

LAWYERS IN THE ALICE, ABORIGINES AND
WHITEFELLAS' LAW by Jon Faine, Sydney, Federation
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Legal problems — or rather, problems with the legal system — have besieged Aborigines ever since white man stepped foot on Australian soil. From those early times the law was too preoccupied to offer protection to Aborigines against the massacres and other atrocities committed against them. On other occasions, public hangings of Aborigines accused of attacking early settlers were sanctioned by the white laws, even where the identity of the Aboriginal accused was uncertain (after all, didn't they all look alike?). The point had to be made that a new ruler had arrived. Thankfully those days are long gone.

Or have they? The tale of injustice, neglect and prejudice suffered by Aboriginal people in Central Australia is well known. The tale of people who have to deal with it, who have to protect their Aboriginal clients from the system by working within the system, is not. *Lawyers in the Alice* is a rather bold attempt by author Jon Faine to do precisely that.

Faine does not take the conventional approach of researching and documenting statistics (which bores everyone), nor of analysing the root causes of Aboriginal neglect under the Alice's peculiar system of justice. Instead Faine steps inside the Aboriginal Legal Service, essentially made up of the "dogood" lawyers from the big smoke working for the Blacks and supported by radical governments in Canberra. Just the thought of such a challenge to the status quo in outback Australia from the 1950s onwards is enough to make one shudder. Hearing directly from those individuals whose collective efforts made up the challenge, and of the forces they had to endure, makes this book sometimes read like a novel.

Speaking of which, Faine's novel approach in telling the story is to reproduce interviews he conducted with lawyers and Aboriginal staff. Although he failed in his attempt, he even tried to track down what appears to be one of the retired magistrates from the era — one of the real culprits who dispensed with, rather than dealt out, justice. Faine runs the risk involved in seeking the views of so many participants (there are 18 separate interviews) on the same subject matter: repetition. After a while, there is only so much that can be said about how the Aboriginal Legal Service was originally started. A couple of accounts would have been enough. As it turned out, not all those Faine interviews seem to know all that much about the history, or even interesting side-bits, of the Service's establishment.

My other criticism of the book also relates to the method adopted in telling the story. Having made up his mind to get descriptions of what happened, Faine does not give those interviewed a real chance to develop their views about why such a racist legal system was allowed to operate for so long. As a result, the reader is deprived of the opportunity to benefit from the conclusions and thoughts of those who worked at the coalface.

Nevertheless, some of those thoughts do get expressed, even if a little incidentally. Phillip Toyne, lawyer turned teacher turned lawyer again, has never been known to stick to a point in a question, and consequently gives an insight into attitudes and people in the Alice which help the reader understand how injustice can become an accepted part of everyday life. And the book really

does make great reading when, as all good lawyers do, Geoff Eames, Frank Vincent and John Coldrey (all subsequently appointed as judges of the Supreme Court of Victoria after having done their "time") take a bit of licence by running the occasional anecdote with their recall of events of days gone by. These include the horrors of turning up to court and seeing 50 Aborigines all charged with drunkenness offences, not able to speak a word of their language, and facing an impatient magistrate anxious to get the pleas over with because it was golf day; or seeing the notorious Scrubby Hall, one of Her Majesty's sitting magistrates, write down the penalty he was to hand out even though the plea in mitigation had not yet begun!

There are many amusing recollections of events, if amusement is permitted given the tragic seriousness of those events for Aboriginal people. But perhaps that is why Faine's approach works. Humour is a tool which attracts the reader to a subject which might otherwise be avoided. Even the dispute about the tragic circumstances of one of the early young lawyer's despatch from the Alice tells of the pressures on these "brave men". As Eames tells the story (or legend, take your pick), the usual dozens of Aborigines were lined up to face the Supreme Court. But the young legal representative was nowhere to be found. Aboriginal staff apparently tracked him down, packing his suitcase and waiting only long enough to protest "I can't take it any more. I'm on this afternoon's train" (p51). Well, that lawyer gets his opportunity to give his version of events in the book.

Lawyers in the Alice is a different book about a familiar saga. Faine is to be commended for seeking to show that improvements to the legal status of Aborigines did not just happen by way of legislative activity, nor by the single intervention of the High Court in *Mabo*. The contribution of the lowly paid Aboriginal staff, and their lawyers who worked because they believed in their oath to seek justice, deserves recognition.

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