

## Chapter 1

### Crisis of identity: Aboriginal politics, the media and the law

‘Blood on the streets the night a town exploded’ reported the front-page headlines of the *Sydney Morning Herald* (SMH) on 17 August 1987, framing the melee that became known as the ‘Brewarrina riot’ as a violent eruption between Aborigines and police in a small country town. Despite its characterisation as a riot, the civil disturbance was not an outbreak of frenzied communal violence, but a specific confrontation between state authority and the local Indigenous people of a small country town. The violence and anger were directed specifically at the police and the clients of one local hotel. For these reasons, it is more appropriate to refer to the disturbance as a melee rather than a riot. The civil disturbance in Brewarrina was one of a number of confrontations between police and Indigenous peoples in New South Wales in the 1980s. In the previous year, violence had taken place between police and the Indigenous people of nearby Bourke, where extensive and indiscriminate damage was suffered throughout the commercial sector of the town (cf. Cowlishaw 2004). Such violence matched more readily the mayhem of a riot, yet the reportage of the Bourke confrontations caused scarcely a ripple compared to the full-blown media treatment that the Brewarrina riot generated.

The initial national response to the Brewarrina riot was one of disbelief and disavowal of its significance. The disavowal of the event was evident in the use of the video footage of the riot a couple of

years later in the Australian Broadcasting Commission (ABC) national television documentary program *One Nation* (1991). The program questioned whether Australia's growing cultural diversity would lead to violent division. Could we live as one nation now that a variety of identities were recognised? The voiceover framed the opening scene, incorporating the 'riot' footage, by stating that the scene was 'more reminiscent of Brixton or Johannesburg than Australia'. The comparison inflates the scale and the duration of the Brewarrina riot significantly, but provides a sense of its dramatic impact. The violence is seen as having no national precedent; similes are drawn from outside Australia. It is as if violence and disruption are neither part of Australian history nor part of the fabric of social life, but must be learned or imported from outside sources.

What separated the Brewarrina riot from other disturbances between Aborigines and police in the 1980s was that a television crew recorded the confrontation. According to evidence submitted in the trial that followed some years later, the filming was a fortuitous event. The television crew had been in Brewarrina to cover the funeral of Lloyd Boney earlier in the day. The crew members were relaxing in their motel rooms with a beer when they heard the sounds of yelling from the park across from the motel, where they knew friends and relatives of the deceased were holding a wake. Hastily gathering their equipment, they scrambled out of the rooms, into the street, and immediately began filming.

The so-called 'Brewarrina riot' became a major media event. It led to a criminal trial in a regional court and was part of the deliberations of a Royal Commission. The riot is recorded in three different registers, each with its own specific account for public consumption. The media reportage at the time constructed the riot out of a search for social causes and their effects. By contrast, the criminal trial sought to draw from the riot specific individual acts and match them to particular violent attacks on police; that is, as crimes. In the third register, the riot became an inseparable part of an inquiry into one death investigated by a Royal Commission, set up to inquire into Aboriginal deaths in police custody, and the possible involvement of police and policing practices in relation to these deaths. In each case, the riot contrasted markedly with preparations for the upcoming bicentennial celebrations (26 January 1988), commemorating

200 years of European settlement in Australia, which were occurring at the same time.

My analysis of the riot is part of a broader research interest in the shifts and changes of social and political processes of the Australian state that form such a critical part in the continual defining and redefining of Aboriginal identity. The Brewarrina riot occurred on the cusp of change, when political mobilisation was moving from a period characterised by welfare state reform towards a more neoliberal polity. The changing relationship between Aborigines and state institutions has been explored often: what is often ignored, however, is the conflictual political landscape in which those relations take shape and the way political discourse condenses around particular events.

Since Aborigines have been dispossessed and socially marginalised for the major part of settler colonial history, Indigenous insignificance within the nation has been the discursive norm. Forms of biological racism that rendered the Aborigine as irredeemable and doomed to extinction were replaced in the early decades of the twentieth century by policies that increasingly sought assimilation. Biological essentialism was replaced by the view that Aborigines were socially and culturally deficient products of their environment and to change them one needed to change their environment (see Morris 1989). Policies of assimilation were developed through Aboriginal confinement on reserves and the removal of many children to institutional environments to retrain and transform their identity and subjectivity.

The logic of settler colonial states has been to deny the legitimacy of the Indigenous population. The aim in the assimilation era was to transform Indigenous beliefs and morals, values, and behaviours to conform to the norms of mainstream society. The homogenising of the 'Aborigine' was a state invention as part of a universal application of policy towards the management of people to be dealt with under 'native affairs'. Officially, cultural inferiority replaced biological inferiority as the source of social difference. Yet the shift from biology to culture did not herald significant changes regarding racism and social exclusion at a local level. Institutional domination and the local social hierarchy gain expression through cultural inferiority and racism expressed in the unquestionable superiority of settler colonial society.

In the 1960s the Aborigine emerged as a new political subject and created tensions and new alignments in the Australian political

landscape. Central to the new Indigenous polity was the increasing visibility of their struggles. In 1965 the Freedom Ride, led by Aboriginal activist Charles Perkins, travelled through a number of country towns in New South Wales and confronted the persistence of policies and practices of segregation in local towns.<sup>1</sup> The political campaign created a great deal of media attention and condemnation of rural exclusionary practices that were deemed racist in the national and international media. Much of the television footage covered local white communities in violent confrontations with the ‘protesters’ who sought Aboriginal entry into local swimming pools from which they were banned. The Freedom Ride symbolised the beginning of a more assertive Indigenous politics, but, more importantly, one to be carried out on a national stage.

Indigenous activism placed a national focus on local forms of rural discrimination against Aborigines and drew attention to the treatment they received on reserves managed by the Aborigines Welfare Board (AWB), which was abolished shortly afterwards in 1969.<sup>2</sup> The AWB’s alleged function had been to retrain the Aboriginal population for its gradual assimilation into mainstream society. The segregation of housing, schooling and hospital care and the dismantling of local discriminatory practices — night curfews, segregated seating in cinemas, and the ban of Aborigines from swimming pools and drinking in hotels — were brought to an end. In effect, the granting of equal rights led to a realignment of both state and local social practices, which guaranteed Aborigines a great deal more social and political autonomy in rural towns. The AWB no longer determined where people could live, how they raised their families, where they travelled or who could visit them. Not only did people have greater personal autonomy, but potentially they could also move from their position at the bottom of the social hierarchy.

Importantly, public debate about Aborigines was no longer dominated by local rural attitudes and sentiments, but increasingly became defined as a national issue. In the new alignments that followed, local white-dominated rural communities in regional areas lost control of the agenda involving the management of Aborigines. The alignments were given expression in new government policies, and, in particular, the creation of Indigenous representative structures and specialised services. Such changes reflected a growing

recognition of the rights of Aborigines, not just as equal rights, but as rights as Indigenous peoples. This emphasis created a new political landscape that moved beyond political agendas restricted to social and civil rights. The changes reflected the political dominance of metropolitan agendas. Indigenous struggles emerged in tandem with the urban-based political force of multiculturalism, as immigrant groups resisted assimilation policies that had hitherto characterised the expansion of the post-war welfare state. The metropolitan polity was increasingly receptive to revisions of welfare state policy that extended citizenship to incorporate within public culture the specific social demands of immigrant and Indigenous groups.

For many rural communities, this produced a crisis of identity. Metropolitan centres took the role of guardians of the rights of Aborigines, and, often, the failure of rural communities to embrace this new diversity saw them characterised as redneck and racist. Rural communities saw local control falling from their grasp, and they became subjects of the moral scrutiny of the metropolitan press.

Increasing tension between Aborigines and the police also became significant in this period (Morris 2001). The Aboriginal Legal Service was established in response to the inadequacies of existing legal services, but also (from the view of 'Aboriginal activists') because 'Aboriginal people were regularly arrested without cause' (Lyons 1984:137). Police/Indigenous relations became a major national issue when Aboriginal deaths in police custody generated national media scrutiny. In 1981 an Aboriginal youth, Eddy Murray, died in police custody in the New South Wales town of Wee Waa, under circumstances many thought sinister (Muirhead 1989). The coroner recorded an open finding on his death. Throughout the 1980s the media reported a succession of Aboriginal deaths in custody, and Aboriginal groups and others intensified their demands for a public inquiry. Pressure mounted on the federal government to call a Royal Commission. In the week following the death of Lloyd Boney in police custody in Brewarrina, the Prime Minister announced that a Royal Commission would be held into Aboriginal deaths in police custody.

The major shifts in Indigenous polity of this period produced new fault lines, as well as new social and political alignments. The social and political tensions crystallised in the Brewarrina riot. Polarised positions emerged in an engagement between rural and urban polities