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Justice: A History of the Aboriginal Legal Service of Western Australia

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In January 2008 a shocking tragedy was reported to the public of WA that revived the worst memories of the state's long history of abusive and racist treatment of its Aboriginal people. At that time, Mr Ward, an Aboriginal elder from Laverton in the goldfields was being transported to Kalgoorlie to face charges of drink driving, having been denied bail a few days earlier. Placed in the back of a police van operated by a private security service, Mr Ward perished in the oppressively hot conditions because the air conditioning was faulty, he was without water and the operators did not think to stop to check on his condition. It is hard to imagine a more horrible and senseless death and especially given that warnings had been given to the State government about the unacceptable condition of the ageing fleet of privately owned prison vans.

Mr Ward's is but one of a continuous stream of abuses of the human rights of Aboriginal people examined in Fiona Skyring's excellent history of the Aboriginal Legal Service of Western Australia (ALSWA). Hers is an institutional history with a confronting human face; an account of how the ALSWA has sought to represent Aboriginal people in court, educating them about their rights, advocating for their rights, and holding authorities accountable for their often racist practices since its formation in 1972.

Many of the incidents of official brutality and the political campaigns for rights she describes have already passed into the annals of Australian race relations. Skyring uses the extensive historiography to fashion a compelling narrative account of modern race relations in Western Australia. She adds to some of the existing accounts with additional archival and qualitative research, while relying heavily on well established existing accounts of other key episodes. It was predictable that Skyring would cast an empathetic eye over the events she writes about given that this was a commissioned institutional history, written by a professional land rights historian.

However, such is the notorious history of race relations in WA that it is impossible to ignore the institutional racism that has been woven into the fabric of the state. The ALSWA has played a unique role in combating this culture. When the ALS was formed, Aboriginal people constituted more than 40% of the prison population

and police continued to operate like a colonial occupying force to keep Aborigines in their place.

The most disturbing of Skyrings's accounts of the early days of the ALS involve the repeated efforts of WA governments to excuse and exonerate the abuse of police powers towards Aboriginal people and to turn a blind eye to the systemic discrimination of the justice system. There was no greater defender of the status quo than iconic WA Premier, Sir Charles Court.

Balancing out the work of legal representation and advocacy for rights was a continuous challenge of the ALS. The battles for land rights occupy a central place in the organisations history. The hopes and betrayals for land rights until the 1993 national Mabo legislation are diligently re-told, although a full account of the strategies and opposition of mining companies towards land rights is absent. Those interested in this important aspect will need to consult the wider literature.

The circumstances surrounding the death in 1984 of Aboriginal young man, John Pat, in Roebourne in jail and the lead up to the appointment to the Royal Commission into Aboriginal Deaths in Custody in 1988 are some of the finest passages in the book — blending the public record with extended insightful observations from those involved in these events. The underling themes of the book are compellingly drawn out by the extended discussion of the Pat case: the grinding poverty and racism of remote towns like Roebourne, on-going systemic police brutality towards Aboriginal people and the predictable failure of the justice system.

Skyring is conscious of locating her history into the larger story of race politics in Australia elevating the book beyond the narrow confines of an institutional history into broader social history. But neither does she neglect the internal workings of the ALS as an organisation trying to service its oppressed and often angry clients as well as the wider Aboriginal community. The organisation was often under immense pressure and Skyring has offered a view of how a community-based organisation, which is also part of a broader social movement, negotiates tensions over its conflicting mandate and its day-to-day operations. She writes poignantly:

A constant theme in the history of the ALSWA is that even when there is conflict and dysfunctionality within the Aboriginal Legal Service, even when local Aboriginal communities were critical of the ALSWA and complained they were not getting the services they should be, these issues could usually be resolved. Ultimately they were not as much of a threat to [its] ... survival as was the on-going external opposition to its very survival.

The external pressures and outbreaks of internal tensions took a tragic toll on Rob Riley, the charismatic and long-standing chief executive of the organisation, who tragically took his own life in after his involvement in the grinding campaign to secure native title legislation and the fight to stop the state labor government led by Carmen Lawrence from introducing draconian, mandatory sentencing laws

targeting Aboriginal juveniles. Riley's contribution to the ALSWA and to national Aboriginal politics is briefly but appropriately acknowledged.

This is a history with many admirable qualities including a well constructed narrative and diligent use of observations from key participants. However, there are shortcomings in Skyring's treatment of the ALSWA's history. The ALS and the land councils it dealt with fostered some significant Aboriginal leaders in this state: Cedric and Brian Wyatt, Rob Riley, John Watson, Peter Yu, to name just a few. They are also great characters who forged their youthful personalities at the cutting edge of race politics in a racist state during the 1970s, 80s and 90s. Friendships and bonds were forged and some tragically broken. But few, if any, really come alive in these pages.

Otherwise, Skyring's history is a worthy addition to the social and political history of Western Australia, and the nation. ▲