into Aboriginal Deaths In Custody.

You can choose not to take part at any time.
Appendix 2

Letter of support from Deaths in Custody Watch Committee
29 June 2010

To whom it may concern,

I am writing on behalf of Deeks in Custody Watch Committee of WA to provide information on behalf of Deeks in Custody Watch Committee of WA to provide

27 Moore St, East Perth, Western Australia 6004

Deaths in Custody Watch Committee (WA) Inc.

W.A. 6170

Mundoolun

90 South Steel

Mundoolun University

27 Moore St, East Perth, Western Australia 6004

Deaths in Custody Watch Committee (WA) Inc.

www.deekscustodywa.com.au

E-mail: deekscustodywa@iinet.net.au

To whom it may concern,

I am writing on behalf of Deeks in Custody Watch Committee of WA to provide

27 Moore St, East Perth, Western Australia 6004

Deaths in Custody Watch Committee (WA) Inc.

W.A. 6170

Mundoolun

90 South Steel

Mundoolun University

27 Moore St, East Perth, Western Australia 6004

Deaths in Custody Watch Committee (WA) Inc.
Appendix 3

Consent Form
Closing the Gap in Indigenous Prisoner Education
Information and Consent

SCRIPT TO BE READ PRIOR TO INTERVIEW
This will not be recorded. It will be read aloud by the researcher.

Hi, I am Rose. I am a PhD student at Murdoch University. I also go to the Deaths in Custody Campaign Group meetings and they are supporting me in the research project. I want to learn from Aboriginal ex-prisoners about what helped or didn't help their education in prison. The more voices that we can get out there, talking up what they think, the more we can lobby for changes to improve things, as well as keep things that are working.

It is possible that you will not personally get anything directly from talking with me. But having the issues you raise talked about and promoted by groups such as Deaths in Custody might help Aboriginal prisoners’ education in the future.

Before we start yarning, I want to make sure that you know what is happening with the information we talk about.

1. No one knows exactly who I am talking to and I won't be telling anyone the names of people I have talked to.

2. I have a voice recorder here and it will record us having a yarn for about an hour or so. I will give you a copy of it and you can let me know if there is anything in it that you don’t want me to use. No one else will hear the tape, unless you tell me that they can.

3. You can ask to stop at any time. If you want we can take a break and finish it off on another day. Or you might not want to talk any more and that is OK too.

4. I will type up the yarn and take out anything that might identify who you are. I won’t use your name but you can choose another name to use for the research if you want to. Once I have typed up the yarn I will delete the recording.

5. When I have talked to a few people and recorded their yarns I will sit and have a think about it for a while. Then I will gather the ideas that seem to be coming out of what people are saying.

6. I will take these ideas to the Deaths in Custody Trustees to have a look at and see what they think about what has been said. You can be part of that too if you would like to be.

7. Once I have written up all the ideas I will give them back to the Deaths in Custody Watch Committee so that other people can know about and use those ideas too.

8. I have a card here with the names and numbers of people and places that you can call if you find you are upset or worried after our yarn. (Give card). On this side of the card are the numbers of Yorgum, Derbarl Yerrigan and Lifeline. Please call them if you need someone to talk to or if anything we talk about makes you upset in any way.

9. If you think that I am not doing the right thing there are three ways to restore this so we can stay strong during and after the research and the contact details are on the other
side of the card;

- I agree to meet and talk with the Trustees or their representatives. Contact Marc Newhouse on 0415074602.
- OR you can contact one of these staff members at Murdoch University who know me and the research work I am doing
  Barry Down  93607020
  Greg Thompson  93602091
- OR you can talk with Murdoch University’s Research Ethics Office (Tel. 08 9360 6677 or e-mail ethics@murdoch.edu.au). What you say will be treated in confidence and investigated fully, and you will be told of the outcome.

10. Do you have any questions?

11. Is it OK for us to start the recording and have a yarn?

CONSENT

I have provided the above information to __________________________ (insert name) and answered their questions. I have specifically asked and they have indicated that they

☐ Are happy for this interview to be audio taped.
☐ Do not have current legal proceedings against them

☐ Are happy to use the name ______________________ for the purposes of this interview and inclusion in the research and any publications arising from the research

☐ Would like to receive a copy of the audio recording for identification of material not to be included in the research

☐ Would like to be part of a group who meet to consider the research findings.

They can be contacted at _______________________________ (postal)

And/or _______________________________ (phone)

Signed Rose ___________________________ Date: _____ / _____ / _____

At the beginning of the tape, I will record “We’ve read through the information and you are OK for us to continue?”
Appendix 4

Copyright permission for use of map of Aboriginal Australia
ABORIGINAL STUDIES PRESS
Further understanding of Australian Indigenous cultures, past and present through undertaking and publishing research, and providing access to print and audiovisual collections
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APPROVAL — Copyright and reproduction permission Aboriginal Australia map

Upon our receipt of any required payment, permission is granted to produce the map as per the following conditions. Note that permission is granted for this use only; it does not allow you to make the map available in any other ways or to any other parties.

Title details

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<td>Publisher</td>
<td>© Aboriginal Studies Press, AIATSIS. No reproduction allowed without permission.</td>
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Acknowledgment and disclaimer

This text MUST be cited in view of the map.

This map is just one representation of many other map sources that are available for Aboriginal Australia. Using published resources available between 1988–1994, this map attempts to represent all the language or tribal or nation groups of the Indigenous people of Australia. It indicates only the general location of larger groupings of people which may include smaller groups such as clans, dialects or individual languages in a group. Boundaries are not intended to be exact. This map is NOT SUITABLE FOR USE IN NATIVE TITLE AND OTHER LAND CLAIMS. David R Horton, creator, © Aboriginal Studies Press, AIATSIS and Auslig/Sinclair, Knight, Merz, 1996. No reproduction allowed without permission.

Contact details

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<tr>
<th>Name</th>
<th>Roslyn (Rose) Carnes</th>
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<tr>
<td>Job title (if applicable)</td>
<td>PhD Student</td>
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<tr>
<td>Organisation (if applicable)</td>
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</tr>
<tr>
<td>Postal address (in full)</td>
<td>PO B0x 594, Kwinana, WA  6966</td>
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<td>*Email address</td>
<td><a href="mailto:rosecarnes@bigpond.com">rosecarnes@bigpond.com</a></td>
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<tr>
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Categories

- X Non-commercial use

Educational context

- Other (please list)

PhD thesis. I am conducting a critical whiteness analysis of education provided in WA prisons. As part of this I want to emphasise the vast number of Aboriginal nations and languages; that there was very much an Australian history prior to colonisation and there is very much a diverse, rich and living Aboriginal Australia now.

Professional use

- PowerPoint presentation

| No. attendees unknown | Type of event Conference – Closing the Gap, Perth, March 22, 2012 | 1 presentation |

Format provided

- X Print: colour high resolution (JPG)
Format for receipt of digital file

☐ X CD-Rom

Fee
$55.00 (includes gst)

Rhonda Black
Aboriginal Studies Press
14 March 2012
Appendix 5

Being Active

- Copy of Right Now! Article
- Letter to Editor published in Koori Mail
- Notes for interview with NRTV
- Radio 2SER interview Wednesday March 28, 2012
- Fly by Night jazz night notes as guest speaker
- Ward Campaign for Justice - DICWC
Appendix 5: Being “active”

Appendix 5.1 Right Now! Article published February 7, 2012

I was invited to produce this article, which can be found on the Right Now! Website at http://rightnow.org.au/writing-cat/article/overcrowding-in-western-australias-prisons

Overcrowding in Western Australia’s Prisons

Rose Carnes

In March 2012 it will be twenty-one years since the release of the Royal Commission into Aboriginal Deaths in Custody. The report found that while Aboriginal deaths in custody did not happen at a higher rate than non-Aboriginal deaths in custody, the rate of imprisonment was many times higher. Western Australia’s Indigenous incarceration rate remains the highest in the country, where an Indigenous person is 23 times more likely to be imprisoned than a non-Indigenous person. Any consideration of overcrowding in prisons in Western Australia needs to be considered in this context.

Given the vast size of Western Australia (30 per cent of the Australian continent) many people from remote communities are gaolled thousands of kilometres from home. In Acacia prison at any given time, there can be up to 200 Aboriginal people from remote communities incarcerated. The most common reasons for Indigenous prisoners to be in prison are driving offences, drinking offences, and non-payment of fines. The Office of the Inspector of Custodial Services in his unreleased, yet widely circulated draft report A Thematic Review of Overcrowding in Prisons (November 2009) identified the most overcrowded prisons in Western Australia as those where Indigenous prisoners are more likely to be held. During the course of my current PhD research I have heard from ex-prisoners and ex-staff that Aboriginal prisoners at Casuarina prison are usually housed in the oldest, most dilapidated part of the prisons, rather than the newer, better equipped sections.

WA’s Tough on Crime Approach = Overcrowded Prisons

The latest Productivity Commission Report has a large section on incarceration, including a state-by-state breakdown. It is based on 2010 figures that show Western Australian prisons to be 30 per cent over capacity. By January 5 2012 this had risen to a prison population 50 per cent over capacity. Since 2007 the Western Australian prison population has increased sharply. This rise coincided with a change of state government in September 2008 when the Carpenter led Labor government lost power to the Barnett led Liberal government who implemented an increasingly “tough on crime” approach to justice. This approach includes a tough approach to parole leading to it not being granted as often, along with a decreased use of community service orders as an alternative. Statistics on these issues are available from the Corrective Services website.
Double bunking is the key cause of overcrowding and is now the norm in WA prisons. The Custodial Inspector’s reports of individual prisons contain photographs of instances of double bunking. Double bunking is the term used when extra mattresses or beds are put in place in cells; for example a cell designed for one person may have an extra mattress on the floor. “Design capacity” refers to the number of prisoners a prison was designed to house. This is how groups such as the Prison Officers Union and Deaths in Custody Watch Committee determine overcrowding levels. “Operational capacity” is the term the government uses as a baseline to determine overcrowding. Operational capacity refers to the number of mattresses there are to put people on; these may or may not be actual bunks and includes mattresses on cell floors. The following table gives a snapshot of the actual numbers in WA prisons as of the beginning of January 2012. It is based on information available at the Corrective Services website. As you can see, prisons in Western Australia are 50 per cent over design capacity across the board. However, the state government continues to refer to “operational capacity” as the base line and defends double bunking. You can follow the numbers of prisoners in WA prisons at the Department of Corrective Services website.

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<thead>
<tr>
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<th>Designed to house</th>
<th>Operational capacity – the number of spaces available for a mattress (2011)</th>
<th>Number of prisoners as at 5/01/2012</th>
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<tr>
<td>Acacia (private)</td>
<td>750</td>
<td>995</td>
<td>1005</td>
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<tr>
<td>Albany</td>
<td>186</td>
<td>357</td>
<td>303</td>
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<tr>
<td>Bandyup womens</td>
<td>183</td>
<td>188</td>
<td>236</td>
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<td>Boronia pre-release - womens</td>
<td>70</td>
<td>82</td>
<td>76</td>
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<tr>
<td>Broome regional</td>
<td>66</td>
<td>98 Work camp capacity 40</td>
<td>110</td>
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<tr>
<td>Bunbury Regional</td>
<td>223</td>
<td>377</td>
<td>332</td>
</tr>
<tr>
<td>Casuarina</td>
<td>397</td>
<td>700</td>
<td>618</td>
</tr>
<tr>
<td>Eastern Goldfields</td>
<td>100</td>
<td>100 Work camp capacity 20</td>
<td>132</td>
</tr>
<tr>
<td>Greenough</td>
<td>219</td>
<td>328</td>
<td>288</td>
</tr>
<tr>
<td>Hakea</td>
<td>617</td>
<td>919</td>
<td>823</td>
</tr>
<tr>
<td>Karnet Prison Farm</td>
<td>174</td>
<td>238</td>
<td>236</td>
</tr>
<tr>
<td>Pardelup</td>
<td>NA</td>
<td>84 Work camp capacity 12</td>
<td>93</td>
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<tr>
<td>Roeburne</td>
<td>116</td>
<td>161 Work camp capacity 8</td>
<td>157</td>
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<tr>
<td>West Kimberley (not yet in use)</td>
<td>150</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woorooloo Prison Farm</td>
<td>249</td>
<td>360 Work camp capacity 12</td>
<td>358</td>
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<tr>
<td>Totals</td>
<td>WA prisons designed for 3164</td>
<td>Current policy provides the following mattresses/beds 4987</td>
<td>How many prisoners were in gaol on January 5, 2012?</td>
</tr>
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Prison Designed to house Operational capacity – the number of spaces available for a mattress (2011) Number of prisoners as at 5/01/2012

<table>
<thead>
<tr>
<th>Prison</th>
<th>Designed to house</th>
<th>Operational capacity – the number of spaces available for a mattress (2011)</th>
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<tr>
<td></td>
<td></td>
<td>4767</td>
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Table 1: Statistics for number of prisoners in WA adult prisons as at January 5, 2012

Overcrowding potentially costs lives. Despite the call of the Royal Commission almost twenty-one years ago to remove prisoner access to potential hanging points, deaths can still occur this way in Western Australian prisons. As evidenced by the Custodial Inspector’s reports, hanging points remain in some Western Australian prisons including Roeburne and Greenough. Further, where prisons are overcrowded it is not possible to renovate cells to meet safety standards. Overcrowding can also lead to important programs being compromised. For example, in Bunbury prison, the Custodial Inspector notes that the pre-release unit has had to be used for minimum security which has had a negative impact on the functioning of the pre-release unit.

Impact on vulnerable prisoners

The problem of overcrowding is exacerbated by the fact that those most at risk of being imprisoned are amongst the most vulnerable in our community. The Western Australia Supreme Court’s Equality Before the Law Benchbook gives an overview of imprisonment and mental illness. In 2005, the former Attorney General advised that prisoners were five to seven times more likely to have a mental illness than other people, and that in some prisons 25 per cent of the population had mental health illness and about half required hospitalisation in a forensic mental facility.

Overcrowding also make it impossible for rehabilitation work to be done effectively. Access to programs is limited and I have heard stories of people being denied parole as they have not completed the programs stipulated for them at sentencing. This is due to the inability to access programs, not because of a lack of the person in prison wanting to do the course.

Risks to prisoners and staff

The British Colombia Civil Liberties Association notes that double bunking can pose a threat to the privacy, health and safety of inmates and is, by definition, overcrowding as it is used in situations where more inmates are housed than a prison is designed to hold. Prisons require more than mattresses to be effective.

In his reports, the Custodial Inspector comments time and again that offices, classrooms, kitchens, dining areas, visitor areas, and exercise areas are not being expanded in Western Australian prisons to match the new prisoner numbers. The Prison Officers Union in Western Australia is concerned that this situation creates risks associated with control, and therefore staff and prisoner safety; risks to decency in the treatment of prisoners; and risks to the community when prisons cannot fulfil their rehabilitative role. So concerned are they that they have an ongoing Respect the Risk Campaign addressing just these issues.

Despite these concerns being raised in all of the Inspector’s reports on WA prisons in recent years, the overcrowding continues. In his most recent report on Bunbury prison
(December 2011) he notes that the increase in violence in the prison can be directly attributed to overcrowding.

**Government and NGO Response**

The independent reviewer of prisons in Western Australia, the **Office of the Inspector of Custodial Services** was so concerned about overcrowding that, in 2009, he completed a *Thematic Review into Overcrowding in WA Prisons*. The report was never endorsed by the Minister for release, though it is often quoted and copies have circulated relatively widely in Perth. Its contents are damning and refer to “the physical conditions in some of these prisons comparing poorly with those in many prisons across South-East Asia”. The report also noted that the taxpayer cost for keeping a person in prison for a year is around $100,000.

To address prison overcrowding the **Deaths in Custody Watch Committee** advocate for a Justice Reinvestment approach to crime. Justice reinvestment advocates for money usually spent on building and running prisons to be redirected towards advancing financially-sound, data driven criminal justice policies to break the cycle of recidivism, stop spiralling prison expenditures and make communities safer. It has been recommended in a number of recent reports, including those by **Tom Calma**, the Western Australian Parliament’s **Community Development and Justice Standing Committee** (rejected by the present government, though supported by the opposition), the **Standing Committee on Aboriginal and Torres Strait Islander Affairs**, and the **Standing Committee on Environment and Public Affairs**. To find out more about Justice Reinvestment you can follow the work of the Deaths in Custody Watch Committee in WA at [www.deathsincustody.org.au](http://www.deathsincustody.org.au)

Justice Reinvestment has four clear steps:

1. **Step 1:** Identify the communities from which people in prison often originate and return.
2. **Step 2:** Work with the community to identify options to generate savings. Provide policymakers with options to generate savings and increase public safety.
3. **Step 3:** Quantify savings and reinvest in identified communities.
4. **Step 4:** Measure and evaluate the impact on the identified community.

These four steps have been implemented in some states of the **USA**, and have quickly led to financial savings and either a levelling of incarceration rates or a drop in incarceration rates. Both the **Greens** and **Labor** parties have endorsed Justice Reinvestment as a good policy for WA. What is happening in Western Australia is not sustainable. Given the increasing levels of overcrowding in Western Australian prisons and the associated costs these four steps make sense and are worthy of adoption and trial in Western Australia.

*Rose Carnes (B.Ed, BSW(Hons)) is member of the Deaths in Custody Watch Committee in Western Australia, and is a PhD candidate at Murdoch University researching Indigenous prisoner education in Western Australian prisons. She has previously worked in teaching, counselling, crisis response, politics, management, domestic violence and community development in Tasmania and Western Australia.*
Appendix 5.2  Letter to Koori Mail letter

“Give reinvestment in justice a fair go / Roslyn (Rose) Carnes
Koori Mail no. 505 13 Jul 2011: 24

Summary: The high costs of imprisonment and the great overrepresentation of Aboriginal offenders are reasons for trying new methods to prevent crime and thereby reduce Government spending”. (Summary by the Australian Institute of Criminology at http://www.aic.gov.au/en/library/alerts/indigenous_justice/201107.aspx )

Body of the published letter is below.

Give Justice Reinvestment a Go!

In May at the Native American and Indigenous Studies Association Conference in Sacramento I heard speakers express the shame of incarceration rates of Indigenous people being 2, 3 or 4 times higher than the rate for non-Indigenous populations in their countries.  I spoke of the incarceration rate of Aboriginal Western Australians being 21 times that of non-Aboriginal Western Australians. In Western Australia, we have Aboriginal people, around 3.8% of the population, as 38+% of those in prison. In Western Australia close to 78% of incarcerated women and around 73% of juveniles in detention are Aboriginal.

These incarceration rates remain almost as high as they were in 1909.  Our current government’s answer is to build more prisons, be “tough on crime” and lock people up.  This clearly has not worked so far and if we keep doing something that isn’t working, the outcome won’t change.

In 2010 the Western Australian Making Our Prisons Work Parliamentary inquiry recommended trialing justice reinvestment in correctional services. Justice reinvestment targets communities where imprisonment rates are high to identify what would help keep people out of gaol. It then provides what is needed in that community to help it happen. It might be as simple as a scheme to help get a driver’s license.

Recently justice reinvestment was recommended by the Federal House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs. Justice reinvestment has been proven (in Democratic and Republican USA states and the UK) to be cheaper than building prisons and to have a bigger impact on creating safe communities. Justice reinvestment is not a “bleeding hearts” cause; it was developed by business people who saw how unsustainable it was to keep building more prisons.

Why is our Premier so committed to NOT trialing justice reinvestment in Western Australia? It costs around $100,000 per year to keep someone in prison. Not everyone in prison is a danger or a threat to public safety. Many are there because they couldn’t pay fines or for other non-violent crimes. If ten people are kept out of prison a million dollars of taxpayer’s money is freed up to invest in building safer communities. Doesn’t it make sense to save money AND keep communities safe?
Mr Barnett claims his government’s approach creates safe communities. Why then is the level of violent crime in WA increasing and why does he need to plan for even more prisons? Come on Barnett; save our money and build safe communities, not prisons!

Roslyn (Rose) Carnes
Medina
Phone 0403885976
Email rosecarnes@bigpond.com
Prep notes for NRTV Interview – FEBRUARY 1, 2012

1 Alarming 20% increase in rates
   • Yes backwards – not that far off where it was at the beginning of the 20th century.
   • Coincides with the change of state government and an even tougher approach to crime;
     which has had a big impact on people inside for crimes of poverty... fines, traffic eg no
     license.
   • Also coincides with a drop in the use of community work orders
   • Also coincides with an increase in the denial of parole

2 AG – recommended COAG targets be set – do something about this. Why has nothing been done?
   • If I were cynical I would say it is because doing things that help prisoners doesn’t
     win votes.
   • It is complex and there needs to be a will to dive into complex issues and areas.
   • Without addressing overcrowding and high incarceration rates, health and education
     will not be addressed in the long run either.
   • It is not productive to keep people locked up...not for them, their families and
     communities.
   • It would require accepting that most Aboriginal people are in prison for minor things
     – non-payment of fines, traffic offences.

3 Why aren’t this state govt prepared to do something about it and put Justice Reinvestment in place?

   DICWC have been pushing this for several years now and since 2009 4 enquiries have
   recommended it. It actually saves money and builds communities – we know this
   from where it (or its equivalent) has been implemented in US states and in the UK. It
   is based on sound fiscal policy – and leads to very productive outcomes. It has the
   support of a wide range of groups in the community such as church groups, unions,
   ALS.... All I can think of is that this state government is ignorant and uninformed
   because what else could it be?

   a. This government says that there is no evidence. This just isn’t true;
b. They say locking people up makes communities safer – this just isn’t true.

c. When people are locked up they come back into the community ... deskill in how to live in that community and suffering a culture shock... they have had no decisions to make for all that time and nothing to do all day... and now are back in the community and expected to function.


2 Community Development and Justice Standing Committee, (November, 2010). ‘Making our prisons work’. An inquiry into the efficiency and effectiveness of prisoner education, training and employment strategies. Perth: Parliament of Western Australia. It is disappointing that the current government will not act on the recommendations made in this report. Both the Greens and Labor parties are in support of Justice Reinvestment, with current Labor Party policy, passed at the 2011 state conference, supporting its implementation.


4 Standing Committee on Environment and Public Affairs; (July 2011). Inquiry into the Transportation of Detained Persons: the implementation of the Coroner’s recommendations in relation to the death of Mr Ward and related matters, Perth: Parliament of Western Australia

Justice Reinvestment has four clear steps:

1. **Step 1: Identify the communities from which people in prison often originate and return.**
2. **Step 2: Work with the community to identify options to generate savings**
   Provide policymakers with options to generate savings and increase public safety.
3. **Step 3: Quantify savings and reinvest in identified communities.**
4. **Step 4: Measure and evaluate the impact on the identified community.**

To find out more about Justice Reinvestment you can follow the work of the Deaths in Custody Watch Committee in WA at www.deathsincustody.org.au

- It requires a radical policy shift that this government has not shown itself willing to make because it doesn’t fit with a tough on crime approach. Instead of spending $100,000 per annum to keep someone in prison the money is redirected to areas of high recidivism that need it most.

- Both the Greens and Labor support it.

- It might save lives if the current WA govt listened to and acted on reports they commissioned (again not very productive). For example, the OICS has been talking of overcrowding for many years and noted the problem at Hakea with the need to use old cells that had no hanging points removed. Result – a suicide by hanging. People die because of this governments policy.
Radio 2SER Interview Wednesday March 28, 2012 with Stephanie-kate Britton (follow up from Rights Now article in response to the Productivity Commission Response report noting WA lagging behind other states with high incarceration rates of Aboriginal people).
Appendix 5.5  Fly By Night jazz night speaker notes
Appendix 5.6  Ward Campaign for Justice - DICWC

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DEATHS IN CUSTODY WATCH COMMITTEE (WA) INC

dicwc@inet.net.au www.deathsincustody.org.au

JUSTICE FOR MR WARD!!

One year ago thousands marched the streets of Perth, demanding justice for Mr Ward.

Now, the DPP has decided no criminal charges will be laid against any party responsible for Mr Ward’s death.

THAT’S NOT JUSTICE!

Key demands

1. Re-opening of the Coronial inquest into Mr Ward’s death;
2. An independent review into the Director of Public Prosecution’s (DPP) decision not to bring criminal charges;
3. Tabling in parliament of the evidence and advice that the DPP used to make its decision that no criminal charges be laid;
4. Ending of the G4S contract and the return of transportation of detained persons to the Department of Corrective Services;
5. Independent and effective investigations into any future deaths in custody;
6. New criminal offences of corporate and custodial manslaughter be introduced into legislation—to ensure that parties responsible for any similar deaths in custody in the future cannot escape being held criminally responsible;
7. An independent public inquiry into institutionalised racism in the WA criminal justice system.

Two years ago Mr Ward, an Aboriginal elder from Warburton in outback WA, died in the back of a prisoner transport van. At the time he was in the custody of the WA police and prisoner transport company GSL (now G4S). In the words of the Coroner, Alistair Hope, who examined Mr Ward’s death, Mr Ward ‘suffered a terrible death which was wholly unnecessary and avoidable’. As a result of his horrific death, a campaign was built by the Deaths in Custody Watch Committee (DICWC) to demand compensation for the community, that charges be brought against those responsible, and that sweeping changes be made to prisoner transport and related areas to ensure that this will not happen again.

The Ward Campaign has received mass support from the community please keep up the fight for justice alongside us

There has been a rally of two thousand people; a public meeting of over four hundred people; a state petition with over five thousand signatures and a national petition with over three thousand signatures. The pressure that the campaign generated ensured the recommendations from the coronial inquest were taken seriously, gaining recognition from the WA government that this death was avoidable and ended use of the van that Mr Ward was transported in on long distance trips.

In another recent victory for the campaign a parliamentary inquiry into WA’s prisoner transport system is being conducted. Even The West Australian was forced to admit that this is the result of the “two-year campaign by the Deaths in Custody Watch Committee”.

27 Moore St East Perth, WA 6004
Ph (08) 9444-1930 E: dicwc@inet.net.au
www.deathsincustody.org.au
SNAP ACTION: THERE HAS BEEN NO JUSTICE FOR MR WARD THE SYSTEM HAS FAILED HIM

JOIN THE DEATHS IN CUSTODY WATCH COMMITTEE CAMPAIGN GROUP AND FAMILY SPOKESPERSON
DAISY WARD
OUTSIDE GOVERNOR STIRLING TOWER

DATE
Thursday January 20, 2011
TIME
12 Noon
ADDRESS:
197 St Georges Terrace
Perth

Who has taken responsibility for this avoidable death? NO ONE!

- The DPP did not prosecute G4S as there was no one clear party to prosecute
  NO JUSTICE
- The State Government did not take responsibility as they were not the only party involved
  NO JUSTICE
- The Worksafe Commissioner considered the case and decided that no charges could be laid because of no one clear party being responsible
  NO JUSTICE

DEMAND
GOVERNMENT RESPONSIBILITY TO DUTY OF CARE AND AN END TO PRIVATISED PRISONER TRANSPORT

STOP PRIVATISATION OF PRISONER TRANSPORT
Deaths in Custody Watch Committee (WA) Inc.

MEDIA RELEASE — For Immediate Release — 7 January 2011

Deaths In Custody commend Worksafe WA on decision to prosecute

The Deaths In Custody Watch Committee have today welcomed the announcement by WorkSafe WA that they will recommend charges be laid against those responsible for the death of Mr Ward on 26 January 2008.

“We believe WorkSafe’s decision was not only the right one, but also the only possible decision given circumstances of Mr Ward’s death” said Deaths in Custody spokesperson Mr Marc Newhouse.

“Mr Ward was tortured and killed as a result of the racism, negligence and fault of G4S, G4S employees, WA Police, a Justice of the Peace and the Department of Corrective Services. Mr Ward was owed a duty of care by all of these parties — all of them failed him, and as yet, none of them have been held accountable for their failings which led to a man’s death.”

While the Committee acknowledges that WorkSafe WA’s decision is only the first step in criminal proceedings, their decision has also re-ignited the Committee’s frustration with the Department of Public Prosecution’s unwillingness to prosecute any of the parties responsible for the death of Mr Wards.

“We remain frustrated by the fact that the DPP continues to be unwilling to make publically available the reasons why they decided not to prosecute any of the parties responsible for Mr Ward’s death.

Mr Newhouse continued, saying “One of our central criticisms of the way Mr Ward’s case has been handled boils down to accountability. As yet, no-one has been held accountable for Mr Ward’s death. Given the cruel and torturous death Mr Ward suffered, this is wholly unacceptable. The DPP’s unpreparedness to share their reasoning for not prosecuting any of the parties who were complicit in Mr Ward’s death — indicates a lack of accountability, yet again! We demand that the DPP make their reasoning, and the advice of John Agius QC, public.”

“The Deaths in Custody Watch Committee also calls for an immediate end to the privatization of both prisons and prisoner transportation. The case of Mr Ward has tragically illustrated the importance of returning responsibility for custodial services to the Western Australian Government.

“Privatized custodial services present an unacceptable barrier to accountability with regards to human rights. The death of Mr Ward at the hands of G4S — a company with a well documented history of human rights abuses — and the subsequent lack of accountability and justice following Mr Ward’s death have shown that the safety and best interests Western Australians will continue to be threatened as long as the responsibility for custodial services remains in private hands”.

Media Contact: Marc Newhouse (spokesperson), Deaths in Custody Watch Committee (WA),
0415 074 602.

The Deaths in Custody Watch Committee (WA) Inc.
27 Moore Street, East Perth, WA 6004
Phone: 0415 074602 E-mail: newbone@bigpond.com
www.deathsincustody.org.au
Bowler wants higher wages for Australian politicians: P3

$285K OVER DEATH

G4S must pay liability
Appendix 6

Other Campaigns

- Justice Reinvestment flyer – Mick Gooda
- CHOGM Rally (Commonwealth Heads of Government)
- John Pat Memorial Day
- What is justice reinvestment? Information flyer prepared for DICWC
Deaths in Custody Watch Committee (WA) Inc

together with the

Institute for Restorative Justice & Penal Reform

present

Justice Reinvestment

A new approach to reducing Indigenous over-representation in the criminal justice system.

A conversation with Mick Gooda

Aboriginal and Torres Strait Islander Social Justice Commissioner
Australian Human Rights Commission

Date: Monday, 19th September 2011
Time: 7.30am to 9.30am
Venue: Atrium Theatrette, 4th Floor, 168 St Georges Terrace, Perth
Cost: $30.00

Program:
7.30am — 8.15am  Registration & Light Breakfast
8.20am — 8.25am  Welcome to Country
8.25am — 8.30am  Introduction by Mr. Dennis Eggington, CEO
                  Aboriginal Legal Service of Western Australia
8.30am — 9.00am  Address by Mr. Mick Gooda
9.00am — 9.30am  Q & A and Close

To register and purchase tickets visit: http://www.trybooking.com/UPE
For more information, contact Mick Suter — micksuter@gmail.com or 0410 059 693.
Registrations close 16 September, 2011
Commonwealth Heads of Government (CHOGM)

Perth to host piracy summit

Protest organiser arrested in police raid

Activists win praise but police still on guard
The Death of John Pat eventually led to the Royal Commission into Aboriginal Deaths in Custody.
Build Communities Not Prisons!
Deaths In Custody Watch Committee
www.deathsincustody.org.au
Phone: 0415074602

What is Justice Reinvestment?
(Also known as Social Return on Investment)

- Some of the money usually spent on building and running prisons goes to local communities where re-offending rates are high.
- The money is used in those communities to put in place programs that tackle the issues in that specific community that make it tough for people to stay out of gaol.
- The community is very involved in working out what is needed; programs are not general ones designed by government departments that are then imposed on the community.
- Prisons still exist for dangerous offenders but Justice Reinvestment keeps people out of gaol for minor offences.

Too Many Aboriginal People Spend Too Much Time in Prison in Western Australia. Aboriginal people are
- 38.8 per cent of adults in prison;
- 73.3 per cent of juveniles in detention;
- 77 per cent of female prisoners;
- under represented in the better resourced prisons;
- 100 per cent of female prisoners in the poorly resourced Roebourne and Eastern Goldfields prisons

Does it Work? Yes! In other parts of the world it has worked
United Kingdom – for every £1 invested in this model £14 was returned to or recouped by the community.
Texas – after only two years of applying this model the prison population had stopped growing for the first time in decades.
Oregon – had a 72% decrease in the detention of young people
Kansas—reduced gaol numbers by 7.5% for very little money.
What sorts of programs?
DICWC have been asking Aboriginal people in Swan and Stirling what kinds of things might help in their community to keep people out of gaol. Some of the ideas we have heard are:
- Healing centres and programs run by Aboriginal people, Aboriginal way
- Driver education centres and programs
- Cultural centres
- Homework centres
- Listening to Elders who are recognised by families
- Help for young people so they don’t breach bail conditions eg they may not have the money to get in to report or they might not have money for a phone call to let the department know they can’t get there...

We want to try this out in Western Australia but....
Our state government says it does not believe in Justice Reinvestment and have said that they will not put it in place. This is even after many reports and people have said it does work and should be tried in places like Swan and Stirling.

The Labor Party and the Greens are committed to trying it out. But we have yet to convince the Liberal Party.

What can you do?
- Sign the Deaths in Custody petition
- Talk to your local state member of parliament
- Join DICWC
- Tell us what you think
Appendix 7

Amnesty funded
Justice Reinvestment
Campaign Report
The beginning of the cause of deaths in custody does not occur within the confines of police and prison cells or in the minds of the victims. Initially it starts in the minds of those who allow it to happen.”

– Aboriginal Elder, the late Dr. Jack Davis (RIP) AO, BEM.

Prepared for Deaths in Custody Watch Committee, August 2011
by Rose Carnes (Consultant) (BEd, BSW(Hons),
PhD Candidate, Murdoch University)
Executive Summary

This project aimed to bring together people from the local government areas in Perth identified by the Social Justice Commissioner as having high rates of incarceration and recidivism. These two districts were Swan and Stirling. The purpose of the project was to identify if there was support for a Justice Reinvestment approach and to ascertain what Aboriginal people thought of it. The project aimed to create a groundswell of action focused individuals to come together to both educate about Justice Reinvestment as well agitate for government policy change.

Two people were employed to carry out the project, Mick Suter, a non-Indigenous man with project experience and Vicky Bandry, an Indigenous woman who has lived and worked in the northern suburbs of Perth for decades and who has also had extensive community based work experience. Forums were held in the districts of Swan and Stirling. These in turn led to establishing an Action Group to agitate for government policy change. One of the most successful outcomes has been being part of establishing a Community Justice Coalition in Perth. Materials were also produced for a range of potential audiences, with the depth of information and extent of the publications being determined by their audience.

A limitation of the project was its short time frame. This made the ongoing relationships necessary in the community hard to develop fully in the time frame. Also, while having two workers provided a richness of views and the ability to link with a wide range of people, it also slowed things down as they had to develop their own working style and relationship as well. DICWC has a perennial challenge finding funding, so the project is still continuing largely thanks to the dedication of the now voluntary community workers.

The project has been instrumental in kick starting the Justice Reinvestment Movement in Perth. Justice Reinvestment is now much more cemented on the political agenda. The Greens have openly supported Justice Reinvestment options and during the life time of this project we have seen the WA Labor Party adopt Justice Reinvestment as official policy, endorsed at their 2011 state conference. While we have not yet seen the desired policy changes, there is increasing pressure on state government to consider the option. And where should communities, groups and governments pick up the challenge? At the grass roots level alongside, not over riding, voices such as those on the following pages who have clear ideas and thoughts about potential actions to address incarceration rates in their own communities.
Summary Of Suggestions Generated at Balga and Midland Workshops with Aboriginal People.

The ideas were many and varied. A lot of the discussion revolved around the following:

**History**

Our dominant history is that of the colonizers – needs addressing

**Education**

changes to curriculum so that Aboriginal side of history is taught as well

**Housing** –

without secure housing all else becomes even more difficult

**Culture**

teaching young people their own culture; teaching wadjellas

**Provision of services locally with Elders included**

and programs funded adequately and ongoing

**Some specific localised programs, safe places, advocates and healing centres**

- Programs that address driving offences – eg driver ed centre
- Safe places, entertainment that is affordable
- APLOS in schools
- Advocates in hospitals
- Healing centres and programs

**Take the “fight” out of Perth and WA focus to the National and International arena – shame them.**

SPECIFIC SUGGESTIONS FROM EACH WORKSHOP ARE ON THE FOLLOWING PAGES:
Midland Workshop – Wednesday April 30 @ PCYC Midland

Ideas for Justice Reinvestment Programs

1. Let four people out of prison and use that money for a specific project.
2. Culture – people have to know their culture
3. Get kids out doing their thing – eg a farm in the hills to walk their country – before offending
4. School is not for everyone – alternatives are needed for those smart kids who the school system doesn’t work for
5. Start working with youth before the offending begins
6. Housing is a huge problem. Problems with housing translate into difficulties at school and a whole range of problems. Urgently need
   a. Emergency men’s accommodation
   b. More Homeswest properties – and Homeswest run for housing and homes, not as a business
   c. Need a housing building program
7. Education
   a. Lifeskills and living as well as school stuff
   b. Current education is colonial. Curriculum needs decolonising
8. Need more programs on tv such as “Not at Home” which aired recently
9. Let kids come up with answers themselves – we need to listen and hear
10. Homework centres – these were set up through ATSIC 2 or 3 days a week and worked well. Bring them back.
11. Is essential for everyone to have one rock – a person who cares and loves unconditionally and is there no matter what.
12. Young parents educational program
13. Cultural centres – run by Aboriginal people. Such a centre is in the planning stages in Midland – will be run by Whadjuk mob.
14. There used to be a lot of good things in Midland but they were defunded and closed down and nothing replaced them
15. Government go to Aboriginal people who will agree with them… stop this and go through proper channels and recognised Elders.
16. Keep young offenders away from older offenders in prison
17. Provide things to do in custody – not just sitting around on arse all day
18. The System needs changing
   a. Western law is the one that needs educating – and police. And educated by Aboriginal people. Real cross cultural training – not tokenistic.
   b. APLO’s in schools and old fashioned community policing
19. Local Aboriginal organisations properly supported and funded to meet needs
   a. AMS
   b. Housing
c. People at hospitals – providing advocacy and support

20. Cultural awareness education when people arrive in Australia and as part of
   citizenship stuff – to stop stereotyping of Aboriginal people by new arrivals.
21. Bail – help for young people so they don’t breach bail conditions eg they may not
   have the money to get in to report or they might not have money for phone call to let
   dept know they can’t get there… so more support for those on bail to help them not
   be breached

General agreement that it is important to keep pressure on government. People want to see
what is proposed by an Action Group, what it would look like – more details before
committing.

Balga Workshop – Thursday March 17, Aboriginal Church Balga

Ideas for Justice Reinvestment Programs

1. People need to know the Aboriginal side of history.
   a. The 1905 Act has never been repealed – campaign to get it repealed. It has
   been the springboard for so many laws.
   b. 1937 Minutes when heads of states met in Canberra for first time to discuss
   the “Aboriginal problem” – this reinforced the 1905 Act.
   c. 1904 – Rockmans Royal Commission
   d. British colonialism and culture are still central in Australia
   e. Education – of wadjellas and blackfellas

2. Strengthen relationships with police – and change attitudes re: Aboriginal Justice
   Agreement – this is tokenistic
3. More support services
   a. Counselling
   b. Healing for the trauma of Aboriginal people– holistic
   c. More focus on prevention/anger issues
   d. Changing ways of thinking - In prisons AND Education system
4. Culture taught by mob from that area – proper Elders in their country who are
   recognised by the whole community.
5. More focus on prevention/anger issues
6. Programs to assist changing of attitudes so that prison is not a rite of passage.
7. Provide alternatives to prison – tradework, culture, camps that can lead to
   prevention,
8. Culture programs – language and culture – for everyone/as part of mainstream
9. History – Aboriginal people learning their own history; wadjellas learning Aboriginal
   history
10. Individuals and organisations looking to their own selves to make changes – internal
    and not just Aboriginal people expected to change.
11. Work together – Aboriginal and non-Aboriginal together – conciliation and building
    relationships
What can be Done to Keep Pressure on Government?

1. Aboriginal driving centre – to help get licenses
2. Literacy and numeracy support to help get drivers licenses
3. Entertainment areas
4. Safe places for children
5. Meetings are not always the best way to bring people together – BBQ’s, sports days, culture days, footy games, basketball..... To Build Bridges
6. This is not just an Aboriginal issue – it belongs to the whole of the community.
7. Outside pressure – from outside WA and Australia
8. Locally organised action committee
9. United Nations Pressure
10. Celebrate multiculturalism
11. Letter writing campaign
12. Hard hitting realistic ways of putting information across
13. International campaigns – take the message beyond Perth (eg International Court of Justice). Shame the government – they don’t like a tainted image
14. Build a team of allies – “an army of allies”
15. Strengthening international relationships
16. June 20th – Australia is responding to the Human Rights UPR(Universal Periodic Review)
17. National days of action.
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Background to the Project

Incarceration of Aboriginal Western Australians

Western Australia has the dubious reputation of having Australia’s first Indigenous prison. It was on Rottnest Island which was used exclusively for that purpose from 1838 until its closure in 1902. Not all Aboriginal prisoners were held here, though it began the trend of taking Aboriginal people far from country to be held in a prison. A friend of mine from remote WA has told me that it was at the prison at Rottnest that her father’s grandfather had received the English family surname.

In 1909 42 per cent of WA prisoners throughout the state were Aboriginal (Office of the Inspector of Custodial Services, March 2005: 7). The situation has improved only marginally in a century. Approximately 3.8 per cent of all people in Western Australia are Aboriginal (ABS 2006). On May 27, 2011 38.8 per cent of adults and 73.3 per cent of juveniles in detention in Western Australia were Aboriginal (Department of Corrective Services, May 27, 2011). Aboriginal women represented 77 per cent of female prisoners. They were under represented in the better resourced prisons and made up 100 per cent of female prisoners in the poorly resourced Roebourne and Eastern Goldfields prisons (Department of Corrective Services May 27, 2011. The Office of the Inspector of Custodial Services has noted that “the Department [of Corrections’] commitment to the over-representation of Aboriginal peoples in the justice system appears to have amounted to little more than a form of words, well past its utility” (OICS, July 2008a: 27).

Incarcerated Indigenous Western Australians are amongst the most disadvantaged in prisons in Australia. The Custodial Inspector has noted that the physical conditions in some of the “Aboriginal Prisons” compare poorly with those in many prisons across South East Asia. “Aboriginal prisons” were defined by the Custodial Inspector as “a prison whose normal population is predominantly (75 per cent or more) Aboriginal” (2001: 4). Generally speaking this refers to Broome, Roeburne, Greenough and Eastern Goldfields prisons.

Overcrowding is the norm, access to education and health needs are often limited due to this. Frustrations and tensions for prisoners increase in such conditions. There are hundreds of Aboriginal prisoners in metropolitan goals who are from the central desert,
Pilbara and Kimberley regions who have English as a second, third or fourth language and are far from the country and families that can help and support them. Often they are in prison for minor offences such as non-payment of fines or small traffic offences.

Aboriginal people are disproportionately represented in WA prisons, even more than in any other state in the country as the table on the following page reveals. Attached as Appendix 1 is a paper developed during the conduct of this project, titled “Does Race Come Into It? what Custodial Inspector Reports and the words of Indigenous ex-prisoners reveal about Western Australian prisons.” It was written by Rose Carnes who is a PhD candidate at Murdoch University. The paper was delivered at the Native American and Indigenous Studies Association Conference in Sacramento in May 2011. It considers what the Office of the Custodial Inspector has said about racism over the past ten years and provides a comprehensive overview on this topic. It is available via the DICWC website www.deathsincustody.com.au

Table 1 Ratio of Indigenous to non-Indigenous age standardised rates of imprisonment (ABS, Prisoners in Australia 2007:6). Source: Baldry 2008:5
### WA Prison Numbers as at May 26, 2011

<table>
<thead>
<tr>
<th>Name of Adult Prison</th>
<th>M</th>
<th>F</th>
<th>Dates of OICS reports used</th>
<th>Number of Aboriginal prisoners (and % of each prisons’ population) on May 26, 2011</th>
<th>Total population May 26, 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acacia Privatised Prison</td>
<td>✓</td>
<td></td>
<td>June 2008</td>
<td>373 (37.9%)</td>
<td>984</td>
</tr>
<tr>
<td>Albany Regional prison</td>
<td>✓</td>
<td>✓</td>
<td>April 2009</td>
<td>100 (32.8%)</td>
<td>305</td>
</tr>
<tr>
<td>Bandyup Women’s prison</td>
<td>✓</td>
<td></td>
<td>December 2008</td>
<td>87 (41.2%)</td>
<td>211</td>
</tr>
<tr>
<td>Boronia Pre-release Centre</td>
<td>✓</td>
<td></td>
<td>June 2010</td>
<td>10 (12.5%)</td>
<td>80</td>
</tr>
<tr>
<td>Broome Regional Prison (remote)</td>
<td>✓</td>
<td>✓</td>
<td>March 2005 November 2008</td>
<td>83 (76.2%) 2 non Indigenous women</td>
<td>109</td>
</tr>
<tr>
<td>Bunbury Regional Prison</td>
<td>✓</td>
<td>✓</td>
<td>February 2009</td>
<td>66 (20.1%)</td>
<td>328</td>
</tr>
<tr>
<td>Casuarina Prison (Men)</td>
<td>✓</td>
<td></td>
<td>September 2009</td>
<td>279 (46.2%)</td>
<td>604</td>
</tr>
<tr>
<td>Eastern Goldfields Regional Prison (remote)</td>
<td>✓</td>
<td>✓</td>
<td>August 2001 July 2008</td>
<td>94 (70.7%) 0 non Indigenous women</td>
<td>133</td>
</tr>
<tr>
<td>Greenough Regional Prison (remote)</td>
<td>✓</td>
<td>✓</td>
<td>August 2010</td>
<td>241 (84.3%) 5 non Indigenous women</td>
<td>286</td>
</tr>
<tr>
<td>Hakea Prison</td>
<td>✓</td>
<td></td>
<td>March 2004 June 2010</td>
<td>204 (27.4%)</td>
<td>746</td>
</tr>
<tr>
<td>Karnet Prison Farm</td>
<td>✓</td>
<td></td>
<td>September 2010</td>
<td>26 (11.1%)</td>
<td>234</td>
</tr>
<tr>
<td>Pardelup Prison Farm</td>
<td>✓</td>
<td></td>
<td>N/A</td>
<td>3 (3.4%)</td>
<td>88</td>
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<tr>
<td>Roeburne Regional Prison (remote)</td>
<td>✓</td>
<td>✓</td>
<td>April 2009 February 2011</td>
<td>166 (92.2%) 0 non Indigenous women</td>
<td>180</td>
</tr>
<tr>
<td>Woorooloo Prison Farm</td>
<td>✓</td>
<td></td>
<td>September 2009</td>
<td>46 (12.8%)</td>
<td>359</td>
</tr>
</tbody>
</table>

What is Justice Reinvestment?

Simply put, Justice Reinvestment advocates for money usually spent on building and running prisons to be redirected towards advancing fiscally-sound, data driven criminal justice policies to break the cycle of recidivism, avert prison expenditures and make communities safer. The model has four clear, quantifiable steps:

Step 1: Identify the communities from which people in prison often originate and return.

Step 2: Work with the community to identify options to generate savings. Provide policymakers with options to generate savings and increase public safety.

Step 3: Quantify savings and reinvest in identified communities.

Step 4: Measure and evaluate the impact on the identified community.

Further information is available in flyers in the Appendix as well as from the following websites:

From the USA

http://www.justicereinvestment.org
http://www.reentrypolicy.org
http://consensusproject.org

From the UK

http://www.parliament.the-stationery-office.co.uk/pa/cm200910/cmselect/cmjust/94/9411.htm
Reports Recommending Adoption of Justice Reinvestment

Since 2009 there have been a number of reports at both state and federal level that have recommended use, or at the very least serious consideration and trialling of, a Justice Reinvestment model as a way to build communities, reduce recidivism and tackle the high rate of Indigenous incarceration.

1  


Tom Calma was the Social Justice Commissioner at the time of this report. He has since retired from this position and the Social Justice Commissioner is now Mick Gooda. The report devotes a chapter to the concept of Justice Reinvestment.

The Commissioner (page 55) concludes that

“Albert Einstein famously defined insanity as ‘continuing to do the same things and expecting a different result’. This is exactly the sort of madness that we see in the Indigenous interactions with the criminal justice system. We need to try something fundamentally different to solve this problem.

I believe that justice reinvestment might just be the approach we are looking for. It has a strong methodology and evidence base. It has succeeded in some of the toughest, most unlikely places in the United States. If the people of Texas, notorious for their ‘lock ‘em up and throw away the key’ mentality can achieve good results, I am hopeful that Australia can also take up the challenge.”

The following recommendations were made in this report (page 56):

Recommendation 2.1
That the Australian Government, through COAG, set criminal justice targets that are integrated into the Closing the Gap agenda.
Recommendation 2.2
That the Standing Committee of Attorneys General Working Party identify justice reinvestment as a priority issue under the National Indigenous Law and Justice Framework, with the aim of conducting pilot projects in targeted communities in the short term.

Recommendation 2.3
That the Australian Social Inclusion Board, supported by the Social Inclusion Unit, add justice reinvestment as a key strategy in the social inclusion agenda.

Recommendation 2.4
That all state and territory governments consider justice reinvestment in tandem with their plans to build new prisons. That a percentage of funding that is targeted to prison beds be diverted to trial communities where there are high rates of Indigenous offenders.

It would appear that, from the lack of action on these recommendations, that Australia is lagging in taking up the challenge.

2


This Parliamentary committee is bi-partisan with representatives of all political parties. This report dedicates a chapter to Justice Reinvestment. In addition to providing a comprehensive overview of Justice Reinvestment it makes the following recommendations:

Recommendation 22
The Committee recommends that as part of the implementation of the justice reinvestment strategies a mapping exercise be undertaken to identify those communities currently delivering the highest percentage of population to the prison system.
**Recommendation 23**
The Committee recommends that the government initiates a properly funded, evidence based, collaborative Justice Reinvestment strategy in one metropolitan and one regional ‘high stakes’ community identified by the recommended mapping exercise, as a pilot, to be evaluated against adequate performance measures. This pilot would measure the effectiveness of the role of each of the individual participating agencies as well specific outcomes relating to the interagency collaboration on the ground.

**Recommendation 24**
The Committee recommends that government at the highest level charge a lead agency to establish the proposed pilot Justice Reinvestment strategy to:
- have an overarching responsibility for each of the agencies collaborating in the strategy insofar as their deliverables to the strategy are concerned; and
- have control and be accountable for the pooled Justice Reinvestment budget.


The recommendations are noted but it is clear that the government does not see any benefit in acting on the recommendations. It believes that the data is not available upon which to base justice reinvestment, which is of real concern, as they do not indicate any intention of moving towards collecting better and more useful data.

It is disappointing that the current government will not act on the recommendations made in this report. Both the Greens and Labor parties are in support of Justice Reinvestment, with current Labor Party policy, passed at a recent state conference, supporting its implementation.


This is also a bi-partisan Parliamentary committee with representatives of different political persuasions. This report also considers the value of Justice Reinvestment and makes the following recommendation:

**Recommendation 40 – Justice reinvestment (page 321)**
The Committee supports the principles of justice reinvestment and recommends that governments focus their efforts on early intervention and diversionary programs and that further research be conducted to investigate the justice reinvestment approach in Australia.

4 **Standing Committee on Environment and Public Affairs; (July 2011). Inquiry into the Transportation of Detained Persons: the implementation of the Coroner’s recommendations in relation to the death of Mr Ward and related matters.** Perth: Parliament of Western Australia

Yet another bi-partisan Parliamentary committee with representatives of different political persuasions recommends consideration of justice reinvestment in Western Australia. At time of writing this report a response is still pending from the state government, who have four months from tabling of the Committee’s report in parliament in which to respond. It is worth noting that, on page 88 of the committee’s report, the Inspector of Custodial Services is reported to have said “he supports the justice reinvestment philosophy and the investment of money and resources into diverting people out of custody and into crime prevention however this is done...” and that there are now political overtones associated with the term justice reinvestment. The following recommendation was made in this report (page 56):

**Recommendation 20 – Justice Reinvestment(page 89)**
The Committee supports the principles of justice reinvestment and recommends that the Government focus their efforts on early intervention and diversionary programs and that further research be conducted to investigate the justice reinvestment approach in Western Australia.
Twentieth Anniversary of RCIADC

April 15, 2011 marked twenty years since the release of the findings of the Royal Commission into Aboriginal Deaths in Custody. DICWC partnered with the Aboriginal Legal Service to mark this occasion with a march and a rally on Parliament House steps in Perth. That report contained figures of great significance to Western Australia, given that one third of the 99 deaths in custody considered in the report had occurred in this state.

The march began in front of the Supreme Court of Western Australia at Stirling Gardens and proceeded through the Hay Street Mall and on to Parliament House. The 300 strong crowd was led by the HALO cultural dance group and those people who have lost family in custody. In recognition of the 269 Aboriginal people who have died since the release of the report of the Royal Commission, the protestors carried 269 white wooden crosses. The crowd was filled people from all different walks of life who share the abhorrence of so many having died needlessly in prisons, detention centres and police custody as well as the high incarceration rates of Aboriginal peoples in WA (see Incarceration rates in WA).

The crowd were welcomed at Parliament House by community Elder, Uncle Ben Taylor, who performed a Welcome to Country and Smoking Ceremony and then asked the crowd to remember those lost in a minute’s silence. During the rally, which was MC’ed by Chair of the Deaths in Custody Watch Committee, Marianne Mackay, the crowd and media were reminded of some of the recommendations from the RCIADC, many of which have never been implemented.

Throughout the speeches Marianne reminded the crowd and media of some of the recommendations from the Royal Commission, all of which remain relevant, many of which still require implementation such as;

- 90(a) that “where police bail is denied to an Aboriginal person or granted on terms the person cannot meet, the Aboriginal Legal Service, or a person nominated by the Service, be notified of that fact”.
- 35(a) that all investigations into deaths in custody “be approached on the basis that the death may be a homicide”
- 224(g) that “Aboriginal Legal Services be funded to ensure that legal assistance, if required, is available to any Aboriginal complainant” wishing to lodge a police complaint,
Other speakers at the rally were

- Senator Alison Xamon who spoke on behalf of The Greens Party
- Noongar Elder and researcher Professor Ted Wilkes, who received a huge cheer when he said, “We need treatment services and rehabilitation services, not bloody prisons”.
- Adele Phillips who lost her brother on January 7, 2011 in the Kalgoorlie police lock up
- Aboriginal Legal Service Lawyer Tammy Solonec
- Ben Wyatt and John Quigley from the Labor Party
- Jacqui Phillips from Australians for Reconciliation and Native Title (ANTaR) who flew to Perth to attend the rally and launch ANTaR’s campaign to reduce Indigenous incarceration

**Examples of Media Associated with Justice Reinvestment**

Media has been constant over the past year, with the constant reference to Justice Reinvestment having the effect of a dripping tap as it makes its mark in the social consciousness of WA. In addition to print media, there have been regular radio interviews from local Noongar Radio, as well as mainstream radio. Below are some examples of media generated as part of the project.

1. **Friday November 10, 2010; speech by Graeme Innes AM, Race and Disability Discrimination Commissioner at the Deaths in Custody AGM at Outcare Offices, East Perth, WA**
   The transcript of the speech is also provided in the appendix to this report.

2. **High Rates of Incarceration and a call for justice reinvestment – media release**

3. **Twenty years on from Aboriginal Deaths in Custody report. ABC Radio**
4 Joint Media Statement From the Aboriginal Legal Service of WA and the Deaths in Custody Watch Committee (WA) 13 April 2011

5 Your Say piece in Koori Mail  July 13, 2011
Provided in appendix of this report
This Project
This project aimed to bring together people from the local government areas in Perth identified by the Social Justice Commissioner as having high rates of incarceration and recidivism. These two districts were Swan and Stirling. The purpose of the project was to identify if there was support for a Justice Reinvestment approach and to ascertain what Aboriginal people thought of it. The project aimed to create a groundswell of action focused individuals to come together to both educate about Justice Reinvestment as well agitate for government policy change.

Project Aims
1. to promote and strengthen the human rights of incarcerated people in Western Australia in particular Indigenous prisoners
2. to raise community awareness and mobilise the Western Australian community to take action to significantly reduce prison overcrowding and address the resultant human rights abuses occurring in the WA Prison system
3. to lobby the WA government as a matter of urgency to reduce Indigenous incarceration by implementing Justice Reinvestment Programs in identified communities in Western Australia

Key Project Tasks
1. A series of community education, consultative and engagement forums
2. Educative materials
3. Formation of a WA Human Rights Community Justice Coalition
4. Regular press releases

Proposed Indicators of Success
1. Forums attended, discussion documented, distributed and included on the website
2. Broad consensus reached at forums on benefits of Justice Reinvestment
3. Actions defined and followed up on from the forums
4. Formal adoption and implementation of Justice Reinvestment by the WA Government
5. Increased awareness of needs and human rights of Indigenous Prisoners; as demonstrated by increased level of debate in the media

6. Ultimately we aim to see a change in government policy and the rates of incarceration

Project Team

Community development workers

Mick Suter (employed December 2010)
Vicky Bandry (employed February 2011)

Role

- Preparation and dissemination of information and materials
- Representative at various community and networking forums
- Preparation of all community forums and
- Engaging with local communities including Elders, families, organisations and stakeholders

DICWC Board Liaison

Marc Newhouse (Deputy Chair, DICWC Board)

Role

- Preparation and dissemination of information and materials
- Facilitation of forums and meetings
- Representative at various agency networking forums

Pro Bono Consultancy

Rose Carnes (PhD Candidate, Murdoch University)

Role

- Preparation of information and materials
- Facilitation of forums and meetings
- Dissemination of materials at academic level
- Project evaluation
Identified Communities

The local government areas of Swan and Stirling were identified by the Aboriginal and Torres Strait Islander Social Justice Commissioner as among a range of communities from which there is a high rate of recidivism amongst Aboriginal prisoners. It was these two communities that were the site of this project.

The role of the Community Development workers has been to manage the organisation of the forums within the communities of Swan and Stirling local government areas. It involved working collaboratively with Aboriginal families, Elders and organisations as well as police, local government, government departments and other key stakeholders within those communities.
## Progress Measured Against Proposed Indicators of Success

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Outcomes</th>
<th>Comments</th>
<th></th>
</tr>
</thead>
</table>
| **Forums attended, discussion documented, distributed and included on the website** | **Forums held with Aboriginal people**  
  - Balga  
  - Midland  
  Forum with other stakeholders (agencies)  
  Forming of Action Group – and follow up meetings | These forums required a significant amount of time for the Community Workers as they needed to meet individually with people and explain the concept of Justice Reinvestment prior to the forums.  
While there were not large numbers of Aboriginal people at the forums, there were significant Elders present. This is important in terms of getting the message out there. In hindsight it may have been pertinent to have ongoing gatherings and action planning with families and community.  
Maintenance of all of the relationships takes time and is ongoing; to date this has largely been taken up by Mick Suter who is now doing the work on a voluntary basis.  
Discussions have been documented and this report will be placed on the DICWC website. |  |
<table>
<thead>
<tr>
<th>Indicator</th>
<th>Progress</th>
<th>Comments</th>
</tr>
</thead>
</table>
| Formal adoption and implementation of Justice Reinvestment by the WA Government | A copy of the paper “Does Race Come Into It?” what Custodial Inspector Reports and the words of Indigenous ex-prisoners reveal about Western Australian prisons” was forwarded to the Premier in June requesting a response which has not as yet been received. | This is going to be a time consuming process. Since the beginning of the project, however, the Leader of the Opposition ALP has attended a DICWC meeting and endorsed Justice Reinvestment. It has also now been included as official State ALP policy and endorsed at the recent State Conference.

Unfortunately, the current state government are unbending in their dismissal of Justice Reinvestment. The Build Communities, Not Prisons campaign therefore continues. |
<table>
<thead>
<tr>
<th>Indicator</th>
<th>Progress</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased awareness of needs and human rights of Indigenous Prisoners; as demonstrated by increased level of debate in the media</td>
<td>See <em>Media Related To Justice Reinvestment</em></td>
<td>Media has been ongoing with comments sought regularly by local and interstate media. Most comments have been via DICWC Chair and Deputy Chair.</td>
</tr>
<tr>
<td>Ultimately see a change in government policy &amp; incarceration rates</td>
<td>Progress has been made with the Greens and ALP, both of whom are committed to JR. JR has therefore been raised in Parliament and questioning of government policy has occurred.</td>
<td>As the indicator says, we hope for this outcome “ultimately”. We firmly believe that momentum is building and, with ongoing pressure from the Action Group, Community Justice Coalition and Parliamentary Opposition parties, that ultimately it is possible for a change in government policy.</td>
</tr>
</tbody>
</table>
Networking

Networking by the project included discussions and meetings with:

Doolann-Leisha Eatts  Katherin Kilgariff
Gwen Corunna  Muriel Bowie
Wally Eatts  Karina Clarkson
Emil Ciecierega  Lee Braithwaite
Vicky Bandry  Glenn Moore
Marianne McKay  Uncle Clem
John Provost
Rocky Loo

In addition meetings and discussions were held in the course of the project with people from:

Relationships Australia  City of Stirling
Outcare  Greens members
Uniting Church  ALP members
Catholic Church  WA Police
Ngala  Institute for Restorative Justice and Penal Reform
Mercy Care

Materials produced

It was noted at one of the meetings that followed the community forums, that there was a need for a variety of different materials for different audiences and purposes. This reflects the multiple levels at which lobbying needs to occur for change to come about. There are also two other groups working on JR projects in the community. One is funded by the Greens party and the other is being run by ALSWA. The DICWC project was the first one on the issue and has been somewhat of a trail blazer in that regard. We acknowledge the importance of all groups working to specific strengths. DICWC sees our strength as grassroots activist work. Therefore, conversations and relationship building are as, if not more, important as the materials left behind. That said, the materials have been part of the project, evolving along the way. To date the following materials have been developed:
Indigenous

- Reflecting back, we needed to spend more time on this and the timeframe of the project did not allow for enough connection and relationship building to ensure involvement by the community in developing appropriate materials for people who might have literacy difficulties.

- A flyer was developed, over several trials. This could be further refined to be even more suitable.

- It is very important to point out that passing on of information is via word of mouth. The credibility of who is passing on the information to Aboriginal families and communities is also vital; hence the need to ensure strong relationship building. This is also partly why it is not the number of people at a meeting or forum that is of most importance; it is the place in the families and communities of that person that is of much more importance to ensuring the message goes out strongly amongst families and communities.

Agencies (NGO and Government)

- A flyer was developed by Mick Suter for this purpose (see appendices). Feedback from the Action Group is that something shorter and simpler would be useful to agencies. The Action Group is working on this.

Broad community

- Website information is on the DICWC website with links to other websites


Academic (general and Indigenous audiences)

During the time frame of this project, the consultant has, as part of her PhD, presented on the issue of Indigenous incarceration in Western Australia at each of:

- Native American and Indigenous Studies Association, Sacramento, California
- Western Australian Institute of Educational Research, Fremantle, WA
- Australian Association of Research in Education, Hobart, Tasmania
- Murdoch University Postgraduate Students Association, Perth, WA
- Inaugural Indigenous Policy and Dialogue Conference, Sydney, NSW
The Future of the BCNP Project

The funding from Amnesty has given serious momentum to the Justice Reinvestment Movement in Perth. The

Action Group

The Action Group is continuing to meet and has an informal strategic alliance with the Community Justice Coalition

Community Justice Coalition

DICWC have been instrumental in the establishing of this broad based group in Perth. The group is chaired by the Anglican Archbishop and has a membership from a wide range of community forums including church groups, union groups and prisoner support groups such as Outcare. The membership of the group continues to grow.

The Coalition is meeting regularly and its area of influence within the broader community is spreading as more groups become involved and share information and ideas and plan for community action in the future.

Breakfast with Mick Gooda

This event is imminent and it is hoped that the profile of JR will be further enhanced because of it.

Uniting Church Build Communities Not Prisons Website

This website considers a range of available options to incarceration, including justice reinvestment.

Budget

In-Kind
Outcare provided office space for the Community Workers throughout the project. Use of the phone, stationary and copying/faxing was also provided at this office, as per the original budget.

Meeting spaces for forums and gatherings were provided by the Aboriginal Catholic Church in Balga and organised via the Aboriginal Drug and Alcohol Service in Armadale. Outcare also provided meeting space.

Speakers were not sourced for the community forums. Instead, Mick Gooda and Dennis Eggington are speakers at a breakfast on September 16, 2011. Other speakers were organised for the 20th Anniversary of RCIADC rally in March.

Travel and mileage were covered personally by the community workers, speakers and consultant. While the consultant was involved in preparation of the education materials she did not have the major role in this that had been envisaged at the time of the submission with Mick Suter doing most of this work.

Pro-Bono
The consultant provided the following:

- Preparation of job descriptions and contracts for workers
- Membership of working group and attendance at meetings in set up of project
- Facilitation of community meetings
- Facilitation of initial meeting of action group
- Assistance preparing materials
- Preparation of this report and evaluation of the project

In total, approximately $5000 - $7000 of work in total.
Amnesty Funding

The amount requested from Amnesty was $9950, being for employment of Co-ordinator and Catering. This amount was spent in accordance with what it was provided for.

- Two community workers were employed to co-ordinate the project. Each was paid for the equivalent of one day per week.
- Catering was also provided at each forum/meeting.

Full financial acquittal details will be attached to this report by the Treasurer of DICWC.

Bibliography


## List of Appendices

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<th>Appendix</th>
<th>Description</th>
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<td>Appendix 2</td>
<td>Job Ad circulated</td>
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<tr>
<td>Appendix 3</td>
<td>Sample Running Sheet for Community Forum</td>
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<td>Appendix 4</td>
<td>Initial action group meeting—notes</td>
</tr>
<tr>
<td>Appendix 5</td>
<td>Flyer: based on forums with Indigenous people</td>
</tr>
<tr>
<td>Appendix 6</td>
<td>Flyer information—circulation amongst DICWC and general community</td>
</tr>
<tr>
<td>Appendix 7</td>
<td>Flyer information—original for circulation with stakeholders and groups</td>
</tr>
<tr>
<td>Appendix 8</td>
<td>Examples of justice reinvestment media</td>
</tr>
<tr>
<td></td>
<td>- ANTAR</td>
</tr>
<tr>
<td></td>
<td>- <em>Indigenous Gaol Rates Too High</em></td>
</tr>
<tr>
<td></td>
<td>- Transcript of speech by Graeme Innes AM, Race and Disability Discrimination Commissioner at DICWC AGM</td>
</tr>
<tr>
<td></td>
<td>- ABC Radio transcript—twenty years since RCJADC</td>
</tr>
<tr>
<td></td>
<td>- Joint media release ALS and DICWC</td>
</tr>
<tr>
<td></td>
<td>- Your Say piece in Koori Mail</td>
</tr>
<tr>
<td>Appendix 9</td>
<td>Flyer: Breakfast with Mick Gooda</td>
</tr>
<tr>
<td>Appendix 10</td>
<td>“Does Race Come Into It?” what Custodial Inspector Reports and the words of Indigenous ex-prisoners reveal about Western Australian prisons.</td>
</tr>
</tbody>
</table>
Summary of the role and responsibilities of Build Communities Not Prisons project working group

Introduction
The working group oversees the project and is the conduit from the project to the Board of Trustees. Staff are employed to undertake the project and some pro-bono time has been offered by a member of the Working Group as part of the submission. From time to time there may be practical ways in which the working group can assist the employees but the role is largely as an advisory/support group.

The general elements of the responsibilities of this working group are:

Reporting to and advising the Board of Trustees on project progress
- Nominated working group representative to provide brief report to Board of Trustees at each monthly meeting; financial reporting against budget will fall within the normal monthly Treasurer’s report
- Ensuring evaluation and reports are completed as required by Amnesty International and as per the project submission.

Appointment and management of staff
- Notifying the names, etc. of all staff to Board of Trustees
- Ensuring selection of appropriate individual(s) to conduct project
- Provide an initial point of contact for the working group to staff, to minimise confusion
- Allow employed staff to operate with autonomy, monitoring progress and helping as needed on practical tasks

Regular review of project progress – budget, timeline, achieving of goals
- Meet regularly as a group to review progress with staff
- Providing cultural advice to staff as necessary to ensure smooth running of project within the community
Deaths in Custody WA is a not for profit organisation that continues to monitor and work to see the effective implementation of the 339 recommendations from the Royal Commission into Aboriginal Deaths in Custody 1991.

With provision of funding from Amnesty International, DICWA are seeking to conduct a 6 month project investigating application of Justice Reinvestment principles in the Swan and Stirling local government areas in Perth. Choice of these communities is based upon those identified by the Aboriginal and Torres Strait Islander Social Justice Commissioner.

Expressions of Interest
We are calling for expressions of interest from community development workers interested in the principles of justice reinvestment. We are seeking two people to work closely together and with a small voluntary working group, to deliver and evaluate several community forums in the areas of Swan and Stirling.

<table>
<thead>
<tr>
<th>Job Title:</th>
<th>Community Development Co-ordinator (x 2 positions) – Aboriginality is a genuine occupational qualification under S50(d) of the Equal opportunity Act 1984 for one of these positions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours:</td>
<td>1 day (7.5 hours) per week for 26 weeks (x 2 positions)</td>
</tr>
<tr>
<td>Rate:</td>
<td>$25 per hour totalling $4875 per position (casual rate)</td>
</tr>
<tr>
<td>Responsible to:</td>
<td>DICWA Board of Trustees via the designated working party</td>
</tr>
</tbody>
</table>

Purpose of the position
The role of the Community Development workers is to manage the organisation of the forums within the communities of Swan and Stirling local government areas. This will involve working collaboratively with Aboriginal families, Elders and organisations as well as police, local government, government departments and other key stakeholders within those communities. It will also be necessary to work collaboratively with the working party and the consultant providing support, development of materials and evaluation of the project.
Location of the position
While DICWC is located at the offices of Outcare in Moore Street East Perth it is expected that a requirement will be the need to spend some of the time connecting within the communities themselves.

What we are looking for
We are seeking people who have
1. a commitment to the principles and values of Deaths in Custody WA and an ability to work with a grass roots activist organisation,
2. an in-depth knowledge of the Swan and Stirling local government areas, including community politics and structures, community needs and current services available to Aboriginal people,
3. demonstrated knowledge and understanding of issues impacting on incarceration of Aboriginal people and how these impact on peoples’ capacity to participate in the community,
4. a good understanding of working with Aboriginal families, Elders and communities within a culturally appropriate framework,
5. demonstrated high level of organisational ability, especially the ability to organise forums,
6. excellent computer skills,
7. an understanding of the principles of Justice Reinvestment, or the demonstrated ability to develop this rapidly,
8. ability to work as a member of a team and have strong interpersonal skills.
9. demonstrated high level of written and verbal communication and interpersonal skills,
10. demonstrated ability to facilitate groups on sensitive issues.

Qualifications/Accreditations:
1. Please note that Aboriginality is a genuine occupational qualification under S50(d) of the Equal opportunity Act 1984 for one of these positions.
2. One referee from the Aboriginal or Torres Strait Islander community is essential.
3. Qualifications in, working towards, Human services, Social Work or other relevant qualifications would be highly regarded although people with significant work experience are also encouraged to express an interest.
4. Any offer of employment will be subject to a satisfactory Working with Children Check, where applicable.
Please forward your expression of interest addressing the above 11 points, along with contact details of 2 referees to:

Marc Newhouse  
Chair  
Deaths in Custody WA  
27 Moore Street, East Perth WA 6001  

Or via email to  
rosecarnes@bigpond.com  

Closing Date:  
5pm Friday November 12, 2010  

Further information on Deaths in Custody can be found at  
www.deathsincustody.org.au
### SAMPLE RUNNING SHEET FOR COMMUNITY MEETING

<table>
<thead>
<tr>
<th>Time</th>
<th>What</th>
<th>Who</th>
<th>Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.40am</td>
<td>Registration/sign in</td>
<td>???</td>
<td>Attendance sheets – Rose has these to bring Pens – Rose will have a couple Name tags???? Mick and Vicky???</td>
</tr>
<tr>
<td></td>
<td>Tea, coffee, mingle</td>
<td>Volunteers from campaign group</td>
<td>??? ??Mick and Vicky to organise along with vollies from campaign group</td>
</tr>
<tr>
<td>10.10am</td>
<td>Welcome</td>
<td>Marianne ??</td>
<td>Mick /Vicky to organise</td>
</tr>
<tr>
<td></td>
<td>Welcome to country</td>
<td>Rose</td>
<td>Butchers paper – Mick/Vicky</td>
</tr>
<tr>
<td></td>
<td>Project overview</td>
<td></td>
<td>Markers/pens – Rose</td>
</tr>
</tbody>
</table>
|          | - We are not doing these projects – we are wanting to put them to the govt
|          | - These are interest groups – we will form action group from these
<p>|          | Introductions/what brought you here today – round of this to introduce |                       |                                                                        |
| 10.30    | Intro to Justice Reinvestment       | Mick                  | ???                                                                   |
|          | Questions about it from audience    |                       |                                                                        |
| 11.00    | Introduce questions                 | Rose                  | Butchers paper – Mick/Vicky                                           |
|          | What would help here in your        |                       | Markers/pens – Rose                                                   |</p>
<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
<th>Person(s)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.30</td>
<td>Report back to big group and discuss</td>
<td>Rose</td>
<td>Butchers paper and pens</td>
</tr>
<tr>
<td>11.45</td>
<td>Action Group – who wants to come along and can commit – will work as one of a team with other reps from groups. Discuss and decide</td>
<td>Rose</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tea, coffee, mingle</td>
<td>Volunteers from campaign group</td>
<td>????Mick and Vicky to organise along with volleys from campaign group</td>
</tr>
</tbody>
</table>

Clean up – all
Build Communities Not Prisons

Justice Reinvestment Movement Meeting

12.30-2pm Thursday June 16, 2011 at Outcare, 27 Moore Street East Perth

Notes from meeting

Present
Mick Suter, Vicki Bandry, Peter Sirr, Sarah Mumme, Sophie Vanzetti, June Lowe, Uncle Ben Taylor

Apologies
Marc Newhouse, Marianne McKay. Was noted that many of the local people from the 2 communities the BCNP project was run in are not able to make it to meetings in the city.

Chair
Rose Carnes

1. Strategy
   a. Rose welcomed everyone and did a brief overview of the project to date
   b. Mick gave update on government’s lack of interest and the need to find points of support at many levels and with all political persuasions. Also need to dialogue with judiciary, bureaucracy, Aboriginal communities, not for profits, unions and businesses.
   c. Each person present gave their thoughts and ideas on what actions could/needed to be taken next. After the initial brainstorm discussion of ideas followed. It was seen as important to take some action sooner rather than later – and not be a talkfest. This is summarised below

<table>
<thead>
<tr>
<th>Brainstormed Ideas</th>
<th>Who</th>
<th>When?</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Baseline document for the WA community (there may be more than one of these for different audiences/groups)</td>
<td>• June’s group working on one of these • Rose and Vicky – an accessible one</td>
<td>By next meeting</td>
</tr>
<tr>
<td>• Champions – eg Judge Reynolds, Justice Martin, Departmental people • Media champions • Academic champions – research eg UWA Criminology Research Centre</td>
<td>June’s group have a focus on research and academic support</td>
<td></td>
</tr>
<tr>
<td>• Make sure Aboriginal people are</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Brainstormed Ideas

| |
|---|---|---|
| **part of it and invited** | **Who** | **When?** |
| **Connection at community level / NGO’s : HALO, First People’s** | DICWC has this strength | |
| **Grassroots interaction and relationships** | | |
| **Petitions?** | | |
| **Lobbying** | | |
| **Work with others in partnership/mutual support eg Sport and Rec, WACOSS, interagency groups, local government** | | |
| **Elders want action** | | |
| **A web presence** | | |
| **Letter to Nationals** | Mick | |
| **Meeting set up with Liberals** | Mick | |
| **Meeting with Councillors who apologised** | Mick | |
| **Dialogue can be initiated at prisonchat.com.au** | Outcare maintain this site | |

Who else is working on this issue - we don’t want to reinvent the wheel or work at cross purposes

- Community Justice Coalition
- June’s project (implementation committee, funding for research).
- Amnesty / DICWC

This is a movement, an action group, not an ongoing “committee”.

Next meeting – develop and plan the actions/campaign and who does what

2. **Terms of Reference**

   a. Mick tabled this for reading and comment/edit/changes etc at next meeting

3. **Next Meeting**

   a. Was noted that people do not want or need lots of meetings. With this in mind a meeting was set for July 21 at 12.30 at Outcare.
Build Communities Not Prisons!

Deaths In Custody Watch Committee
www.deathsincustody.org.au
Phone: 0415074602

What is Justice Reinvestment?
(Also known as Social Return on Investment)

- Some of the money usually spent on building and running prisons goes to local communities where re-offending rates are high.
- The money is used in those communities to put in place programs that tackle the issues in that specific community that make it tough for people to stay out of gaol.
- The community is very involved in working out what is needed; programs are not general ones designed by government departments that are then imposed on the community.
- Prisons still exist for dangerous offenders but Justice Reinvestment keeps people out of gaol for minor offences.

Too Many Aboriginal People Spend Too Much Time in Prison in Western Australia. Aboriginal people are
- 38.8 per cent of adults in prison;
- 73.3 per cent of juveniles in detention;
- 77 per cent of female prisoners;
- under represented in the better resourced prisons;
- 100 per cent of female prisoners in the poorly resourced Roebourne and Eastern Goldfields prisons

Does it Work? Yes! In other parts of the world it has worked
United Kingdom – for every £1 invested in this model £14 was returned to or recouped by the community.
Texas – after only two years of applying this model the prison population had stopped growing for the first time in decades.
Oregon – had a 72% decrease in the detention of young people
Kansas – reduced gaol numbers by 7.5% for very little money.
What sorts of programs?

DICWC have been asking Aboriginal people in Swan and Stirling what kinds of things might help in their community to keep people out of gaol. Some of the ideas we have heard are:

- Healing centres and programs run by Aboriginal people, Aboriginal way
- Driver education centres and programs
- Cultural centres
- Homework centres
- Listening to Elders who are recognised by families
- Help for young people so they don’t breach bail conditions eg they may not have the money to get in to report or they might not have money for a phone call to let the department know they can’t get there...

We want to try this out in Western Australia but....

Our state government says it does not believe in Justice Reinvestment and have said that they will not put it in place. This is even after many reports and people have said it does work and should be tried in places like Swan and Stirling.

The Labor Party and the Greens are committed to trying it out. But we have yet to convince the Liberal Party.

What can you do?

- Sign the Deaths in Custody petition
- Talk to your local state member of parliament
- Join DICWC
- Tell us what you think
BUILD COMMUNITIES NOT PRISONS

JUSTICE REINVESTMENT WORKS; TOUGH ON CRIME DOESN’T

FACT  Our current prisons are beyond overflowing, with up to twice as many inmates as the gaol was designed to hold.

FACT  Overcrowded prisons do not create safer communities.

FACT  More people are being locked up and for longer periods of time.

FACT  Western Australian taxpayers cannot afford to continue paying to put more and more people in prison.

FACT  The ‘tough on crime’ strategies of our government have not worked anywhere in the world.

FACT  It is time to consider other ways of building safe, thriving communities, with less crime and fewer people in prison.

FACT  By using imprisonment as a compulsory first resort there is no money left to fund things such as home detention, restorative justice programs, adult drug courts, employment and job training in the community, sex offender treatment in prison with aftercare in the community, intensive supervision and treatment oriented programs.

Justice reinvestment provides a way forward.

Money currently spent on keeping people in custody and building prisons would be better re-invested in programs to tackle the problems that lead to crime and the accompanying level of fear that has been created in some sections of the community.

Justice reinvestment is cost effective and has proven that it works.
It is being used all over the world with quantifiable effect; the data shows it works, is cheaper than building and running prisons and reduces crime. For example, in The UK, where it is called the “Social Return on Investment Model”, it was found that for every £1 invested £14 was found to be returned to or recouped by the community. In Texas, a state very similar to Western Australia in many ways, it was found after only two years of applying this model that the prison population had stopped growing for the first time in decades. Oregon had a 72% decrease in the detention of young people and Kansas reduced gaol numbers by 7.5% for very little money.

WHAT IS JUSTICE REINVESTMENT?

“Justice reinvestment advocates for money usually spent on building and running prisons to be redirected towards advancing fiscally-sound, data driven criminal justice policies to break the cycle of recidivism, avert prison expenditures and make communities safer. The model has four clear steps:

Step 1: Identify the communities from which people in prison often originate and return.

Step 2: Work with the community to identify options to generate savings Provide policymakers with options to generate savings and increase public safety.

Step 3: Quantify savings and reinvest in identified communities.

Step 4: Measure and evaluate the impact on the identified community.

For more information check out these websites
From the USA
http://www.justicereinvestment.org
http://www.reentrypolicy.org
http://consensusproject.org

From the UK
http://www.parliament.the-stationery-office.co.uk/pa/cm200910/cmselect/cmjust/94/9411.htm
The Build Communities Not Prisons Campaign Calls For:

1. Extending the current “Making our Prisons Work Inquiry into the efficiency and effectiveness of prisoner education, training and employment strategies” to include a review of the feasibility of Justice Reinvestment across the WA justice system.

2. A bipartisan commitment from Parliament to trialing a Justice Reinvestment model.

3. Piloting the Justice Reinvestment Model immediately, by engaging independent consultants/experts to work with communities that have been identified by the Social Justice Commissioner as those most at risk of having high rates of incarceration:
   a. Adult: Halls Creek, Derby, Swan and Stirling local government areas
   b. Juvenile: Broome, Carnarvon, Port Hedland

4. An end to double bunking in all prisons.

5. To alleviate overcrowding in our current system, an amnesty on the following sentences:
   a. those people within 4 months of completion of sentences
   b. those imprisoned for fine defaults
   c. those who are mentally ill and require support to live independently
   d. Children under 14

6. Repeal of mandatory sentencing laws to allow judges to use discretion in sentencing and to safeguard the independence of the courts.

7. Adequate support and transition arrangements in place during custody and immediately after release for both the prisoner and their family.
Remember the Myths...

**MYTH** “Being ‘tough on crime’ with a zero tolerance policy will make our communities safe.” In Australia, “a 10% reduction in overall re-imprisonment rates would reduce the prison population by more than 800 inmates, saving $28 million per year. *(Crime and Justice Bulletin, Dec, 2009, p1).* Such a policy overcrowds our prisons. Overcrowding leads to an inability for rehabilitation, treatment of underlying issues, training, education and compassion in our prisons. This leads to the release of stressed, angry people into the community.

**MYTH** “All prisoners are dangerous criminals”. Our gaols hold mostly people who have not paid fines or have committed traffic offences. We are spending $500 per day to keep someone in gaol who may have not paid their fines and is not a threat to society. It does not cost that much to house someone in a 4 star hotel. While there are some dangerous people incarcerated, many are not. Once someone has been imprisoned, it would seem that courts have little hesitation in sending them to prison again.

**MYTH** “Providing more staff and beds is all that it costs to lock up more prisoners.” Each time a prison is built, it is less money available for building hospitals and schools; for providing education and training in the prisons we already have. Cost incurred goes beyond cells and prison staff. Our current prisons are not built for the numbers they have in custody. Cells built for one person house two or three people. More prisoners means more staff but the prisons are not equipped with enough room for extra staff; laundry facilities to keep all clothes washed, kitchens big enough to cook enough food, telephones for prisoners to keep in touch with family or visiting space for families to visit.
Media Release - Justice reinvestment an urgent priority for Australia

Australian states and territories should urgently introduce justice reinvestment programs to break the cycle of crime and escalating imprisonment rates experienced by Aboriginal people, according to Indigenous rights organisation, ANTaR.

ANTaR National President, Dr Janet Hunt said the recently released Social Justice Report by Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma provides a blueprint for how Australia could finally turn the tide of Indigenous incarceration.

“Commissioner Calma’s proposals make good economic as well as social policy sense,” Dr Hunt said.

Dr Hunt said while Australian Indigenous imprisonment rates have increased by a massive 48 percent since 1996, governments have only responded with a ‘business as usual’ approach with none of the urgency that this situation calls for.

“Justice reinvestment as proposed by Commissioner Calma would be a bold, creative and pragmatic response to the policy inertia that has characterised government approaches to Aboriginal incarceration,” Dr Hunt said.

“If justice reinvestment can work in a conservative, ‘tough on crime’ state like Texas, there is no reason why it can’t work in Australia,” she said.

As Commissioner Calma explains in his report:

“Justice reinvestment is a localised criminal justice policy approach that diverts a portion of the funds for imprisonment to local communities where there is a high concentration of offenders,” the report says.
This money is redirected from imprisonment to programs that tackle the underlying causes of crime in the targeted communities.

Dr Hunt urged bi-partisan adoption of justice reinvestment in all states and territories. She said that a crucial test of justice reinvestment will take place in the lead up to the 2011 NSW election.

NSW has the nation’s largest population of Aboriginal people, who on average are 13 times more likely to be imprisoned than other Australians.

At the same time as prison rates are increasing in NSW, the state is struggling to pay for basic services like transport and health. If the current growth of prisoners continues, it is estimated that the costs of running the state’s prisons will increase by $150 million per year from 2015.

“The challenge for the NSW Government and Opposition is to abandon the law and order auctions that have so tarnished political debate in that state and embrace justice reinvestment,” Dr Hunt said.

Dr Hunt also urged action on other areas covered by Commissioner Calma’s report – Indigenous languages and Aboriginal homeland communities.

Media contact: Dr Janet Hunt on 0408 170 448
A report stemming from the death of an Aboriginal elder in a prison van has held the state government to account for the unacceptably high rates of indigenous incarcerations in Western Australia.

The Report of the Inquiry into the Transport of Detained Persons found that an Aboriginal person was 25 times more likely to be imprisoned than a non-Aboriginal person and it noted that this rate was continuing to rise.

Mr Ward, whose first name is not used for cultural reasons, was arrested for a driving offence in Laverton and was being transported to Kalgoorlie in 2008. He died in the prison van as a result of extreme heat stroke after travelling for more than four hours in searing heat with a faulty air-conditioner.

The report was the result of extensive consultations with organisations, family members, departments and concerned individuals by the State Environment and Public Affairs Parliamentary Committee.

Its 20 recommendations go beyond provision of safe and humane transport by calling on the Department of Premier and Cabinet to coordinate a whole of government approach to lowering incarceration rates of Aboriginal people.

Those targets are to be set, monitored and reported on directly to Parliament.

Deaths in Custody Watch Committee spokesman Marc Newhouse has applauded the recommendations.

"It is now time for this government to start acting on recommendations made in so many reports and inquiries since the Royal Commission into Aboriginal Deaths in Custody 20 years ago," Mr Newhouse said.

"They can no longer feign ignorance or claim that what they are doing works."

He said by making lowering incarceration rates a priority of Parliament, it "would bring the current situation out in the open and force governments to be more accountable".

Another recommendation was to support the principles of justice reinvestment and that further research was conducted to investigate the justice reinvestment approach in WA.

"This is the second recommendation by a Parliamentary committee in the past two months for justice reinvestment to be explored or trialled in Western Australia," Mr Newhouse said.
"The Deaths in Custody Watch Committee cannot understand why (Attorney-General) Christian Porter continues to dismiss this approach out of hand.

"...When solutions are offered such as those in the Report of the Inquiry into the Transport of Detained Persons, surely any humane government and government department would cease making excuses and seriously consider implementation of recommendations that lead to a community that is ultimately safer for everyone in it."

Annual General Meeting of Death in Custody Watch Committee (WA) Inc

Speech by Graeme Innes AM
Race and Disability Discrimination Commissioner

Outcare Offices, East Perth, WA

Friday, 5 November 2010

Good evening. I would like to begin by acknowledging the traditional and true owners of the land on which we meet the Nyoongar people, and pay my respects to their elders past and present.

Acknowledging elders past takes on a particular meaning when you are discussing deaths in custody. I also acknowledge the families who have lost mothers, cousins, sisters, children in custody. These families suffer forever. The Ward family, the Mulrungi family. How many deaths should I actually name? The fifty - one hundred - one thousand deaths that have occurred since the Royal Commission made its recommendations?

Finally I acknowledge the excellent and dedicated work of Aboriginal Legal Services who have consistently stressed the need for improvement in this area.

Like the Northern Territory Intervention and the decision-making that has gone before it, the position of many Indigenous people, families, communities has worsened at the same time as governments named them as beneficiaries. I acknowledge and welcome the steps that the Australian Government has taken to partially reinstate the Racial Discrimination Act, or RDA.

When the Howard Government suspended the RDA, they suspended their own legislation – Commonwealth legislation. More importantly, they suspended your legislation. The RDA is about your protections. You will never - you can never - it is not possible to improve the quality of living or human lives by suspending human rights protections.

I make another call for the Australian Government to fully reinstate the RDA in the Northern Territory. I call the Australian Government to explain what this reinstatement would mean in

practical terms for affected communities. And I call on the Australian Government to name an END date for the Intervention.

If government would like advice about where to start, I’ve had some sound advice from communities in the Northern Territory. Begin by pulling down the blue signs that sit across the 73 prescribed communities. The tall blue signs that identify prescribed communities and that shame many of the men, the women, the families, the communities that live behind them.

The value in the Intervention is that it is a cautionary principle for governments – don’t impose, don’t intervene and don’t inflict. Instead, engage, consult, negotiate and support communities to define and create their own futures.

Addressing Indigenous over-representation in the criminal justice system in a lasting manner will require a fundamental change to the existing relationship between mainstream Australia and Indigenous communities. It will require that the control over Indigenous people’s lives be removed from the public institutions of our mainstream society, and that the unequal basis of the relationship be remedied by addressing the profound economic, social and cultural disadvantage experienced by Indigenous peoples. Ultimately, it required return of control of Aboriginal lives and communities to Aboriginal hands.

Among the findings in the Royal Commission was the critical importance of self determination. More positively, we have had some success in developing a better understanding of the meaning of self determination through the Declaration on the Rights of Indigenous Peoples. Self determined peoples that are connected to culture and to country sustain healthy and proud communities.

Colonization, racial inequality, racism, and cultural chauvinism have a long shelf life. And this is a reality that we have to come to terms with in relation to decision making and public policy development.

The Royal Commission into Aboriginal Deaths in Custody was established in 1987. A consideration in the terms of reference for the Royal Commission was to consider the underlying causes of incarceration. Unfortunately, the reality then is not far from the current reality. Among the core findings of the Commission is that the Aboriginal population was grossly overrepresented in prison - and that too many Aboriginal people die in custody too often. In over twenty years, how has this picture changed?

Another year passes and there are multiple deaths in custody and multiple suicides in custody. And another year. And another year. And so on.

Indigenous adults are 13 times more likely to be imprisoned than their non-Indigenous counterparts, a 48 percent increase on when the Deaths in Custody report was released.
In Western Australia, there has been an 18 percent increase in the prison population over the last year due, among other reasons, to more parole denials and cancellations and an increase of 118 days in the average sentencing length.

If we are going to be serious about eliminating preventable deaths in custody, reducing the Indigenous youth suicide rate, and closing the gap in life expectancy – then we need to be serious about changing the system that generates disadvantage, inequality and poverty. It is the same system that results in disproportionate Aboriginal incarceration rates and over-representation in our corrections systems.

Mandatory sentencing laws in Western Australia seriously compound these problems and raise questions regarding how we meet our obligations on the Convention on the Elimination of Racial Discrimination, the Convention on the Rights of the Child and the International Convention on Civil and Political Rights.

Where is the comprehensive plan to reduce Aboriginal deaths in custody? I refer you to 2009 Social Justice Commission Report that recommends the adoption of a justice reinvestment strategy and the allocation of more resources to the social and economic factors underpinning indigenous incarceration rates.

Many of you are probably familiar with this strategy.

Justice reinvestment has a rigorous methodology with four steps.

The first step is analysis and mapping of where the offenders are coming from and calculating how much is being spent in these areas on imprisonment. This leads to demographic and socio-economic information on how much is being spent on imprisonment in certain communities.

A holistic analysis of the criminal justice system is a key feature of the justice reinvestment methodology. Consideration is given to policing, judicial systems, probation and parole, prevention programs, community supervision and diversion options as well as the geographic mapping.

Step 2 involves developing options to generate savings and improve local communities. We must then look at ways to save imprisonment costs so funds can be re-spent in the community. This involves looking at why there is such a high rate of imprisonment and particularly, return to custody.

The options will be different for each community, based on the offender profile and the needs of the community. This step also involves community consultation and engagement around the causes and solutions to crime.
Step 3 involves quantifying savings and reinvesting in high needs communities.

Based on the information gathered in the previous two steps, it is possible to project savings based on reductions in imprisonment spending. Savings can then be put towards the services and projects identified by communities.

And finally, measuring and evaluating the impact.

A justice reinvestment approach is evidence based and measures performance outcomes such as the amount of imprisonment money saved; reduction in imprisonment; reduction in recidivism; and indicators of community well being and capacity.

This is a strategy that has been tested and found to work in both the US and United Kingdom.

The West Australian Department of Corrective Services estimated that it costs $262 per day to keep a prisoner in custody, compared to $35 per day if the prisoner remains under community supervision. This amount rises to $622 per day to keep each young offender in detention, compared to $125 in the community.

When you consider this in light of the 4700 people incarcerated in Western Australia, it costs the state 1.2 million dollars per day to maintain its prison population. Imagine what that kind of money could do if it was used for effective programs and services.

I support Deaths in Custody Watch WA, the Community Legal Centres and the many NGO’s that have repeatedly called for the full and effective implementation of each of the 339 recommendations of the Royal Commission.

Aboriginal and Torres Strait Islander peoples are still being arrested for minor offences – particularly public intoxication at the same time as there is little investment in culturally appropriate detox services. Aboriginal communities in Adelaide have made consistent calls for precisely these services for over 20 years.

The Australian Human Rights Commission has intervened in a number of deaths in custody cases, and will continue to do so as long as it takes for systemic change to happen.

In 2006, the Coroner’s report adopted all 40 recommendations from the Commission’s submission to the Inquest into the death of Mulrunji.

The Commission’s submission to the Inquest on the death of Mr. Ward made a number of recommendations in improving some of the systemic failures with the police force, including:

- ensuring that police operating manuals make refusal of bail a last resort;
better training for officers working in Aboriginal communities;
reviewing current arrangements for the supply of food and beverages to persons in police custody;
taking urgent steps to consider appropriate interim measures and modifications to address the level of safety and dignity of the current vehicle fleet; and
reviewing policies relating to medical emergency procedures during escorts.

A question worth considering is when our state and territory police agencies last held dedicated training around de-escalation tactics, in particular when dealing with people from vulnerable or minority communities?

As recently as 2010, the CERD Committee recognised the government’s continued failure to implement the recommendation made under the Royal Commission.

In its concluding observations in August 2010 the United Nations Committee called for the Elimination of Racial Discrimination said the following:

“While welcoming the endorsement of National Indigenous Law and Justice Framework by all Australian Governments, the Committee reiterates its concern about the disproportionate incarceration rates and the persisting problems leading to deaths in custody of a considerable number of Indigenous Australians over the years. The Committee expresses concern in particular about the growing imprisonment rates of Indigenous women as well as the substandard conditions in many prisons (art. 5, 6).”

The Commission’s Social Justice Report stated, “the issues around Aboriginal women and incarceration remain largely invisible to policy makers and program designers”. In 2010 there is still too little attention devoted to their specific situation and needs. This remains important, particularly because of the impact that imprisonment has on Indigenous families and communities-especially through separation from children.

The UN CERD Committee then went on to say:

“The Committee recommends that the State party dedicate sufficient resources to address the social and economic factors underpinning Indigenous contact with the criminal justice system. It encourages the State party to adopt a justice reinvestment strategy, continuing and increasing the use of Indigenous courts and conciliation mechanisms, diversionary and prevention programs and restorative justice strategies. And that, in consultation with Indigenous communities, take immediate steps to review the recommendations of the Royal Commission into Aboriginal Deaths in Custody, identifying those which remain relevant with a view to their implementation. The Committee also recommends that the State party implement the measures outlined in the National Indigenous Law and Justice Framework.
The Committee encourages the State party to ensure the provision of adequate health care to prisoners.”

The Commission is committed to working more closely with government and NGO’s to ensure the effective implementation of the Committee’s Concluding Observations. I urge you to also consider how you may be able to utilise these observations as a platform to progress your work.

So, where to from here?

How much longer are we prepared to ignore the existing situation, and why do we continue to not act on what we know and what we were told explicitly in 1987?

To fail to respond comprehensively and to let another 23 years pass without an improvement in the incarceration statistics or deaths in custody... that would be the greatest tragedy of all.

When Aboriginal and Torres Strait Islander peoples continue to be overrepresented in our prison system and the deaths continue, community networks are profoundly damaged. When elders die in custody, they lose their lives and their communities lose their leaders.

More human rights education is vital. People need to know what their rights and responsibilities. They need to be reminded that we all have the right to live with dignity, in safety and in safe spaces.

It is in rooms like these where we can be reminded of the urgency of these issues and the importance of leadership and clear action.

I thank you for your hard work, and for your time tonight.
Twenty years on from Aboriginal Deaths in Custody report

It's been 20 years since the Royal Commission into Aboriginal Deaths in Custody. Fewer aboriginal people are dying in lock-ups and prisons, but more are in jail. And the situation for the next generation is dire. In our juvenile detention centres more than half the kids are indigenous. What are the solutions and will the next 20 years be any better?

Transcript

This transcript was typed from a recording of the program. The ABC cannot guarantee its complete accuracy because of the possibility of mishearing and occasional difficulty in identifying speakers.

Erica Vowles: Twenty years ago, the Royal Commission into Aboriginal Deaths in Custody handed down its findings.

This morning on The Law Report we're examining what inroads have been made in reducing the number of people who die in custody. We'll also be looking at moves to reduce the shocking incarceration rates of indigenous Australians, a key recommendation of the Royal Commission.

The campaign for a Royal Commission was sparked many years ago by a spate of deaths, including that of 16-year-old John Pat. He died in a police cell in Roebourne in Western Australia, in 1983. Debate in that state, and across the country, is still raging over whether much has improved at all since then.

In January this year, a 51-year-old Aboriginal man, known for cultural reasons as Mr Phillips, died while in custody at the Kalgoorlie police station.

Mark Newhouse is from the WA Deaths in Custody Watch Committee. He believes the death of Mr Phillips highlights how much more needs to be done to implement the Royal Commission's findings.
Mark Newhouse: Basically this man had one hand amputated, so he had one hand, had toes missing. So he had significant disabilities. He was known to have health problems, a long-term drinking problem; was known to the police; was not a threat to public safety. Why was this man arrested and having arrested him, why wasn't he given bail? Why wasn't he given access to immediate medical assessment? All these questions relate to recommendations of the Royal Commission.

Erica Vowles: The injuries Mark Newhouse describes were sustained by Mr Phillips in Perth during 2010 while he was sleeping on the streets. In December the same year, Mr Phillips was assaulted in Kalgoorlie and that assault was filmed and posted online. The family of Mr Phillips remain angry but the teenager allegedly responsible for that assault only received a juvenile caution.

On January 7, Mr Phillips was arrested in Kalgoorlie for disorderly conduct, assault and for failing to obey a move-on order. He died at 3.30am the following morning.

Inspector Peter Foley from WA Police said in media reports at the time that officers on duty provided first aid and resuscitation and a St John's Ambulance was called. But he died in the cells.

Mr Phillips' family say he was clearly in ill health, in part due to the previous assault and injuries. They question why medical assistance was not sought as soon as he was arrested. In a moment we'll hear from his cousin, Sandy Billing, but first, his sister, Adele Phillips.

Adele Phillips: We grew up in Leonora, a little town out of Kalgoorlie, and that's where I grew up. And we shifted to Kalgoorlie then. And we did our schooling, most of our schooling was there. Mr Phillips was... we called him 'Dynamite', that's his nickname.

Erica Vowles: Dynamite?

Adele Phillips: Yeah. Mum gave him that name because he was a nuisance, just a nuisance little kid, he was. And he used to be up to mischief all the time.

Erica Vowles: Sandy Billing, so I understand that Mr Phillips had received some injuries previously?

Sandy Billing: Yes, as a result of the incident he lost all of his toes and his right hand. Damage to his right hand was that bad that they amputated a couple of inches above the wrist.

Erica Vowles: And so the situation that Mr Phillips was in in early January, so Friday 7 January, he had been assaulted in the previous two weeks, he had bandages on his arm, he
had problems with his toes. And then he was arrested for failing to obey the move-on order and for disorderly conduct and assault, and he was taken into police custody.

**Sandy Billing:** Yes. When he entered police custody he was literally just shoved in the cell. He had... no medical attention was offered to him, even though you could see that he was in need of it. He also was found, when the coroner did the autopsy...

**Adele Phillips:** There was a gash to his head.

**Sandy Billing:** Yes, he had a big gash to his head that had still been bleeding prior to him being locked up. And he also had rope holding his belt up.

**Erica Vowles:** And your concern is that they didn't take the rope off him and that should be a procedural practice for when an indigenous person is detained in custody, that all ropes, all things that can be used are taken.

**Sandy Billing:** As far as we're concerned, Erica, that should be black, white or brindle, it doesn't matter what colour you are, that should be just standard practice.

**Erica Vowles:** But Adele and Sandy, your main concern is that rather than being put in a police cell, you feel that he should have been taken to hospital, or at least had a medical check.

**Sandy Billing:** Yeah, some sort of medical assessment.

**Adele Phillips:** Or even a bail that day; you know, just let him out, just for a move-on notice. But why they kept him in there...

**Erica Vowles:** Mark Newhouse can you point out for us how you feel that this case shows a failing in the adoption of the recommendations of the royal commission.

**Mark Newhouse:** Well clearly the issue of detaining someone as the last resort; the fact that across Western Australia there is no arrangement where the police have access to medical staff on a 24 hour basis—that was a recommendation from the royal commission; the question of over-policing comes into this as well. This man was arrested and kept overnight in the lock-up in October last year. The magistrate basically said, 'This man was unlawfully detained and what were you doing?' to the prosecuting officers. Basically from there we can take that the police overstepped the mark, they unlawfully detained this person when there was absolutely no need to do so.

And again, on the day of his death, he'd been charged with alleged assault. Now I ask you, how is an older man who's got really bad health—one hand, can hardly walk—going to
assault someone? So he was charged with alleged assault and failing to move on. And he was detained and he died. He had no access to medical support. There was another prisoner in that cell who saw what was happening, tried to get the attention of the police officer, banged his arms against the cell to point where they were cut up.

**Erica Vowles:** Now we should point out that this is being investigated by police internal affairs and there will be, at some point in the future, a coronial inquest into this death, so at this point the police aren't commenting on this. But in terms of the impact that this has had on the community, I understand you held a public meeting recently in Kalgoorlie as part of Deathwatch, and you had some indigenous people come up to you and share stories which you felt were similar to Mr Phillips’, but these were stories from 20 years ago.

**Mark Newhouse:** That's correct. I was quite taken aback really, because people came up and said, 'I remember my brother died in the police lock-up in Kalgoorlie. And when it went to the coroner, the coroner found that this person should have been in hospital.' So all of this is in people's living memories, there's still so much hurt and pain and anger about it.

**Erica Vowles:** Adele Phillips, all of this is happening at a time when the 20th anniversary of the Royal Commission into Aboriginal Deaths in Custody is upon us. Do you and your family and your community feel that things have changed over the past 20 years?

**Adele Phillips:** No. Not yet. Not at all. We've seen no changes, but we want to see, bring changes to the system, you know. We don't want another death in custody out there again like we had.

**Sandy Billing:** Mr Phillips was a Wangai elder, and his first language wasn't English, it was Wangai, his native tongue. So that was some of the changes we're calling to the system; we'd like an interpreter for regional areas. Because, as you're aware, WA is such a vast area; we've got many different language groups. Something has to be done. People should not be getting locked up just because of menial things in the rates that they're getting locked up, especially in the remote areas such as Kalgoorlie.

**Erica Vowles:** Sandy Billing, the cousin of Mr Phillips; and before her, his sister, Adele Phillips.

Mark Newhouse, what are the solutions? What should the government be doing? How should the government be shifting its emphasis here?

**Mark Newhouse:** In the Watch Committee, we believe, as many others do, that we need a commitment via the federal government and all state governments, a bipartisan commitment, to actually address the issue of Aboriginal incarceration rates in this country, and to have some political leadership and courage to do what is necessary. And seriously to get an
agreement on the implementation of justice reinvestment across the country. There's a whole range of things that can be done, but without any political leadership, or commitment, it's not going to happen.

**Erica Vowles:** I understand that this term 'justice reinvestment' has come to us from the United States, where it's had some success; for example, in Texas, a state which is facing a huge increase in the prison population, the government reinvested money meant for building a new prison into social programs, and I understand the results have been promising. Do you think that that system, which has been devised in the United States, could be applied to Western Australia?

**Mark Newhouse:** Look, absolutely. And the Watch Committee, there's two areas in the metropolitan area, that's Stirling and Swan, so we've held two meetings with Aboriginal people in those communities on justice reinvestment. We're about to hold another information forum for non-government organisations as well as government departments, the local police. And what we're trying to do there is get the message out there so that people on the ground who are dealing with these issues on a day-to-day basis, basically we can get an idea from them whether they support it or not. And the response at this point has been an overwhelming 'Yes, let's try it.' You know, police officers on the ground are going, 'This makes a lot of sense.' Small businesspeople are saying, 'Yes, this makes a lot of sense.' It does make sense; it's good economic and public policy and they just need to get on with it.

**Erica Vowles:** Mark Newhouse, from the WA Deaths in Custody Watch Committee.

Since the royal commission, the Australian Institute of Criminology has been charged with monitoring deaths that occur in three settings: watch houses, prisons and juvenile detention centres. Laura Beacroft is research manager at the institute. As she explains, the statistics are mixed.

**Laura Beacroft:** The rate of deaths of indigenous people in custody, similar to deaths of non-indigenous people, has been coming down in the prisons. Prisons are where you get the larger numbers of people in custody, and the rate of indigenous deaths in custody, for example in 1989, was 2.5 per thousand indigenous prisoners and at that time it was roughly 3 for non-indigenous prisoners. And in 2008, which is the latest validated data we've got, it was 1.3 indigenous deaths in custody per thousand indigenous prisoners and the non-indigenous rate was 2.2.

**Erica Vowles:** So indigenous people now are no more likely to die in custody than non-indigenous people?

**Laura Beacroft:** Yes. That was the finding of the royal commission and it remains true today. So the problem arises in the numbers and proportion of indigenous people that are in
the prisons. The over-representation of indigenous people occurs in that they're being incarcerated at much higher rates in all of the settings that we monitor: that's police, prison custody and the juvenile justice institutions.

**Erica Vowles:** Now, rates of imprisonment for indigenous people have increased over the past 20 years. The picture, I understand, is not uniform across the country; different states have got different rates of increase or even decrease. For instance, I understand there's a bit of difference between the picture in Victoria, than, say, Western Australia.

**Laura Beacroft:** The incarceration rate in Victoria has remained steady, according to the Australian Bureau of Statistics, but in other states it's increased. And obviously those states with higher proportions of indigenous people have a bigger challenge here. So, as you would expect, you've got reasonably high rates of incarceration in the states with the largest populations, in particular WA and the Northern Territory.

**Erica Vowles:** And my understanding is that over the past 20 years, the rates of indigenous people that are ending up in jail in Western Australia have increased, and now it's at the point where you're 19 times more likely to be in jail if you're indigenous, compared to if you're not indigenous.

**Laura Beacroft:** Yes, this is very well monitored by the Australian Bureau of Statistics and a lot of this information is very well known and is obviously part of the problem which has to be resolved in order for deaths in custody to come even further down.

**Erica Vowles:** This discussion, for someone listening to this program who has a loved one, a family member, in jail, this could all sound academic, but to that person, if more of their family members, or more of their people are in jail, it just stands to reason that more of them are going to pass away in jail.

**Laura Beacroft:** Yes, the two populations are related. A few ways forward which are reasonably well evidenced—the institute has done work on this as well as a number of other institutions around Australia—is looking at the rehabilitation of people in prisons in order to reduce recidivism, because part of the issue with the high numbers of people in prison is that there's a good proportion of people who keep coming back to prison. So, for example, the Bureau of Crime Stats in New South Wales has done quite a bit of work that shows that if we could be better at rehabilitation in prisons and lowering recidivism, we would make a big difference to reducing the overall prison population.

**Erica Vowles:** And you mentioned before the growing juvenile indigenous population. So that's an area that also is important in tackling this problem.
Laura Beacroft: Absolutely. On 30 June 2008, 54 per cent of juveniles in detention around Australia are indigenous. So it's very alarming when you consider that indigenous people are only about 2.5 per cent of the population and juveniles even less than that. So there's a lot to be done there. Once again, tackling those disadvantage factors, this is very, very important, but also diversion at very young ages if indigenous juveniles do end up in the court system.

Erica Vowles: Laura Beacroft, research manager at the Australian Institute of Criminology.

Harry Blagg is professor of criminology and criminal justice at the University of Plymouth in the UK, but for the past 20 years, he's lived and worked in Australia, and conducted research in remote Aboriginal communities. Professor Blagg arrived to work in Australia around the same time the royal commission handed down its findings. But in the search for solutions, it's another report, looking at traditional Aboriginal law that's remained with him.

Harry Blagg: I think the thing that had the largest impact on me was the five years I spent as the research director on the Western Australian Law Reform Commission's Aboriginal Customary Law Report. And during that we sat down with elders and cultural bosses and men and women across the whole length and breadth of Western Australia. And they said to us, basically their message was that our system had failed, you know? 'You've had our kids. You've institutionalised them,' we've placed them in prisons, we've made them wards of the state, and the levels of contact with the criminal justice system are truly shocking. And it's time that we tried a new approach, which is based in Aboriginal law and culture.

Erica Vowles: How has that new approach gone in terms of being rolled out in Western Australia? I understand there is a Community Court in Kalgoorlie, which does involve elders in the criminal justice process. How successful has that been?

Harry Blagg: Well, look, that's an interesting example in a way, because the community court in Kalgoorlie, I think everybody accepts, was just dropped in there without there really being sufficient thought given to the kind of resources that would be needed to actually... You know, it's one thing having the elders in the court, which I think is an absolutely fantastic thing to witness, and it's an amazing thing to see how differently Aboriginal youth respond when they're confronted by one of their own, one of their elders. We can't shame Aboriginal people; we can't shame Aboriginal youth; that's something only their own people can do. So that's a very powerful thing to witness. However, at the same time you do need to have community-based agencies that we can really refer young people who are deeply troubled, often very traumatised, involved in alcohol or drugs with backgrounds of family violence and so on—you really need to have some proper structures and processes in place.

Erica Vowles: One point of comparison to the Kalgoorlie community court could be the Koori Court and the Koori Children's Court, which I understand have been quite successful in
Victoria. Now if you're going to compare those two models, what is it about the Koori courts in Victoria that make them so successful?

**Harry Blagg:** Well it's chalk and cheese really. I mean things in Western Australia tend to occur in a very ad hoc and fragmented manner, without any real cohesive planning; whereas in Victoria, we've had a decade or so of these very well thought out and implemented Aboriginal Justice Agreements. We have a massive commitment to multi-agency work amongst the government agencies. The court really needs to be a hub for putting people into the kinds of treatment program that will ensure that they're not going to come back to the court. And I think Victoria's embraced that principle much more than any other state has, and I think we see the results of this in their lower rates of incarceration of Aboriginal youth in particular, but Aboriginal people generally.

**Erica Vowles:** Let's actually talk about some concrete examples of some community run and community led initiatives that are happening in WA, that you feel do show the way forward. I understand that the Yiriman Project in Fitzroy Crossing in the Kimberley has been successful. Tell me about this project.

**Harry Blagg:** Fitzroy Crossing is a very traditional Aboriginal town in the West Kimberley. Aboriginal law is very strong in the town. They're very strong in their law, very proud of their law. So what would ordinarily occur would be that young people would be referred to the program, generally through the magistrate's court but often maybe from people in the community, would say 'this young fella's running a bit wild,' and they go off onto traditional country, with traditional lawmen and women, and they have a real few days of complete cultural immersion. They learn bush skills and they learn some kind of like station kinds of skills, but the main thing is about reconnecting them, getting sort of confidence and pride from their Aboriginal roots. And the young people who've been in it, have tended not to go back to court.

**Erica Vowles:** Harry Blagg, professor of criminology and criminal justice.

It's fair to say that the relationship between police and Australia's many indigenous communities remains complicated. In many instances, that relationship is strained and downright dysfunctional. However, there are signs of progress and reconciliation. Senior Sergeant Robert Neesham is the officer in charge of the Broome police station and the president of the Police Citizens' Youth Club. A police officer for the last 20 years, he's had two stints in Broome, the first in the late 1990s and the last one over the past three years.

**Robert Neesham:** Look, I think that the underlying drivers that contribute to crime, so the socioeconomics, haven't changed an awful lot. So as a result of that I think that the by-product which we deal with, which is social dysfunction in the form of anti-social behaviour or drug abuse or alcohol abuse, and that translates then into other sorts of assaults, whether it
Deaths in Custody Watch Committee

be domestic assaults, non-domestic assaults, and then burglary and damage and those sorts of things. Look, over time, it hasn't really changed a heck of a lot. I think in the recent past there's been a lot of momentum, particularly around the juvenile cohort, which is something that is long overdue and has become quite obviously an area for police, amongst other agencies, to become engaged, and certainly police have done that. I can speak for Western Australian police; they have a youth division now, which is looking at trying to get in front of the game, if you like, before the children get involved in the justice system.

**Erica Vowles:** So get in before the problem starts?

**Robert Neesham:** That's correct. The reality is that we—and the expectation is quite reasonable by the community that we will detect and apprehend criminals and bring them before the justice system, and that's certainly the enforcement aspect of what we do, and we're very, very committed to that. But at the same time, there is a space there for more activity around the engagement and trying to just equip these kids with some life skills and some sense of self-worth, a sense of place and a sense of where they fit; to make them either job-ready or to redirect them into school, to try and keep them in the education system for as long as possible.

**Erica Vowles:** In addition to your role at Broome police station for the past three years, you're also the president of the PCYC, the Police Citizens' Youth Club, and I understand that the Broome club is embarking on a new program for kids that have stopped attending school.

**Robert Neesham:** Yes, that's right. We're in partnership with the Education Department up here, and it's kind of something old is new again. There used to be a program called the Bayside School a number of years ago, which was a bit of an alternative approach to education for kids who were finding it difficult to function in mainstream schooling. We've offered our support and our leadership around identifying these highly at-risk kids and I can also say that the upside for the police is that if we can keep these kids engaged in education, then it's going to reduce the likelihood that they offend, and any reduction in that offending is going to look good for police. So it's a bit of win-win for everyone: the higher attendance for education's a winner. And we're actually looking at a model that is about taking an extremely high-risk cohort and asking and inviting other agencies to wrap services around them. And that's what's going to be rolled out this week.

**Erica Vowles:** Robert Neesham, I was very struck by testimony you gave in 2010 to an Education and Health Standing Committee that was looking at drug and alcohol programs. When you were speaking about Broome and the complexities of the Broome situation, you said, 'We risk the slings and arrow of others because we have juveniles in our lock-ups; we have juveniles in police stations who should not be there. I can tell you, there is nowhere else for them.' What did you mean by that?
Robert Neesham: In that particular time in that particular place, for those juveniles, the most appropriate place for them to be is in that police station. And what we mean by that is that, speaking of the complexities that we face in terms of trying to deliver responsible law and order to a place like Broome, as we have very much at the forefront of our minds the welfare of those kids. And so quite often we find ourselves in a situation where we're required by law to try and identify a responsible adult, and a responsible adult who's able to make decisions, who's able to care for, effectively care for, young children and juveniles who we find in our custody for quite legitimate reasons. And quite often we find that we are unable to identify a responsible adult, and because that's the case, then unfortunately we find ourselves in a situation where we're unable to release these children. You know, when you do that, you run the risk of being criticised for holding children in custody, and the reality is we don't want them there. We don't want them in custody.

They are now looking at, through the corrective services, have the Kimberley Youth Strategy in place. Part of that function is to make available a person in loco parentis when we find ourselves unable to identify someone who could do that through our own inquiries.

Erica Vowles: Robert Neesham, this is a very emotional issue, but the fact is that deaths in custody do still occur. What more do police need to learn, do you believe, to improve the systems we have in place?

Robert Neesham: I really can't speak too much for other sub-districts or anything else. Certainly it's just a major area of concern for... I can speak for me, for me personally, it's a major area of concern, and when we have people in custody it's a very, very important role that we play and we take it very seriously.

Erica Vowles: Senior Sergeant Robert Neesham. In all likelihood, that'll be the last interview that he'll conduct as officer in charge of Broome Police. Robert Neesham recently resigned from WA Police to take up a position in the private sector; however, he says he will continue his involvement with the PCYC.

That's The Law Report for this week. I'm Erica Vowles. Thanks to producer, Cathy Pryor, and to technical producer this week, Chris Lawson.
Guests

Adele Phillips
Sister of Mr Phillips, an Aboriginal man who died in police custody in January 2011

Sandy Billing
Cousin of Mr Phillips

Marc Newhouse
WA Deaths in Custody Watch Committee

Laura Beacroft
Research manager at the Australian Institute of Criminology

Harry Blagg
Professor of Criminology at the University of Plymouth, UK

Senior Sergeant Robert Neesham
Officer in charge of the Broome Police Station and the President of the Police-Citizens Youth Club

Further Information

Royal Commission into Aboriginal Deaths in Custody: 339 recommendations

Australian Institute of Criminology

Testimony by Robert Neesham: 2010 Senate Committee hearing on drug and alcohol issues

ABC Goldfields

Presenter
Erica Vowles

Producer
Cathy Pryor
Radio National often provides links to external websites to complement program information. While producers have taken care with all selections, we can neither endorse nor take final responsibility for the content of those sites.
JOINT MEDIA STATEMENT

FROM THE ABORIGINAL LEGAL SERVICE OF WA AND THE DEATHS IN CUSTODY WATCH COMMITTEE (WA)

13 April 2011

269:

The number of Indigenous people who have died in custody since the Royal Commission into Aboriginal Deaths in Custody

Despite West Australian Premier, Mr Colin Barnett recently claiming that his state drives the national economy, apparently money for addressing the tragic ongoing deaths of his Indigenous constituents isn’t a major priority. Nor does it seem are appropriate policies to deal with the appalling over-representation of Indigenous people in custody.

Two decades after the release of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) report on 15 April 1991, 269 more Aboriginal people have died nationally in custody. This appalling figure is accompanied by the fact that WA currently has the highest percentage incarceration rate of Aboriginal peoples in the nation when you consider that Aboriginal people make up only 4% of this state’s population.

*(As at 7 April 2011 WA Aboriginal incarceration rates are 38.8% of adults, 73.8% of juveniles). As Western Australia prepares for the forthcoming Commonwealth Heads of Government Meeting (CHOGM), it may like to reflect upon its disgraceful human rights record in relation to custodial deaths of Indigenous Western Australians. “With the eyes of the Commonwealth soon to be upon us, Premier Barnett may like to take the opportunity to address this ongoing blight on our state and show some real leadership”, said Mr. John Bedford, Executive Officer and Acting CEO, Aboriginal Legal Service of WA (ALSWA).

Mr. Bedford said that CHOGM could be an important opportunity for compassionate and fair minded people to highlight Western Australia’s lamentable human rights record to its international guests. “To be honest, it really saddens me that so much money is being poured into building new prisons, rather than focusing on implementing the RCIADIC recommendations and diversionary programs to assist in keeping people out of prison. If you are an
Aboriginal person you are fourteen times more likely to be incarcerated and it is unacceptable that governments are not doing more to address this issue. Not only are people still dying in custody, but there are also inadequate investigations into many of these deaths. I’m sure that the Commonwealth leaders would be shocked to discover that Aboriginal people represent 26% of Australia’s prisoners despite representing only 3% of the total population”.

ALSWA and the Deaths in Custody Watch Committee WA (DICWC) will host a Public March in Perth this Friday 15 April 2011 to remember those whose lives have been lost and to ensure that deaths in custody remains firmly on the political agenda. DICWC Chairperson Marianne Mackay says it is unacceptable that many recommendations have still not been implemented 20 years after the report’s release. “It’s extremely disturbing that this state is still not doing more to address the over-policing and over-representation of Aboriginal and Torres Strait Islander peoples within the criminal justice system. Of the 99 deaths investigated by the Royal Commission, 32 occurred in WA with five being at the Kalgoorlie police lock up”. Mr. Ben Taylor, a lifelong member of DICWC says that “all fair minded Western Australians should be appalled at the reputation that this state has gained through its mistreatment of Aboriginal and Torres Strait Islander peoples”.

Joining ALSWA and DICWC at this significant event on Friday will be guest speakers including Elders, family members affected by a death in custody, politicians, and ANTaR. ALSWA and DICWC demands include the full implementation of RCIADIC recommendations, urgent calls for a reduction in Aboriginal incarceration and contact with the justice system, increased diversionary and rehabilitative measures (including Justice Reinvestment initiatives) and independent investigation and monitoring of deaths in custody and police misconduct. There will also be further calls for the Government to ratify and implement the Optional Protocol to the Convention against Torture and implement the Declaration on the Rights of Indigenous Peoples.

Click on the link below for full details of the Public March in Perth on Friday 15 April 2011.

Urgent Call for RCIADIC March

see also www.deathsincustody.org.au

Letter to Editor

Indigenous Justice Current Awareness Alert


Give reinvestment in justice a fair go / Roslyn (Rose) Carnes
Koori Mail no. 505 13 Jul 2011: 24

Summary: The high costs of imprisonment and the great overrepresentation of Aboriginal offenders are reasons for trying new methods to prevent crime and thereby reduce Government spending.

Full letter is below:

Give Justice Reinvestment a Go!

In May at the Native American and Indigenous Studies Association Conference in Sacramento I heard speakers express the shame of incarceration rates of Indigenous people being 2, 3 or 4 times higher than the rate for non-Indigenous populations in their countries. I spoke of the incarceration rate of Aboriginal Western Australians being 21 times that of non-Aboriginal Western Australians. In Western Australia, we have Aboriginal people, around 3.8% of the population, as 38+% of those in prison. In Western Australia close to 78% of incarcerated women and around 73% of juveniles in detention are Aboriginal.

These incarceration rates remain almost as high as they were in 1909. Our current government’s answer is to build more prisons, be “tough on crime” and lock people up. This clearly has not worked so far and if we keep doing something that isn’t working, the outcome won’t change.

In 2010 the Western Australian Making Our Prisons Work Parliamentary inquiry recommended trialing justice reinvestment in correctional services. Justice reinvestment targets communities where imprisonment rates are high to identify what
would help keep people out of gaol. It then provides what is needed in that community to help it happen. It might be as simple as a scheme to help get a driver’s license.

Recently justice reinvestment was recommended by the Federal House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs. Justice reinvestment has been proven (in Democratic and Republican USA states and the UK) to be cheaper than building prisons and to have a bigger impact on creating safe communities. Justice reinvestment is not a “bleeding hearts” cause; it was developed by business people who saw how unsustainable it was to keep building more prisons.

Why is our Premier so committed to NOT trialing justice reinvestment in Western Australia? It costs around $100,000 per year to keep someone in prison. Not everyone in prison is a danger or a threat to public safety. Many are there because they couldn’t pay fines or for other non-violent crimes. If ten people are kept out of prison a million dollars of taxpayer’s money is freed up to invest in building safer communities. Doesn’t it make sense to save money AND keep communities safe?

Mr Barnett claims his government’s approach creates safe communities. Why then is the level of violent crime in WA increasing and why does he need to plan for even more prisons? Come on Barnett; save our money and build safe communities, not prisons!

Roslyn (Rose) Carnes
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FACTS AND FIGURES

WA prisons are dangerously overcrowded, recidivism (reoffending) rates are high, with over representation of the Aboriginal community. As at 30 June 2006, 3.8% of all people in Western Australia were Aboriginal (ABS, 2006). In April 2010 one thousand eight hundred and ninety one (1891), or 39.4% of all incarcerated adults in Western Australia were Aboriginal. In addition there were one hundred and forty one (141) juveniles in custody which represented 72.5% of all juveniles in custody (Dept of Corrections, April 2010). That is almost two thousand Aboriginal people incarcerated in April 2010. These figures are not a one off; they represent the status quo in our Western Australian prisons. Almost four in every ten adults and more than seven out of ten juveniles who are imprisoned are consistently Aboriginal, yet not quite four in one hundred Western Australians are Aboriginal. The increase in imprisonment expenditure has not led to better community safety outcomes. The growing cost of imprisonment, coupled with a limited impact on crime and recidivism rates, again raises the question of whether the present policies are working. It is clear that the present growth rates in the WA prison population are unsustainable.

The WA Prison population (November 2009, latest figures available was 4,750 and growing at 24 per week (Nov 2009). The cost

ABORIGINAL IMPRISONMENT

In WA, Aboriginal people are 20 times more likely to be in prison than non-Aboriginal people and around one in 15 Aboriginal men in Western Australia will be in prison at any given time. On the 8th October 2009, of the 4,750 prison population there were 1,909 Aboriginal People in the State’s prisons. Of them, 1,732 were men and 177 women. Up to 2002 Aboriginal people constituted around 30-32 % of the States prison population. From 2002 to 2005 this has increased to over 40%. The total number of Aboriginal people in prison had more than doubled in 7 years from 800 in mid 2002 to over 1900 in 2009 - **An increase of 137%!** WA has the highest imprisonment rate of Aboriginal people by far compared
of keeping someone in custody is approximately $100,000 per year per prisoner, or $1 Million per year for every ten prisoners. WA is the second highest to the NT in imprisonment rates in Australia. WA imprisonment rates per hundred thousand are higher than China, Canada, Italy, Germany, Indonesia, India and many others. Australia in 2006 (where from?) had the 6th highest rate of incarceration in the world behind the US, Russia, South Africa, New Zealand, and the UK. In 2006 Australia had an incarceration rate of 126 per 100000, it is now 162.6, but in WA it is an incredible 234.6.

The risks to prisoners and prison staff are increasing as a result of increased overcrowding. These risks include risks to control and staff and prisoner safety; risks to decency in the treatment of prisoners; and risks to the community when prisons cannot fulfil their rehabilitative role.

SOCIAL JUSTICE REPORT 2009

“Nationally, Indigenous adults are 13 times more likely to be imprisoned than non-Indigenous people and Indigenous juveniles are 28 times more likely to be placed in juvenile detention than their non-Indigenous counterparts.”

“Some worthy initiatives have been tried to reduce over-representation but the bottom line remains: what we are doing is simply not working. If it were working, we would be seeing a reduction in Indigenous imprisonment, rather than the 48% increase since 1996.”

We have seen 601 deaths in custody between 2000 and 2007; an average of 75 per year. Every 5 days an Australian dies in custody. If you are Aboriginal you are 15 times more likely to be locked up than if you are non-Aboriginal.

Between 1998 and 2008, the Australian imprisonment rate (per capita) rose 20 per cent. In 2008, net recurrent and capital expenditure on prisons in Australia exceeded $2.6 billion per annum. Efforts to reduce the prison population through the creation of alternatives to custody have not been very successful

JUSTICE REINVESTMENT

Implementing Justice Reinvestment will lead to savings in prison costs and prison numbers by reducing the rate at which prisoners return to custody. The results of analysis in the United States and the United Kingdom suggest that modest reductions in the rate at which offenders are re-imprisoned results in substantial savings in prisoner numbers and correctional outlays. A ten per cent reduction in the overall re-imprisonment rates would reduce the prison population by more than 800 inmates, saving $28 million per year. Not only would justice reinvestment result in a substantial saving to State expenditure, it
would also provide social benefits with a reduction in the overall levels of crime in society.

The potential benefits of reducing the rate of re-imprisonment among subgroups of offenders with a high re-imprisonment rate are particularly noteworthy. A 10 per cent reduction in the Indigenous re-imprisonment rate, for example, would reduce the Indigenous sentenced prisoner population by 365 inmates, resulting in savings of more than $10 million per annum.

It is estimated that each prisoner costs the taxpayer $187 per day, this equates to every person in Australia paying $126 per year, and that it costs $650m per year to imprison indigenous people. This money could be better spent on reducing crime and improving the lives of the most disadvantaged Australians.

Over the past decade there has been inadequate planning for the increasing prison numbers. Under investment in our justice system by years of successive governments have left the WA prison system seriously underfunded and unable to keep up effectively with increased demand. We believe it’s time to consider a new approach; Justice Reinvestment.

**WHAT IS JUSTICE REINVESTMENT?**

Justice reinvestment is a localised criminal justice policy approach that diverts a portion of the funds for imprisonment to local communities where there is a high concentration of offenders. The money that would have been spent on imprisonment is reinvested in programs and services in communities where these issues are most acute, in order to address the underlying causes of crime in those communities.

Justice reinvestment still retains prison as a measure for dangerous and serious offenders but actively shifts the culture away from imprisonment and starts providing wide services that prevent offending.

Justice reinvestment was developed in the US where over ten states now adopt its practice. Both Democrat and Republican states have joined the program. It is an evidenced based approach to reduce corrections spending and reinvest savings in strategies that can decrease crime and strengthen communities.

The results of these programs have been very interesting (see box titled ‘THE RESULTS’).
LOCATION OF OFFENDERS
A 2007 report by Prof Tony Venson (name of the report?) found that 3% of Australia’s post codes account for a disproportionate amount of disadvantage including imprisonment. Compared to other areas, the 3% of most disadvantaged post codes has at least twice the rate of unemployment; criminal convictions; imprisonment; child maltreatment; disability support recipients; and psychiatric admissions. The conclusion is that we ought to prioritise these areas, to have the biggest impact on reducing crime and thereby tackling social disadvantage.

THE RESULTS

Texas
Over 2008 and 2009 Texas saved $210.5 m through not having to enlarge imprisonment capacity. Additional savings of $233.4m stood to be made if the programs prevented the need for additional prison reconstruction. Since the introduction (in this right wing Republican stronghold) of JR in the last two years, the Texas prison population has stopped growing for the first time in decades. It is projected to decrease slightly in the following year.

Kansas
Kansas has experienced a 7.5% reduction in its prison population from 2004 levels. The parole revocation (offences committed when on parole) rate is down 48% and parole absconders are down 70%. The reconviction rate for parolees also dropped by 35%, signalling that new measures to improve the quality of parole and probation services, as well as the availability of substance abuse treatment, are reducing crime.
FOUR STEPS TO JUSTICE REINVESTMENT

Step 1:
Analysis and Mapping
The first step is identifying where the offenders are coming from and then calculating how much is being spent in these areas on imprisonment. This leads to detailed demographic and socio-economic data mapping that shows in a very precise way just how much is being spent on imprisonment for certain communities.

Step 2:
Development of options to generate savings and improve local communities
Once the communities are identified, the next step is to look at ways to save imprisonment costs so funds can be re-spent in the community. For example the money is diverted to better alcohol and drug treatment, housing options and general community based alternatives. These options may be different in different communities. For example in Texas money was spent on 800 new beds in substance abuse treatment for those on probation, 3000 more places in outpatient substance abuse treatment for people on probation, 300 new beds in half-way houses, 500 new beds for an in-prison treatment unit for drink driving offences, 1200 new places in intensive substance abuse treatment programs in prison.

Step 3:
Quantify savings and reinvestment in high needs communities
Based on the information gathered in the previous two steps, it is possible to project savings based on reductions in imprisonment spending. Savings can then be put towards the services and projects identified by communities.

Step 4:
Measure and evaluate impact
Justice reinvestment approaches are evidence based and measure performance outcomes such as the amount of imprisonment money saved; reduction in imprisonment; reduction in recidivism; and indicators of community well being and capacity.

CONCLUSION
We believe if justice reinvestment is adopted in WA then we would see a significant reduction in crime, a reduction in the imprisonment rate, a reduction in indigenous incarceration, and a big improvement in the living standards of the most disadvantaged in our society. Poverty is not a crime. Poverty should not be considered as a crime. We want to see the building of communities and not prisons. We would ask all members of the community to discuss these alternatives.

Contact Details
For further copies of this information sheet, to attend a community forum, or any other queries, contact us:
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Deaths in Custody Watch Committee (WA) Inc
together with the
Institute for Restorative Justice & Penal Reform

Justice
Reinvestment
A new approach to reducing Indigenous over-representation in the criminal justice system.

A conversation with Mick Gooda
Aboriginal and Torres Strait Islander Social Justice Commissioner
Australian Human Rights Commission

Date: Monday, 19th September 2011
Time: 7.30am to 9.30am
Venue: Atrium Theatrette, 4th Floor, 168 St Georges Terrace, Perth
Cost: $30.00

Program:
7.30am — 8.15am Registration & Light Breakfast
8.20am — 8.25am Welcome to Country
8.25am — 8.30am Introduction by Mr. Dennis Egginton, CEO
Aboriginal Legal Service of Western Australia
8.30am — 9.00am Address by Mr. Mick Gooda
9.00am — 9.30am Q & A and Close
“Does Race Come Into It?” what Custodial Inspector Reports and the words of Indigenous ex-prisoners reveal about Western Australian prisons.

Roslyn (Rose) Carnes B.Ed, BSW(Hons) PhD Candidate, Murdoch University

This paper was presented at the Native American and Indigenous Studies Association Conference, Sacramento, California on Thursday May 19, 2011 in the panel on Indigenous Prisoner Issues.

Abstract

When giving evidence to the Western Australian Parliamentary Inquiry into Prisoner Transport on July 26, 2010, the Assistant Director of Judicial Services, Wayne Gregson, was unequivocal in his comment; “Race doesn’t come into our decision making. ... Charging is part of law enforcement and law enforcement happens where the law has been broken.” When asked by the Western Australian Deaths In Custody Watch Committee to direct an independent public inquiry into institutional racism in the WA criminal justice system, the Premier, Colin Barnett, responded in a letter dated July 20, 2010 that “the State government does not consider there is a basis to such an inquiry at this time.” From a critical race and whiteness perspective, the evidence would suggest otherwise.

Western Australia is almost one third of the nation. It covers more than one million square miles most of which is sparsely populated. Since 2001, the independent Inspector of Custodial Services has completed reports on each of Western Australia’s 14 prisons. Alongside comments from Indigenous ex-prisoners, an analysis of these reports will be provided that reveals ongoing themes such as overcrowding, under resourcing of education programs, lack of consideration of Aboriginal people’s cultural needs, relationship with country and living conditions that the Inspector has described as worse than any prison in Asia. All this occurs in the most prosperous state in Australia which has in recent years ridden on the back of a huge mining boom. The presentation will conclude by suggesting that race does very much “come into it”; is alive and well in this country that perceives itself to be “the land of the fair go”.

Introduction

Western Australia is the largest state in Australia with an area of more than one million square kilometres and is, for the most part, sparsely populated. The state is rich in mineral wealth which has led to extreme wealth for some and contributes significantly to Australia’s economy. Yet, not all members of the community benefit from the “mining boom” with Aboriginal people remaining disadvantaged as evidenced in the extremely high levels of incarceration of Aboriginal youth and adults. While representing just under 4% of the Western Australian population (ABS: 2006), as at April 7, 2011 WA Aboriginal incarceration rates are 38.8% of adults, 73.8% of juveniles (Department of Corrective Services, April 2011).
Despite figures such as these being the norm, the Assistant Director of Judicial Services, Wayne Gregson, was unequivocal in his comment when giving evidence to the Western Australian Parliamentary Inquiry into Prisoner Transport on July 26, 2010; “Race doesn’t come into our decision making. ... Charging is part of law enforcement and law enforcement happens where the law has been broken.” I suggest that such a simplistic opinion of prison statistics reveals a lack of understanding of what “racism” might mean. Furthermore, when asked by the Western Australian Deaths In Custody Watch Committee to direct an independent public inquiry into institutional racism in the WA criminal justice system, the State Premier, Colin Barnett, responded in a letter dated July 20, 2010 that “the State government does not consider there is a basis to such an inquiry at this time.” I provide evidence that there is ample reason for such an inquiry. I do not wish to point a finger of blame towards any individual person or government. Rather I seek to openly discuss the issues and evidence of institutional racism in Western Australia from the point of view of history, the Inspector of Custodial Services and the voices of some Aboriginal people I have been listening to over recent months.

This would not be the first investigation of its type in Australia; the Victorian State Government, for example, conducted such an Inquiry several years ago (Blagg et al, Sept: 2005). The inquiry made recommendations for action to the government of the day based on the strong evidence it found of institutional racism in Victoria, a state which has a much lower incarceration rate than Western Australia. Current Western Australian Custodial Inspector, Neil Morgan, was one of the authors of the report, Systemic racism as a factor in over-representation of Aboriginal People in the Victorian Criminal Justice System.

To provide a firm foundation for such discussion it is important to first define the term “institutional racism” and explain the purpose of the Office of the Inspector of Custodial Services. This will be followed by an analysis of five exemplars of institutional racism in Western Australian incarceration that appear across each of history, reports from the Office of the Inspector of Custodial Services (August, 2001; March 2004; June, 2008; July 2008a; July 2008b; November 2008; December 2008; February 2009; April 2009a; April 2009b; September 2009a; September 2009b; November 2009; January 2010; June 2010; August 2010; September 2010a; September 2010b; February 2011) and the voices of some Aboriginal people with whom I have been yarning over recent months. The paper concludes with a brief discussion and the challenge of responding to what the evidence of institutional racism reveals.

**What is meant by the term “institutional racism”?**

The term “racism” evokes strong and very emotional responses. During the decade of the Howard Federal Government, to accuse someone of being a racist was a deed as bad as, perhaps even worse than, tangible acts of racism (Nicoll, 2007: 25). This emotional response is unfortunate as it makes a rational debate difficult.

Western Australian’s have the highest rate of self identified racism in the country (University of Western Sydney, 2011). Such individual prejudice alone does not account for all aspects of racism that are to be found in our community. Western Australia is, for example, the only Australian state without racial vilification laws.
which exemplifies a more deeply rooted, insidious institutional racism. As the following definition of racism explains, individual acts can only be sustained in a system that legitimizes them.

“Racism, defined as a system of racial and ethnic inequality, can survive only when it is daily reproduced through multiple acts of exclusion, inferiorization, (p322) or marginalization. Such acts need to be sustained by an ideological system and by a set of attitudes that legitimate difference and dominance” (Goldberg and Essed, 2002: 323).

This definition moves the discussion of racism away from being simplistically about individual attitudes and actions of prejudice by individual people to a consideration of the kinds of ideological and social structures that support acts of exclusion and marginalization of those least empowered in the social structure; it becomes more a consideration of how power and privilege are used systemically to oppress.

Eroding individual prejudice will not thwart racism in historically racist societies (Goldberg and Essed, 2002: 6). Where there is a history of racism, institutions will reflect racist processes. In Australia where white settlement was based on the belief that Aboriginal people were savages and the land unused, it will therefore be insufficient to merely focus on acts of individual prejudice and vilification as a way of addressing racism.

A definition of institutional racism which is still widely used is found in The Macpherson Report. This report moved the conversation in the British system from a focus on individuals, ethnic identity and blame of people to a focus on workings of institutions, departments and states. The definition falls short, however, as it refers to “unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people (Macpherson, 1999: 32.) As Holdaway and O’Neill (2006: 350) identify, the manifestations of racism can be direct and intended as well as unwitting.

It is important to consider the outcome of actions rather than focus on the intention of actions that lead to disadvantage. Blagg (2008: 9) discusses the difficulty of quantifying systemic racism and notes the importance of focusing on outcomes of activities and processes rather than intentions and attitudes of individuals within the system. The need to consider outcomes as an indicator of institutional racism is also alluded to by the WA Equal Opportunity Commission (2005: 6) who note that “substantive equality recognises that equal or the same application of rules to unequal groups can have unequal results”. The application of the tough on crime approach in Western Australia, for example, has done nothing to bring about more equal results for Aboriginal people even though, on the surface, these laws appear to apply equally to all people. Specifically, the Western Australian three strikes home burglary laws look fair and equitable on the surface. Upon looking closer however, Blagg et al (2005: 13) noted that 80% of children caught under these laws are Indigenous with a disproportionate number from regional and remote areas. While the laws were introduced due to concern about the level of “home invasion” in metro and urban Perth, they seem to have disadvantaged Aboriginal children throughout the state.

Given the above concerns, the definition I am using in the context of my research is: Institutional racism can be detected in policies and processes, which lead to actions and/or outcomes that disadvantage Australia’s Aboriginal Peoples. While we cannot ignore the impact of individual choices and underlying individual issues that lead to high rates of Aboriginal incarceration, “we simply cannot discount the contribution of institutional
practices and legal frameworks within which criminalization and the use of imprisonment is embedded” (Cunneen, 2005/2006: 340).

**What is the Office of the Inspector of Custodial Services?**

The Office of the Inspector of Custodial Services was originally established by the *Prisons Amendment Act 1999* and came into existence in 2000. It is a statutory authority that reports directly to state parliament. The Office’s website, [http://www.custodialinspector.wa.gov.au](http://www.custodialinspector.wa.gov.au), outlines that the mandate of the Office is “to bring independent external scrutiny to the standards and operational practices relating to custodial services”. The Inspector carries out regular inspections at all state prisons, and has been reporting since 2001. While the reports are themselves not immune to the impact and assumptions of the privilege of the white institution that produces them, they provide a rich and detailed history of racism in Western Australian prisons over the past decade and note the areas needing to be addressed as well as those consistently not attaining an acceptable standard.

Institutional racism was one of the major issues outlined in the first report released by the newly formed Office. This inaugural report was for the Eastern Goldfields Prison in Kalgoorlie, a regional “Aboriginal” prison. The Inspector is very clear in defining that in considering racism in the prison setting, he

> “looks to outcomes, not intentions. If the provision of facilities, conditions and services are such that they simply would not be tolerated in a non-Aboriginal prison, then it can be said that the outcome is structurally racist. This kind of racism proceeds from systemic indifference, from the failure at all levels within the organisation to question one’s own assumptions about what is acceptable. It is likely to be found in areas where the prisoners are mostly undemanding and compliant – characteristics particularly associated with Aboriginal prisoners in the regions. It is more insidious than overt, attitudinal racism and more difficult to challenge and confront.”

(2001: 7-8)

The Inspector’s concern for the disadvantage of Aboriginal people in incarceration had not abated when, in July 2008, he released *Inspection Standards For Aboriginal Prisoners*. These standards were based on ongoing issues raised over eight years of inspections and findings related to Western Australian prisons. The key inspection standards in this document are designed to be applied to counter the possibility of systemic/institutional racism in WA prisons. Since 2008 the Inspector has used these standards as a guideline when reporting on each prison in the state. Unfortunately, while the Department of Corrections recognises and has policies for these needs “it is clear that there is considerable variation between prisons in the extent to which custodial management is Aboriginal focused and in the initiatives and measures that are adopted.”

(Office of Inspector of Custodial Services, August 2010: 59)

Overall it would appear that the standards are met sketchily, with some aspects rated in Inspectors reports as “poor” against standards such as
Consistent themes across history, Inspector’s reports and the voices of Aboriginal people

In the remainder of this paper I discuss five specific areas that provide clear evidence of policies and processes, which lead to actions and/or outcomes that disadvantage Australia’s Aboriginal Peoples in relation to incarceration. These examples of institutional racism appear consistently throughout history, reports from the Custodial Inspector and the voices of some of today’s Aboriginal people with whom I have spoken in recent months, as part of my research. These five areas exemplifying institutional racism are: Aboriginal people being forced out of country, a system that disadvantages Aboriginal people, silencing and exclusion of Aboriginal voices, lack of respect for culture, the forgotten people.

Aboriginal people being forced out of country

“All our young people; in gaol. Who is going to learn, who can we teach? Who will know the stories?”

“No Elders from our Lands visit prisons; it’s too far away so our young men have no one while they are in there.”

“I went from Roeburne to Greenough and Bandyup and back to Roeburne... shuffled around”

“No visitors...then when I left they let me out the gate and I had a bus ticket to get back to Geraldton.... Nowhere to live...Six kids to find a home for and nothin’... nothin’”

A history of institutional racism is deep seated in Australia. The very colonization of Australia was based on racist principles. “In Australia, institutional racism has been an almost constant feature of our history, from the British designation of the content as terra nullius,...to the stolen generations” (Henry, Houston & Mooney, 2004: 518).

As part of a country claimed/stolen from First nation’s people, the very fabric of the society in Western Australia began with a racist supposition. The act of white settlement led to outcomes and actions that disadvantaged First Nations peoples in Australia. The 1905 Aborigines Act and subsequent amendments gave

• significant Aboriginal cultural values are protected, encouraged and strengthened;

• prison design, prisoner management and any interventions are appropriate to Aboriginal prisoners;

• Aboriginal people and their communities are consulted and involved in the management of Aboriginal offenders; and

(Office of Inspector of Custodial Services, August 2010: 58)

The sad conclusion is that there is much still in common with the challenges being faced each day by Western Australian Aboriginal people of the present and those faced continuously in the almost two hundred years since colonisation.
vast powers over Aboriginal people to the Chief Protector and his deputized representatives, usually police officers. Early on then, the police were associated with persecution and became the epitome of white power and privilege. The Chief Protector could also take over any property of Aboriginal people and either keep, sell or dispose of it as he saw fit. Aboriginal people could be moved from one place to another at the discretion of the Chief Protector and his deputies.

Despite the recommendations of the Custodial Inspector (July 2008b: 4) it is still a standard practice to find Aboriginal people incarcerated far from country. The Inspector states that there are more Aboriginal people in the prisons close to Perth than there are in all the “Aboriginal” prisons combined (Office of Custodial Inspector, July 2008b: 2).

At Casuarina Prison in 2010, for example two hundred Aboriginal men (over 60 per cent of the prison’s Aboriginal population) were being held ‘out of country’. “This represents a significant increase as compared with the count at the time of the previous inspection. At that time, [2007] 106 Aboriginal prisoners (almost 40 per cent) were being held ‘out of country’”. (Office of the Inspector of Custodial Services, September 2010a: 49). Far from improving, the situation is getting worse.

The Inspectorate Reports repeat over and over again words to the effect that “The importance of out-of-country Aboriginal prisoners maintaining links with their community cannot be understated. (Office of the Inspector of Custodial Inspector, 2009: 36). His most recent report notes that “on 8 December 2010, 65 prisoners from the Pilbara... were held in prisons other than Roebourne”, which is the closest prison to the Pilbara (Office of the Inspector of Custodial Services, February 2011: 7). This must be a frustrating experience for the Inspectorate; since 2001 the need for people to be held close to country has been recommended yet still it is not a practice.

To be held hundreds, perhaps thousands, of kilometers away from country means that it becomes almost impossible to maintain contact with family and community. The Custodial Inspector highlights this issue, yet again, in his inspection at Greenough prison when he says

_The geographical distribution of the prison estate, with its strong metropolitan-focus, leads to many Aboriginal prisoners being dislocated from country and isolated from family. Many prisoners at Greenough do not receive visits for much of their sentence, with only 57 per cent of prisoners indicating in the pre-inspection survey that they received any visits._ (September 2010a: 42)

Communication becomes an even greater issue when people are held far from country. Many people from remote communities either speak no English or have English as a second, third or fourth language. The Inspectorate, in _Inspection Standards for Aboriginal Prisoners_, calls for interpreters to be provided (July 2008:
8). It does not appear that this happens as, when far from country, there is little likelihood of someone being available to interpret.

Casuarina is a large prison in Perth. Despite the Inspector’s standards being very clear in regard to Aboriginal people being held close to country

“Casuarina houses a large number of Aboriginal men from remote and regional parts of the State, especially the Kimberley. This has numerous consequences for the men – many of whom are not rated maximum security – and also for the prison. The men are geographically, culturally and socially isolated, and long to be returned to a prison closer to home. For its part, the prison, being so far from the regions, cannot readily access the culturally relevant services and family/community supports that would be more readily available if the men were still ‘in country’.” (September 2010:a 9)

Despite close to 50% of Casuarina’s population being Aboriginal and around 50% of those being held out of country, the report(September 2010a: xii) outlines consistent lack of attention to Aboriginal prisoners and their needs. This is evidence of institutional racism; outcomes that illustrate disadvantage for Aboriginal people. These included

- proportionately higher levels of unemployment and under employment;
- a lack of ongoing cultural awareness training for staff;
- a diet familiar to prisoners not being routinely or regularly provided;
- resources in the form of an Aboriginal Education Worker not being allocated in proportion to the numbers of prisoners at Casuarina;
- ‘out of country’ prisoners in Unit 1 lacking an accessible cultural space in which they felt comfortable;

A system that disadvantages Aboriginal People

“Lots of them old fellas don’t speak English...they don’t know what’s going on”

“When I got out all I had was rage...blind rage... you can’t show it in there so it comes out with you... now I am a woman, black AND a bloody criminal... what hope is there?”

“They get a free ticket back to where they went to court. So to Kalgoorlie. Then they have to get back to the Lands themselves... 1200kilometres. ... so they meet up with others and get drinking and into trouble and go back to gaol.”
“The System needs changing - Western law is the one that needs educating – and police. And educated by Aboriginal people.”

Individuals and organisations ...look to their own selves to make changes ...and not just Aboriginal people expected to change.

At the time of colonization of Australia in the late 1700’s and Western Australia in 1827, the “general mood of the times was that the ‘inferior races’ of the colonies were a direct threat to the ‘superior white races’ (Cole, 2004: 41-42). Aboriginal people were seen as a dying race of simpletons and segregation the only way to ensure purity of the white race.

By the time of Australian Federation in 1901, Aboriginal people were still not seen to be people. Nationally, not only were Aboriginal people excluded from the Australian constitution when it was drafted in the 1890’s, they were actively excluded. No representatives of Indigenous nations took part in the drafting of the constitution. The preamble makes no mention of the prior occupation of Australia by its Indigenous peoples. “In fact, the operative provisions ... were premised upon their exclusion, and even discrimination against them” (Williams, 2000: 648).

By 1937, Aboriginal people were still openly viewed as inferior and openly discriminated against. This can be seen in the transcript of the meeting of states and commonwealth in Canberra in 1937, held to discuss the “Aboriginal problem” and at which it was noted “It is very important to ascertain whether the half-caste...will always prove to be only a grown-up child who will have to be protected and nursed.” (Commonwealth of Australia, 1937: 10).

Even when permission was given for Aboriginal access to what non-Aboriginal Australians took for granted, the ‘fine print’ often revealed paternalism and disadvantage. When discussing the issue of payment of pensions and maternity allowances to Aboriginal people, the meeting of States in 1937 passed the following resolution; “That all natives of less than full blood be eligible to receive invalid and old-age pensions and maternity allowance on the recommendation of the State authority, to whom the grant should be made in trust for the individual” (1937; 4). From what I have heard anecdotally from Aboriginal people, they are unaware of any of the payments ever reaching their families.

The incarceration rates of Aboriginal people in Western Australia have a pattern of being high. The first Aboriginal prison in Australia was established in 1840, on Rottnest Island off the coast near Perth. During the 1880’s and 1890’s laws were changed to ensure easier convictions and harsher punishments of Aboriginal offenders. By 1909, 42% of the prison population in Western Australia were Aboriginal” (March 2005: 7). In over one hundred years little has changed, with incarceration rates still hovering around 39%.

Cunneen and Robb (1987: 220) have identified that whether one considers the high rate of incarceration to be either the fault of socio-economic factors leading to criminal behaviour or Aboriginal people being policed in a
different manner to non-Aboriginal people, the reason for the high rate of incarceration rests “on a strong historical continuity in the position of Aboriginal people in white society.” The Custodial Inspector too acknowledges that the current custodial system disadvantages Aboriginal peoples when he says,

“While many non-Aboriginal prisoners also experience many disadvantages with Aboriginal prisoners, what is not shared is the history of dispossession and disadvantage that has resulted from the cumulative acts of colonial and State governments, and the residual level of structural bias in the criminal justice system that operates to the detriment of Aboriginal people.” (July 2008:18).

The disadvantage is further exacerbated by a lack of focus in research and studies on the impact of the “powerful colonial apparatuses of control and coercion” (Blagg, 2008: 36-37). So, once again, the pattern continues as there is a lack of focus or consideration on what has created and continues to perpetuate the current high incarceration rates.

Reports from the Office of the Inspector of Custodial Services reveal many different instances of structural disadvantage; too many to include them all here. Some instances are provided as examples. The most recent Custodial Inspector report, that into Roeburne Prison, notes for example that

“there is little or no access to relevant and contemporary legal materials and the printed copies of legislation are unacceptably out of date. Since the prison population is predominantly Aboriginal there needs to be appropriate reading material that carries local and other news about Aboriginal people. However, the Koori Mail, the Indigenous Times and other Aboriginal-targeted publications were not available” (February 2011: 25).

In the same report it is also noted that there still exists inequality of access to services for women prisoners at Roeburne when compared to what is provided for women prisoners in Perth prisons such as Bandyup, where the percentage of Aboriginal prisoners is much less than Roeburne. The reality is that the “2010 inspection revealed that little progress had been made for women prisoners at Roeburne over the past ten years...services available to women at Roeburne Regional Prison remain impoverished” (February 2011: 27). This echoes comments from the Greenough Prison report of 2010; “circumstances for women in regional prisons – who are overwhelmingly Aboriginal – have not improved to the same extent as the metropolitan prisons” (August 2010: 9).

Karnet is the low security prison farm that houses minimum security prisoners and aims to help preparation for release. Despite representing 30% to 40% of the adult prison population at any one time only 8.5% of
Karnet’s population at the time of the inspection for the 2010 report, was Aboriginal. The Inspector recommends that “proportionately more Aboriginal prisoners should be placed at Karnet, in order to benefit from the positive opportunities it offers. Clearly this is an issue we will continue to monitor” (Office of Inspector of Custodial Services, September 2010b; viii).

Silencing and exclusion of Aboriginal voices

“British colonialism and culture are still central in Australia”

“Current education is colonial...needs decolonizing”

Government go to Aboriginal people who will agree with them... stop this and go through proper channels and recognised Elders.

“Everyone need to listen and hear ...so that Aboriginal side of history is taught as well”

“so scared... don’t say nothing”

“see, when I was a kid I was counted with the cattle... we weren’t people then.”

Not feeling able to have a say within the community on important issues is still an issue for Aboriginal people in the broader community of Western Australia. The question was asked as part of the National Aboriginal and Torres Strait Islander Social Survey (Australian Bureau of Statistics; 2008) and responses are summarised in Table 1. By far the majority of Aboriginal people over the age of fifteen feel that they have no say on important issues. It is then no surprise that voices of the most marginalised Aboriginal people, prisoners, are also unheard in decisions relating to their own wellbeing and needs.

Australia’s first Governor General thought that “Aborigines have not the intelligence, interest or capacity to vote” (Williams, 2000: 651). This was a commonly held belief. Aboriginal people were not permitted to vote in all states of the “land of the fair go” until 1962 and not included as people in the census until the 1971 census after a referendum in 1967 made that possible. While NSW, South Australia, Tasmania and Victoria imposed no disqualification of Aboriginal people voting, Queensland and Western Australia passed legislation that, unless they were freeholders, Aboriginal people could not vote. Even in the states where voting may have been permitted, the right was denied by the way voting was administered such as a requirement to travel to distant voting booths.
Table 1: How often Aboriginal Western Australians feel able to have a say within the community on important issues. (Australian Bureau of Statistics: 2008)

<table>
<thead>
<tr>
<th>Frequency</th>
<th>2008</th>
<th>2015</th>
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<tbody>
<tr>
<td>All of the time</td>
<td>3.5</td>
<td>8.2</td>
</tr>
<tr>
<td>Most of the time</td>
<td>6.3</td>
<td>14.6</td>
</tr>
<tr>
<td>Some of the time</td>
<td>9.8</td>
<td>22.9</td>
</tr>
<tr>
<td>A little of the time</td>
<td>8.4</td>
<td>19.5</td>
</tr>
<tr>
<td>None of the time</td>
<td>14.9</td>
<td>34.7</td>
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</table>

Since 2005 the Department of Corrective Services committed to establishing an Indigenous Services Committee at each prison in the state (August 2010: 47). This is not, however, implemented consistently across the state. At Greenough, for example, there was no such committee “despite the presence locally of a number of well-established Aboriginal organisations likely to respond positively to a request to be represented on such a committee (August 2010; 22).

“Wooroloo had made an abortive attempt to establish an Indigenous Services Committee in November 2007, but after the first meeting it lost momentum and no further meetings were held. The increase in out-of-country prisoners housed at the prison elevates the need for this committee to be re-established in order to determine the needs of this sub-population and monitor if these needs are being met” (September 2009; 36).

Without such committees, the voices of Aboriginal people are effectively silenced.
Despite the assurance of the Department of Corrections that the Aboriginal Visitors scheme (AVS) is important, especially at times such as the death of someone in custody, “The AVS has been virtually invisible at Roeburne for many years” (Office of Inspector of Custodial Services, February 2011: 20-21). Aboriginal Visitors play an important role in ensuring prisoner concerns are attended to, such as the inhumane climactic control referred to by the Inspector about Roeburne prison and the unhygienic rodent problem also noted at this prison. The report goes on to note that

“Roebourne is not alone when it comes to limited AVS service provision. Other regional prisons have also experienced long periods without an AVS service or with only a sporadic service. In fact, despite the claims of the media release referred to earlier, in September 2010 there was no operative, ongoing service by AVS at Greenough itself or at the state’s other two Aboriginal prisons, Broome and Eastern Goldfields.” (February 2011: 21).

In Perth prisons the AVS does make regular visits and support is regularly provided to local Noongar people. The report on Hakea says that “the remote Aboriginal prisoners commented that they rarely saw the AVS visitors because they spend most of their time with the Noongar population” (June 2010: 61). Again, another disadvantage for those taken far from country; again, silencing of Aboriginal people and the opportunity for them to voice their needs.

Lack of respect for culture

“Needs to be real cross cultural training – not tokenistic”

“Culture taught by mob from that area – proper Elders in their country who are recognised by the whole community”.

“Aboriginal people learning their own history; wadjellas learning Aboriginal history”

“Culture – people have to know their culture”

Perhaps the most blatant examples of lack of respect for cultural needs are revealed at the 1937 meeting of state representatives in native affairs with federal representatives. This meeting was the first time that the Commonwealth Government had paid any attention to Aboriginal needs; having until that time seen it as a state issue to be handled by State Governments.

Given that the sentiment of the conference was “that the destiny of the natives of aboriginal origin...lies in their ultimate absorption by the people of the Commonwealth, and it therefore recommends that all efforts be directed to that end.” (Commonwealth of Australia, 1937: 4) it is no surprise that remainder of the comments of this Conference merely support that belief. What the 1937 conference amounted to was a logical argument based on an assumption of superiority and white privilege; what Aileen Moreton-Robinson (2004) refers to as “patriarchal white sovereignty”.

Deaths in Custody Watch Committee
The Chief Protector of Western Australia, Mr A. O. Neville, is very vocal at this meeting. Mr Neville was the Chief Protector (later renamed the Director of Aboriginal Affairs) from 1915 to 1940 in Western Australia. His policies were those that effected Aboriginal people for decades and still echo in our state in the twenty first century.

Here are some examples of his comments from the 1937 meeting which reflect the basic belief that as far as Australian Aboriginal people were concerned all that could be done for them was to “soothe the pillow of the dying race” and hasten assimilation:

“when a child is born and the father cannot be found the child becomes a charge upon the state” (Commonwealth of Australia, 1937: 11).

“if a “Half-caste” girl becomes pregnant; to keep the girl in a departmental hostel for 2 years with the child taken away from the mother and sometimes never sees her again. Thus the children grow up as whites, knowing nothing of their own environment.” (Commonwealth of Australia, 1937: 12).

“...the problem is one which will eventually solve itself... in my opinion, no matter what we do, they will die out...the problem of the future will not be with the full-blooms but with the coloured people of varying degrees...the full bloods number is decreasing rapidly as the result of tribal practices...Infanticide and abortion are extensively practiced among the bush people.... They just hit them on the head if they cannot feed them... so many women have become sterile through the practice of abortion that the percentage who can bear children is now small” (Commonwealth of Australia, 1937: 16).

In such a climate, there would have been no perceived need to understand or respect culture. Not only was there no respect for culture there was no desire or willingness from authorities to understand it; the invisible knapsack of white privilege led to assumptions that effectively amounted to attempted decimation of a people and world view. Indeed some have called it genocide (Tatz, 1999; Counsel, 1990). At best it could be viewed that “by and large, Australian officials, lay and clerical, protected in a spirit of dislike...a configuration of contempt” (Tatz, 1999: 323) rather than a spirit of respect.

The need for respect for Aboriginal culture is stressed by the Inspector of Custodial Services in Inspection Standards for Aboriginal Prisoners (2008).

In Western Australia... respect must be shown to Elders, law men and those who have been through traditional process such law ...Family and cultural/hierarchical relationships that exist in the community do not cease to exist simply because of the fact of imprisonment, but must take into account Aboriginal cultural/hierarchical relationships. (July 2008: 9)
A number of standards specifically related to respect for culture; see Table 2.

<table>
<thead>
<tr>
<th>Standard Number</th>
<th>Description</th>
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<tr>
<td><strong>Standard A6:</strong></td>
<td>Care should be taken to ensure that significant Aboriginal cultural values are not unknowingly or unnecessarily transgressed or that European cultural assumptions are placed on Aboriginal behaviour.</td>
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<tr>
<td><strong>Standard A7:</strong></td>
<td>Culturally appropriate criteria for leave to attend family funerals should be established and implemented for Aboriginal prisoners.</td>
</tr>
<tr>
<td><strong>Standard A10</strong></td>
<td>Consideration should be given for leave to attend to Aboriginal law obligations</td>
</tr>
<tr>
<td><strong>Standard A11</strong></td>
<td>Aboriginal spirituality should be encouraged and strengthened through the systematic observance of customs relating to language, food, healing, storytelling, rites of passage or tribal traditions.</td>
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Table 2: Standards referring to the requirement to respect culture. Based on Inspection Standards for Aboriginal Prisoners (Office of Inspector of Custodial Services, July 2008: 9-12).

Unfortunately, the reality found in prisons does not appear to reflect these standards. Casuarina Prison had planned, for example, to build a Cultural Activity Centre and “the Inspectorate had been optimistic that this would be an important cultural centre for Aboriginal prisoners” (September 2010a; 53). Though the building had been constructed “its intended role and function as a space predominantly for Aboriginal prisoners’ use has been substantially diluted. In reality, the inspection team was told that the centre is more likely to function as a multi-purpose education facility to meet the educational needs of all prisoners.” (September 2010a; 53) So the solutions to the overcrowding in educational facilities have been “found at the expense of an initiative that demonstrated recognition that Aboriginal prisoners’ experience of incarceration is fundamentally and unarguably different to the wider prisoner population. Providing such a space for Aboriginal prisoners represented a positive attempt to improve the focus on, and service to Aboriginal prisoners.” (September 2010a: 54).

While Greenough prison does have a cultural meeting place, there is no such place for women to access (August 2010: 16). This is also planned as part of future redevelopment; hopefully it won’t meet a fate similar to Casuarina. Greenough had no Elders program in place for women and no cultural programs. Also, “despite the prison unit being self-catering the women had limited ability to cook culturally appropriate food because access to culturally appropriate ingredients on a weekly basis was not permitted” (August 2010: 16.)
Funeral attendance is an ongoing issue for Aboriginal prisoners. Culture requires their attendance at funerals, but to attend the prisoner has to (Casuarina 2010: 44) demonstrate a blood, marital, or cultural/kinship relationship to the deceased.” Often many prisoners apply to attend the same funeral. “At Casuarina, during the first quarter of 2010, 69 funeral attendance applications were received; 30 were approved.” (September 2010a: 44) Cost can also be prohibitive when prisoners are held out of country. The example is given of a prisoner in Perth needing to attend a funeral in Turkey Creek. “The cost of the plane and escort from Broome to Turkey Creek alone is $7,038.97.” (September 2010a: 45). All the more reason to ensure prisoners are not removed from country.

The Aboriginal flag is not always flown at prison gates. At the time of the Casuarina inspection, the Inspector relates the following anecdote:

The “Aboriginal flag was not raised at the entrance to the prison’s gatehouse, [despite] ... a flag pole specifically available for this purpose. Although the matter was raised on the first day of the inspection, no remedial action was taken and neither management nor staff could provide an explanation regarding the flag’s absence. At the exit debrief, the Inspector made the point that to raise the flag or not should not be a matter for individual prisons to decide, and that practices should be standardised across the state” (September 2010a: 49).

The situation at Hakea in 2010 was similar to that in Casuarina. “Aboriginal prisoners generally comprise between 30 and 40 per cent of the prisoner population at Hakea Prison. ... The findings of the 2009 inspection mirrored those of the 2006 inspection which found that services directed at this group of prisoners were lacking and had failed to keep pace with the increased Aboriginal prisoner population” (June 2010: 60). At Hakea, as mirrored in most other prisons, culturally appropriate food is limited in its provision, usually to days and events of cultural significance and not as a regular part of the menu.

“Cultural awareness training” is also targeted by the Custodial Inspector as needing to be addressed more adequately (September 2010a; August 2010). The staff at Greenough prison “had concluded that the Department’s training package was too metropolitan focused and was not culturally appropriate for the prisoners held at Greenough” (August 2010: 34). While, at the largest metropolitan prison the Inspector concludes that “despite the very high numbers of Aboriginal prisoners, this inspection found that little training in culturally appropriate custodial management had been provided to staff” (September 2010a: 49). In the same report Prison Support Officer (PSO) staff at Causarina had spoken to the Inspector of the need for ongoing cross cultural training and the perceived ignorance of many custodial staff.

The forgotten people

No underwear mate… you never saw your own knickers again and had to fight to get any.
There weren’t enough blankets ... the prison was overcrowded and we didn’t have enough blankets for all of us”

You try being in a cell with only a fan pushing the air around when it’s bloody 40 degrees outside

I was being moved from Greenough to Roeburne and had my period... they wouldn’t let me get a pad out of my bag because it was in the luggage trailer... how bloody embarrassing was that!”

“He died in that van like a dog”

The early history of Australian and Western Australian colonization is particularly brutal. I do not intend to go into great detail here as it would serve little purpose except some kind of perverted voyeurism. The people who suffer from the events still live, are my friends and neighbours and I have no wish to retraumatise people. I will refer to the past brutality with only two exemplary quotes:

*Since the arrival of Europeans, Aboriginals have suffered both mentally and physically. They have been subjected to extreme acts of physical and mental cruelty, to terror campaigns and to the pain of slow deaths resulting from poisoning with arsenic and strychnine (Counsel, 1990: 37).*

*“Where, for the safety of the escort and the security of the prisoners, it is necessary to subject the prisoners to restraint, it is the opinion of the representatives from the States and Territory concerned that the use of the neck chain while travelling through bush country is preferable to the use of handcuffs for humanitarian reasons (Commonwealth of Australia, 1937: 4)*

While there may no longer be stories of poisoning of flour or groups of people being herded off cliffs, some of what is not reported in the modern media is also very telling. Banerjee and Osuri (2000) analyse the reporting of the Port Arthur massacre at Port Arthur in 2006. In this brutal killing, thirty five people were killed and another twenty one injured. It was reported widely at the time as “the worst massacre in Australian history”. To report this way denies the massacres of Aboriginal people that were taking place into the 1920’s. None of these were mentioned in the lists of massacres reported at the time (Banerjee and Osuri, 2000; 269).

Even today in Western Australia, the Local Government of Murray still refuse to refer to the Pinjarra Massacre of 1834 as anything other than the Pinjarra “Battle”. “How can this incident be called a “battle” when it was a calculated attack on a people who were unaware that death was imminent? In the “Battle of Pinjarra” men, women and children died, which suggests that it was not a “battle” but a massacre” (van den Berg, 2002: 19). Stanner seems to have got it right when he referred to the way non-Indigenous Australians have related to Aboriginal Australians as a “cult of forgetfulness practiced on a national scale” Stanner (1979: 214).

“Aboriginal prisons” were defined by the Custodial Inspector as "a prison whose normal population is predominately (75 per cent or more) Aboriginal” (August 2001: 4). It is these “Aboriginal prisons” that the
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Custodial Inspector remarks about in the most scathing of terms in his unreleased, yet widely circulated draft report *A Thematic Review of Overcrowding in Prisons* in which, while he accepts that some conditions are of a high standards, other conditions are “almost medieval (November 2009: 9). This impacts most severely on Aboriginal prisoners. Speaking of Broome, Roeburne, Greenough and Eastern Goldfields “Aboriginal prisons” he says “the physical conditions in some of these prisons compare poorly with those in many prisons across south East Asia” (November 2009: 10). It is noted that the Inspector has visited prisons in a dozen South East Asian countries. Aboriginal prisoners could be excused for feeling as they have been sent to prison and been forgotten.

The most recently released report of the custodial inspector is of one of these prisons, Roeburne (February 2011). It describes severe overcrowding (a theme across all WA prisons as double bunking becomes the norm), rodent infestation and lack of air conditioning; in short inhumane conditions. The area is a tropical/desert climate so the wet season brings huge rains of around 300mm pa and the temperature can soar to above 49 degrees. In the wet season some parts of the prison can be flooded including cell floors where some prisoners sleep on mattresses. (February 20011: 8). It is also noted that the bunk beds at the prison do not comply with any safety standards.

The reason given by the Department of Corrections for air conditioning not being installed at Roeburne prison is that air conditioning was not fully supported by all prisoners. As the Inspector says, “This claim appears to the Office to be entirely without foundation. Unanimous prisoner support has never been a guiding principle in prison management and at least the last two inspections found the air-conditioned parts of the prison to be very much sought after” (February 2011: 14). The Department of Corrections also argued against installation of effective climate control due to the cost to which the Inspector warns that the financial cost of any heat related death or serious injury would also be high.

Roebourne showed numerous signs of relatively recent activity by rodents. This was most apparent around the accommodation units. “It was clear, even on a superficial inspection, that rodents had been frequently and easily accessing cells because dried droppings proliferated around windows and torn fly wire screens. Prisoners used hanging plastic bags to protect food and other items from rodent access and spoke of rodents running across them as they lay in bed” (February 2011: 15).

Roebourne is the most recent report but others too have noted prisons as providing facilities that could be seen as inhumane. One of the Inspector’s “lasting images of the inspection [at Greenough] was of mattresses and bedding being dried outside one of the units: the condensation in some shared cells was such that the prisoners sleeping on the floor had woken up wet” (August 2010: iii).

Of course, the most widely known instance of “forgetting” that resulted in inhumane treatment was the death in 2008 of a respected Warburton Elder in a prison van. Though he was not in a prison at the time, he was in police custody and being transported. The coroner’s report (Hope: 2009) makes devastating, heart and gut
wrenching reading. Rallies in Perth attracted many hundreds of people, new prison vans were bought in response to public pressure and the Worksafe Commissioner pressed charges for failure to meet duty of care responsibility and provide a safe environment for the helpless prisoner. Both the privatized prison transport company and State Government pleaded guilty and will be fined. At the time of writing further Worksafe charges against the drivers of the van are pending.

That there is even one rat infested, unsafe and inhumane “Aboriginal prison” is one too many. That any human being in the twenty first century in the richest state in one of the best economies in the world should die a torturous death is beyond forgiveness. That voices seem to be not heard and recommendations not implemented means there can be no surprise that Aboriginal prisoners are like “the forgotten people” of Western Australia. Somewhere along the journey of capitalist individualism and patriarchal white sovereignty, amongst the statistics and the planning and cost cutting and “tough on crime” policies, has the fact that it all refers to people, people and their families, also been forgotten?

**Conclusion**

Historically Western Australian legislation disadvantaged Aboriginal Western Australians. This was, at times, done deliberately and sometimes in ignorance. Unfortunately such disadvantage continues. It is not the motivation of legislators and enforcers of legislation alone that needs to be taken into account when considering institutional racism. The evidence of institutional racism can be detected in policies and processes, which lead to actions and/or outcomes that disadvantage Aboriginal Peoples. It can be seen for example in the over representation of Aboriginal people in our prisons as well as the under representation of Aboriginal people in positions of any privilege once in prison such as employment at higher rates and education/training programs.

The WA correctional services system works against Aboriginal people, disempowering them and leading to high rates of incarceration. While it is important to acknowledge the underlying issues of disadvantage that help create the high rates of incarceration addressing these alone will not alter the high levels.

It is twenty years since the release of the findings of the Royal Commission into Aboriginal Deaths in Custody (1991) which recommended prison as the option of last resort in sentencing. It also recommended tackling the problem of high rates of Aboriginal people in custody from two perspectives; addressing underlying issues which lead to Aboriginal people being in contact with criminal justice systems AND reform of the system itself. The majority of money allocated by the Commonwealth as a response to the Royal Commission went to addressing the underlying issues with only 1.9% of the $400million dollars being “allocated to ‘reforms to policing, custodial arrangements, criminal law, judicial proceedings and coronial inquiries…” (Cunneen,2005/2006:11). A further 1.7% was allocated to bail services and Cunneen asks; “if so much of the Commonwealth allocation was directed at underlying issues, why haven’t we seen a marked improvement in the socio-economic situation of Indigenous people and a lessening in over-representation in prison?”
(Cunneen, 2005/2006:11). It is time to remember that over representation needs to include reform of the system itself.

Institutional racism and individual racist acts cannot exist without each other. It is however, racism at a systemic, state level that provides the context for racist acts by individuals (Bourne, 2001: 10). If racism is to be addressed and dealt with “there must be specific and co-ordinated action both within the agencies themselves and by society at large”. (Macpherson, 1999, cited in Cole, 2004: 48).

I am also disturbed to hear that the new Eastern Goldfields Prison is being planned to have an 85% Aboriginal population of the 350 beds. Planning for their incarceration is not the best time to remember Aboriginal people. Such a biased approach privileges white people. And so it continues – an assumption that almost all prisoners in a new prison would be Aboriginal and the State will again be responsible for their “care and welfare” as was the case in the nineteenth twentieth centuries; will continue to remove Aboriginal people from country, family and community, lock them up and appear to engage in a “cult of forgetfulness”.

The most damning piece of evidence of institutional racism within our justice system is the high incarceration rate with more Aboriginal people per hundred thousand imprisoned in WA than in any other state in Australia. Mr. Gregson’s argument that “race doesn’t come into it … charging is part of law enforcement and charging happens where the law has been broken” would imply that WA has a higher proportion of criminally minded and badly behaved Aboriginal people than anywhere else. Mr. Barnett’s comment would suggest something similar. The reality of a considered review of literature, including the State Government’s own statutory authority, is that there is a significant body of evidence of institutional racism. Race does very much come into it in this “land of the fair go” which sees itself as a remarkably tolerant nation (Standfield, 2007).

The outcomes of the policies and practices related to Western Australian prisons serve to create disadvantage for Aboriginal people. This may have been intentional at times such as in the drafting of the Constitution, the 1905 Aborigines Act and the 1937 meeting of states. It may or may not be intentional now.

The Challenge

The evidence of institutional racism is resoundingly present in Western Australia but

As long as racism is denied there is no need for official measures against it, for stricter laws, regulations or institutions to combat discrimination, or moral campaigns to change the biased attitudes of whites. By selectively attributing “racism” only to the extreme right, the mainstream parties and institutions at the same time define themselves as being “not racists” (van Dijk, T. A. 2002: 310).
There is an inherent challenge here for Mr. Gregson, Premier Barnett and all those who assume that “race does not come into it” or whose white privilege is so invisible to them that they cannot see the need for institutional racism to be met head on. The challenge is to accept that to continue to ignore institutional racism is naïve and serves to perpetuate it. It remains to be seen if the privileged power brokers in Western Australia are up for the challenge or if they will continue to deny the existence of institutional racism in corrective services in this state, while the daily reality for thousands of Aboriginal people is to live the hardship of policies and processes, which lead to actions and/or outcomes that disadvantage Australia’s Aboriginal Peoples.

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“Men don’t like to step abruptly out of the security of familiar experience; they need a bridge to cross from their own experience to a new way. [we] must shake up the prevailing patterns of their lives agitate, create disenchantment and discontent with the current values, to produce, if not a passion for change, at least a passive, affirmative, non-challenging climate...A reformation means that masses of our people have reached the point of disillusionment with past ways and values.”

(Alinsky, 1971: xxi-xxii)