

Unsettling Colonial Automobilities

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Unsettling Colonial Automobilities: Criminalisation and Contested Sovereignties

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INVESTOR IN PEOPLE

*For First Nations people whose lives have been taken at the hands of settler colonial
automobilities.*

*For our families who have supported us and have been part of the struggle against
colonialism in all its forms (Joel, Lyndal, Sophia Alex, Gilly, Rosie, Markus,
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Prior Published Work

Parts of Chapters 1 and 2 were published in Thalia Anthony and Harry Blagg (2012). *Addressing the ‘Crime Problem’ of the Northern Territory Intervention: Alternate Paths to Regulating Minor Driving Offences in Remote Indigenous Communities* (Criminology Research Council); Thalia Anthony and Harry Blagg

'STOP in the Name of Who's Law? Driving and the Regulation of Contested Space in Central Australia' (2013) 22 *Social and Legal Studies* 43–66.

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Note on Terms

We have used the term First Nations peoples as a sign of respect and acknowledgement of the unceded sovereignty of the peoples whose cultures and communities predate the British invasion and occupation of the lands that have become to be known as Australia. We retain the imposed terms ‘Aboriginal’ and ‘Indigenous’ only in relation to quotes in historical material and in relation to the formal names of legacy entities and institutions such as the ‘Aboriginal Protectors’ or the ‘Royal Commission into Aboriginal Deaths in Custody’.

Sensitivity Note

This book contains names and images of people who have passed. It also discusses details of colonial violence and First Nations deaths at the hands of the police and settler automobility.

First Nations readers and people impacted by the carceral system are advised that details of violence inflicted by settlers and the state may cause re-traumatisation.

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Foreword

As an experienced practitioner with over 30 years in the justice systems, including police and legal arenas, I thought I knew it all, well, as it happens, the reality is that I don't.

This book and its authors, Professors Thalia Anthony, Juanita Sherwood, Harry Blagg and Kieran Tranter, they all put a whole new meaning to the statement *'drive it like you stole it'*.

Using the motor vehicle as the metaphor, this book highlights how a colonial tool which First Nations people in Australia still heavily rely on to visit family, connect with country and culture, hunting and culture, alongside the need to attend ceremonies and other social purposes has become more than just a means of transport.

Instead, this book outlines how the motor vehicle can be best understood as a colonial weapon. A weapon where the vehicle, as well as the driver's licence that many of us take for granted has been used to intercept, control, manage and constrain First Nations actions and activities. How colonists use motor vehicles to impose colonial power and behaviours on First Nations people.

All too often First Nations people have remained the 'passengers' of these motor vehicles, controlled and under surveillance by others with power and privilege, even when we own the land, and the motor vehicle. We as First Nations people are still made to feel like we stole it – all of it.

Those who doubt this concept need to read this book to see how this happens.

How First Nations people have been captured, processed and consumed by the justice system as drivers, passengers and pedestrians, and the criminal sentencing of First Nations drivers and more.

This book highlights that colonial controls continue in 2023 for both adults and children, playing a role in the deterioration of our well-being and compounding our ongoing high levels of intergenerational poverty, trauma and disadvantage.

With the turn of every page, you will be intrigued, because who would have ever thought that a motor vehicle and its relationship with First Nations Australians would be so intense and ever so present in our criminalisation since colonisation that continues even today.

From First Nations led night patrols, to the danger of police chases, the dangers the roads, these all take on a different meanings alongside the use of the vehicle for travelling to and from communities.

Unsurprisingly, First Nations people have also been able to turn the colonising car on its head and use it as a powerful tool of decolonisation. Easily accessible examples include Bill Davis' Pitjantjatjara anthem *Mutuka Wiya* (no motorcar), the Warumpi band's *Jailanguru Pakarnu* (Out from Jail) <https://www.youtube.com/watch?v=ubxZsfyEwWY> and the ironic, incredibly joyful and inventive *Bush Mechanics* film made by Walpiri media and the spin-off television series, <https://www.youtube.com/watch?v=X8WfjkgqK9A>.

So, if you want exposure to the relationships between First Nations Australians and motor vehicles since colonisation, then this book is a must read. It will open your mind to new issues, new explanations and bold thought-provoking concepts.

Leanne Liddle
Arrernte Lawyer 2022 Northern Territory Australian of the Year
South Australia's First Aboriginal Police Woman
Director Northern Territory Aboriginal Justice Unit

Preface

In a book on the legal and cultural place of the motor vehicle in occupier states, there is a tendency towards using a car-based lexicon. This book emerges from an intersection of distinct projects and concerns shared between us. The collision between an absolute and resurgent colonial sovereignty and First Nations peoples' law, culture and way of life that was the Northern Territory Intervention in 2008 was a particular catalyst. For criminologist Harry Blagg, who had been working with First Nations communities in the Northern Territory and Western Australia, the Intervention immediately highlighted a contestation of mobilities. The mobile agents of the state – welfare officers, police and army – speed into First Nations communities and one of the immediate effects was to stop First Nations peoples' movement. The historical ways that the occupier state reduced the movement of First Nations peoples in the Northern Territory, the carceral mentality, was of particular interest to lawyer and criminologist Thalia Anthony. In the early 2010s, Harry and Thalia completed a project funded by the Australian Institute of Criminology on the 'law and order' outcomes of the Intervention. That project revealed that the Intervention had led to a significant increase in the criminalisation of First Nations peoples for minor traffic offences.

The motor vehicle and its use is a primary site for ongoing colonialism. For Juanita Sherwood, a Wiradjuri woman, health worker and researcher, the motor vehicle as a technology of the occupier state was visceral – the anxiety of seeing a police vehicle, the accounts of community members of being hurt in vehicles, chased by vehicles and hit by vehicles driven by police and occupiers. For Kieran Tranter, whose background is cultural legal studies, the journey to this project began through reading the Australian Human Rights Commission Report on the Stolen Generations that was released in 1997. A striking feature in most survivor stories was the memories of the motor vehicle as the active agent in the taking of children.

Juanita and Harry also came to this book following their trailblazing research on First Nations night patrols in the early 2000s. Harry conducted an Australian study on patrols and Juanita researched the distinct features of NSW Aboriginal patrols – both finding that night patrols mobilise the vehicle to empower community and enact First Nations sovereignty. This common recognition that the occupier state and its colonial project of the twenty and twenty-first century is embodied in the colonisers' motor vehicle – mechanised, fast, carceral and with explosive violence – while also met with resistance of night patrols and First Nations forms of automobility – brought us together and lead to multiple

research and writing projects. This book capstones and brings together these projects. In particular,

- Parts of Chapters 1 and 2 were published in Thalia Anthony and Harry Blagg (2012). *Addressing the 'Crime Problem' of the Northern Territory Intervention: Alternate Paths to Regulating Minor Driving Offences in Remote Indigenous Communities* (Criminology Research Council); Thalia Anthony and Harry Blagg 'STOP in the Name of Who's Law? Driving and the Regulation of Contested Space in Central Australia' (2013) 22 *Social and Legal Studies* 43–66.
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