

Index

Note: *italics* indicate text box, 'n' indicates an endnote, and **bold** indicates entry in Glossary.

- Aboriginal English 2, 4, 80, 81, 126
acquisition of 14, 15–16, 32, 110–11, 137
considered deficient English 77–8, 80, 87,
90, 97, 100, 137, 154
and culture 2, 12, 47–8, 62–75, 99–103
defined 2–4, 79–80
and education 17, 26, 88–9
'heavy' 3–4, 81, 84, 109, 112, 127,
131–2, 139
and identity 1, 12–13, 24–5, 56–8, 64,
74, 81–2
 in children 87, 90–1
'light' 3–4, 81, 109, 112, 127, 131–2,
139, 147
in Northern Territory 111–12
 see also Northern Territory English
pragmatics of 2–3, 21, 48–54, 127, 142–4,
163–4, 168
 avoiding conflict 112–15
 in education 85–8, 155
 indirectness 65–7
 see also gratuitous concurrence,
information seeking, silence
recognition of 2, 88–9, 90, 100, 137,
144–5, 155
 as result of court cases 118, 127, 154–5
in Southeast Queensland 2–3, 14, 23–45,
52–4, 57–69, 72–5, 95–103
 see also English, dialects of
- Aboriginal English, features of 1, 30–1, 82–7,
141, 154–5
articles 139–40, 148
cultural conceptualisations 3, 21, 82, **220**
clauses 35, 141, 146–7
either–or questions 98, 101
gratuitous concurrence 98, 126,
159–60, 204
 in Condren case 138
 and cross-examination 123–4, 126,
176–7, 198–9, 208
defined 100–1, 114–15, 176
in Kina case 116
in Pinkenba case 112–14, 160, 176, 179,
204–5
and power 115, 125, 147
 in Stuart case 147
greetings 36–7, 41, 68
kin terms 62–3, 84–5, 112
lexico-semantics 112, 127, 131, 155, 178–9
 in education 17, 82, 84–5
 in Pinkenba case 179–82
 in Stuart case 107–8, 138, 140–1, 148–9
morpho-syntax 83–4, 111, 140–1, 155
phonology 77–8, 82–3, 112, 127, 155
plurals 61
prepositions 140
pronouns 53, 61, 107, 140, 146–7
specific information, 142–4 *see also* time
time, talking of 49–55, 102, 110, 142–4
verbs 23, 52–3, 61, 100, 109–10,
138–9, 148
WH-questions (why, where, when, what)
110, 142–4, 167
Yes–No questions 25, 109–10, 114–15,
138–9, 167
 see also information seeking; silence
- Aboriginal Learners' English 5
interlanguage 4–5, 112
- Aboriginal Legal Service (ALS) 117, 200
- Aboriginal society, traditional 1, 5–6, 28,
65–6, 68–72, 102–3, 175
- Aboriginal ways of speaking English *see*
Aboriginal English
- accent *see* phonology
- African–American English 89, 128n3,
137, 155
- ALS *see* Aboriginal Legal Service
- appeals against convictions
 Condren case 108, 110–11, 149–51
 Kina case 115–17, 160
 Stuart case 106, 135–6
- Applied Linguistics Association of
Australia 155
- Aranda 136, 155
 see also Stuart case
- arrest of Aboriginal people 125, 210, 212
 see also control of movement
- assumptions about language *see* language
ideologies
- Australian Law Reform Commission 152

- authorship *see* narrator authorship
 avoidance behaviour 22, 62, 63–4
- BEV *see* African–American English
- bicultural ability 13, 25, 54–5, 60, 87, 103, 113, 175, 176, **220**
- bicultural competence *see* bicultural ability
- bidialectalism 13, 60, 81, 87–91
- Big Thap 90
- bilingualism 13, 22, 55, 60, 81, 192–3
- Black English Vernacular (BEV)
see African–American English
- Blaikman Tok 90
- Boyer Lectures 15
- Broken (Torres Strait Creole) 90
- Butchella 61
- Carmody, Kev 210
- Cherbourg Aboriginal Reserve 96, 97
- Circle Sentencing Court (New South Wales)
 184
- co-construction of narratives 168–71, 173–4, 183, 185–6
 and narrator authorship 196–7, 205, 212–14, 215
- Condren case 105, 108–11, 118, 127, 131–4, 151
 appeals 108, 132–3, 150–1
 comparison with Stuart case 138–9, 141–4, 145, 150, 155–7, 158n9
 legal reaction to 105, 110–11, 149–52
 and linguistic evidence 105, 108–15, 133–4, 142–4, 155–7
 significance of 152–5
- continuities in Aboriginal culture 5–6, 28, 50, 57–60, 62, 84–7
 in Southeast Queensland 28, 32, 59–60, 63–4
- continuities in Aboriginal language 55n3, 57, 63–7, 149
 in Southeast Queensland 67–75
- control of movement 15–16, 125–6, 182, 188–92, 211–12
 and Pinkenba Case 182, 188, 209–10, 215–16
- Conversation Analysis 10, 14
- courtroom talk *see under* language in legal settings
- creole 79, 80, 89–90
- Criminal Justice Commission, Queensland (CJC) 117, 121, 133, 199, 200, 210
- cross-examination 145, 165, 167, 184–5, 188–216, **220**
 and gratuitous concurrence 123–4, 126, 176–7, 198, 208
 leading questions 176–7, 198–9
 linguistic strategies in 115, 122–4, 126, 198–9, 200–5
 prior inconsistent statements 171–3, 194–5, 196, 200, 202–4
 prosecutor objections to 186, 204, 207–9
 and recontextualisation of witness stories 170–1, 173–4, 178–9, 189, 194, 196
 repeated questions 175–6, 198–9, 204–5, 208–9, 214, 215
 rules of evidence 167, 172–4, 185, 194–6, 207–9, 217n6
 and susceptible witnesses 122, 189–90, 204, 209
 treatment of Aboriginal witnesses 120–5, 178–82, 199–204, 206–9, 211, 213–15
- culture 51–2, 54, 86, 159–61, **220**
 Aboriginal 2, 12, 50, 52, 163
 avoidance behaviour 22, 62, 63–4
 avoidance of confrontation 65–9, 70
 child rearing 50, 52, 63, 97, 102
 kin relationships 27, 28, 37, 38, 58, 68
 and language acquisition 14, 31–2, 86, 87, 110–11
 notions of time 50–4, 102, 110, 142–4
 obligations to kin 28, 29, 50, 58–60, 73–5, 98, 102
 privacy 14, 62, 65–6, 69–74, 100, 102–3
 and language 2, 47–8, 50, 62–75, 99–103, 163
- death penalty 106, 108, 135
- deaths in custody 99, 104–5, 210–11
- decontextualisation of witness stories 194, 196, 201–4, 205, 214, **220**
 in Pinkenba case 180–2, 202, 203–7, 213–14
- dialects *see* English, dialects of
- direct examination *see* examination-in-chief
- direct questioning *see under* questioning
- education 30–1, 32, 42, 90, 155
 and Aboriginal English 4, 17, 82–9, 154, 155
Primary English Notes 76–91
- English, Aboriginal *see* Aboriginal English; Northern Territory English
- English, dialects of 3–4, 77–9, 97, 99–100, 131, 155, **221**
 defined 78–9
see also Aboriginal English

- English, Standard *see* Standard English
- English as a Second Language (ESL) 90
- entextualisation 194, **221**
- essentialism, 4, 12–13, 76, **221**
- ESL *see* English as a Second Language
- ethnography 9, 10, 24, 47–8, **221**
see also sociolinguistics
- evidence, consistency in 102, 160, 197
 ideology of 194–5, 200, 201–4
 in legal setting 122, 155–6, 162–3, 207–8
 in criminal justice system 167, 171–3, 194–5, 197
 Pinkenba case 200, 201–4
 prior inconsistent statements 171–3, 194–5, 196, 200, 202–4
 Stuart case 145–7
- examination-in-chief 165–7, 170–1, 180, 185–6, 200, 204, **221**
- expert evidence 110, 116, 145–6, 157, 200
 ‘field of expertise’ rule 149–52
 significance of 152–5
see also forensic linguistics
- eye contact 88, 102, 159–60, 183
- fabricated confessions 105–11, 155–7
 Condren case 105, 108–15, 130–1, 133–4
 Stuart case 106–8, 135–6
- forensic linguistics 131, 136, 153–4, 157
 acceptance of 105, 116, 117–18
 comparisons between Stuart and Condren cases 138–44
 definition 131
 reactions to 144–52
 rejection of 105, 110–11, 144, 149–51
see also Condren case, Stuart case
- Garrwa 14
- Gooreng Gooreng 24–5, 34, 36, 61, 68
- Graham, Mary 210
- grammar *see* morpho-syntax
- grammars of Aboriginal languages 20–3
- gratuitous concurrence 98, 100–1, 126, 159–60, 204, **221**
 in Condren case 138
 and cross-examination 123–4, 126, 176–7, 198–9, 208
 defined 100–1, 114–15, 176
 in Kina case 116
 in Pinkenba case 112–14, 160, 176, 179, 204–5
 and power 115, 125, 147
 in Stuart case 147
- Gumbaynggir 36, 37
- Guugu–Yimidhirr 28
- home language 88–92
- identity and Aboriginal English 1, 12–13, 24–5, 56–8, 64, 74, 81–2
 in children 87, 90–1
- imprisonment rates 104–5, 118, 157, 191, 212
- Indigenous sentencing courts 184–6
- indirectness
 in information seeking 65–70, 72–4, 100, 113
 in questioning 3, 40, 43, 70, 72, 85–6, 100
- information seeking 20, 25–45, 67–9, 85–6, 100, 113–14
 defined 26, 67
 dialectal differences in 25–6, 27, 29–30, 33, 113
 in greetings 36–7
 implications of differences 42–5, 113–14, 164–71
 via indirectness 65–70, 72–4, 100, 113
 and interpersonal relationships 26–9, 34–5, 44, 68–9
 sociocultural aspects of 27–34, 42–5, 100
 via triggering 14, 39–41, 44
 types of 35–43, 67–74
 inferred information 26, 35, 42, 43, 71–4
 orientation information 14, 27, 35–8, 67–70, 72–4
 substantial information 35, 38–43, 67, 68, 85–6
see also silence
- intercultural communication 16, 116
 in legal process 111–28, 174–9
 and power relationships 16, 124–5, 179
- intercultural communication education
 117–18, 200
 exploitation of 115, 122–4
 handbooks for 88, 112–13, 117
 need for 115–17, 119–20, 124, 126–7, 148, 165–7
- interlanguage 4–5, 112, 128n5, **222**
- interpreters, court 174, 178–9, 186n2, 187n9, 192–3
- Kabi Kabi 61
- Kina case 115–19, 127, 160, 165
- kinship 27–9, 37, 38, 58, 68
 obligations to kin 29, 50, 58–60, 73–5, 98, 102
 terms for kin 62–3, 84–5, 112
- Koori Court (Victoria) 184, 185
- Kriol 14–15, 80, 81, 89–90, 112, 128n5

- land claims *see* native title claims
 Langton, Marcia 15
 language 14–15, 184, 192–3, 200
 and culture 2, 47–8, 50, 62–75, 100, 163
 ideologies 188–99, 215–6
 decontextualisation 196, 201–4,
 205, 214
 inconsistency 194–5, 200, 201–4
 narrator authorship 196–7, 205,
 212–14, 215
 repeated questions 175–6, 198–9,
 204–5, 208–9, 214, 215
 reification of 4, 23, **223**
 language ideologies 47–8, 159–61, 163,
 175–9, 188–99, **222**
 decontextualisation 194, 196, 201–4,
 205, 214
 inconsistency 194–5, 200, 201–4
 and narrator authorship 196–7, 205,
 212–14, 215
 repeated questions 175–6, 198–9, 204–5,
 208–9, 214, 215
 Yes–No questions 176–7
 see also gratuitous concurrence; silence
 language in legal settings 113–5, 120, 126–8,
 156–7, 164–6, 169–70, 184, 197
 and asylum seeker cases 169–70, 197
 co-construction of narratives 168, 170–1,
 173–4, 183, 185–6
 consequences beyond courtroom 189, 190,
 205, 211, 212, 214–16
 consistency in answers 122, 155–6, 162–3,
 194–5, 207–8
 courtroom talk 7, 127, 162–93, 190,
 193, 201
 and neocolonial control 188–92, 194–216
 and domestic violence cases 164–5, 169
 fabricated confessions 138–44
 implications of dialectal differences 42–5,
 113–14, 164–71, 174–83
 manipulation of Aboriginal English 122–4,
 126, 161, 162, 179
 gratuitous concurrence 112–14, 160, 176,
 179, 204–5
 and narrator authorship 196–7, 205,
 212–14, 215
 and neocolonial control 125–6, 182,
 189–92, 200, 215
 police interviews 109–10, 115, 164–5, 166,
 194, 212
 police record of interview (PRI) 133–4,
 138–9, 143–4, 151
 silencing of witnesses by legal professionals
 115–7, 119–20, 164–6
 and witness storytelling 164–74, 182–3,
 189, 194–9
 consistency 167, 171–3, 194–5, 197
 contextualising 167–71, 172, 173–4, 182,
 194–9, 200
 filtering 8, 165–71, 196, 200
 structuring 135–8, 140–1, 148, 164–7,
 187n4, 194
 see also gratuitous concurrence;
 questioning; silence
 languages 22, 24–5, 28, 34, 36–7, 68, 90, 183
 Kriol 14–15, 80, 81, 89–90, 112, 128n5
 traditional Aboriginal 17, 61–2, 80, 96,
 100, 131–2
 defined 5–6, 55
 interpretation of 174, 178–9, 186n2,
 187n9, 192–3
 and native title claims 42, 105, 111–12
 see also Aboriginal English; Standard
 English
 Legal Aid 98
 legal process 120
 culture of 160–1, 162–86, 194–9, 216
 and intercultural communication 111–28,
 174–9
 in native title cases 42, 105, 111–12
 power imbalance in 16, 115, 147, 179
 Pinkenba case 124–5, 179–82, 204,
 208–9
 see also cross-examination; examination-in-
 chief; language in legal settings
 lexico-semantics 112, 127, 131, 155,
 178–9, **222**
 in education 82, 84–5
 in Pinkenba case 179–82
 in Stuart case 107–8, 138, 140–1, 148–9
 Lingo 23, 34, 62
 linguistic anthropology *see* sociolinguistics
 linguistic evidence 138–46, 148
 acceptance of 105, 116, 117–18
 in Condren case 105, 108–15, 133–4,
 142–4, 155–7
 consequences of 111, 152–5, 156–7
 reaction to linguistic evidence 105,
 110, 144–52
 rejection of 105, 110–11, 147–8, 151–2
 in Stuart case 105–8, 134, 155–7
 Mapletown study 119–20
McKinney v The Queen 111
 media, and Pinkenba case 200, 211,
 212–14, 216
 Melanesian Pidgin English 90
 memory 133–4, 171–2, 174, 195

- moral panic 190, 211, 212–14, 215–16
 morpho-syntax 83–4, 111, 140–1, **223**
 Murri Court (Queensland) 184
- narrator authorship 196–7, 205, 212–14, 215
 and co-construction of narratives 168,
 170–1, 173–4, 183, 185–6
 native title cases 42, 105, 111–12
 neocolonial control 7, 125–6, 182, 200, 215
 and courtroom talk 188–92, 200, 215–16
 and Pinkenba case 182, 189, 190–2
 non-verbal communication 70, 82, 177
see also eye contact; silence
 Northern Territory English (NTE) 106, 128n3,
 132, 134, 145, 154–5
 features of 107–8, 137, 139–41
see also Aboriginal English
 NTE *see* Northern Territory English
 Nunga Court (South Australia) 184
- obligation and reciprocity 28–9, 50, 58–60,
 73–5, 98, 102
 obscene language *see* swearing
 overpolicing 125, 190–1, 210, 212
- PEN *see* *Primary English Notes*
 phonology 77–8, 82–3, 112, 127, **223**
 pidgin English 79–80, 90, 128n3, 132,
 137, 146
 pidgin languages 90
 Pinkenba case 120–4, 127, 179–82, 199–216
 author attribution 205, 212–14, 215
 bullying cross-examination 122–24,
 179–82, 201–5, 207–9, 214, 215
 controlling movement of Aboriginal people
 182, 188, 209–10, 215–16
 cultural assumptions 159–61, 216
 language ideologies 200, 201–4, 205, 214
 lexico-semantics 179–82
 manipulation of Aboriginal English 122–4,
 126, 161, 162, 179
 gratuitous concurrence 112–14, 160, 176,
 179, 204–5
 media coverage 200, 211, 212–14, 216
 and moral panic 190, 211, 212–14, 215–16
 neocolonial control 7, 182, 189, 190–2
 power relationships in 124–5, 179–82,
 204, 208–9
 recontextualisation of witness statements
 180–2
 repeated questions 204–5, 208–9,
 214, 215
 and silence 122, 124, 203–4, 217n9
 stereotyping of Aboriginal people 182, 205,
 211, 212
 police interviews 109–10, 115, 164–5, 166,
 194, 212
 Aboriginal comprehension in 127–8
 co-production of statements 169, 170
 fabricated confessions 138–44
 police record of interview (PRI) 133–4,
 138–9, 143–4, 151
 power relationships 48, 125, 209–12
 asymmetry in legal process 115, 147, 172,
 177, 192–3
 and intercultural communication 16,
 125, 179
 and neocolonial power 192–3
 in Pinkenba case 124–5, 179–82, 204,
 208–9
 pragmatics of Aboriginal English 2–3, 21,
 48–54, 127, 142–4, 163–4, 168, **223**
 avoiding conflict 112–15
 in education 85–8, 155
 indirectness 65–7
see also gratuitous concurrence; information
 seeking; silence
 PRI *see under* police interviews
Primary English Notes 76–91
 privacy 14, 62, 65–6, 69–74, 100, 102–3
 pronunciation *see* phonology
- questioning 26, 88, 97–9, 100, 159–60,
 166–7, 170
 and consistency in answers 102, 160, 167,
 171–3, 194–5, 197
 in legal setting 122, 155–6, 162–3, 194–5,
 207–8
 prior inconsistent statements 171–3,
 194–5, 196, 200, 202–4
 in criminal justice system 162, 164–7,
 187n4, 194
 direct 30–2, 41, 70, 85–6, 100
 failure of 38–9, 43
 in education 32, 88
 either–or questions 98, 101
 indirect 3, 40, 43, 68–70, 72, 85–6, 100
 obligation to respond 29–30, 34, 38–41, 42,
 69, 72, 73
 repeated questions 175–6, 198–9, 204–5,
 208–9, 214, 215
 WH-questions (why, where, when, what)
 110, 142–4, 167
 Yes–No questions 25, 109–10, 114–15,
 138–9, 167
see also information seeking

- reasons, seeking and giving 64–5, 68, 69–74, 75
- requests, making and refusing 64–5, 68–70
- Royal Commission into Aboriginal Deaths in Custody 104–5
- shame 97, 103
- silence 72–4, 87–8, 97, 100–2, 118, 184
 conversational 14–15, 86–8, 101, 114, 177, 203
 discomfort with 45n5, 87–8, 101–2, 177, 203
 in information seeking 39, 68, 100, 101, 113
 in legal settings 116, 122, 124, 165, 203, 217n9
 misunderstanding of 114, 116, 119, 159–60, 177–8
- sociolinguistics 12, 47–8, 57, 76, 151, 155, 161–7, 216, **224**
 defined 9–10, 48–9
 research approach 9–10, 54–5, 64–5, 169–70, 189
see also linguistic evidence; expert evidence
- Standard English 2–4, 23, 55n2, 77–9, 107, 131, 144–5
 assumptions about 60–1, 86–8, 113–14, 144–5, 156–7, 178–9
see also Aboriginal English; English, dialects of
- stereotyping of Aboriginal people 182, 205, 211, 212
 in media 200, 211, 212–14, 216
- Stolen Generations 15–16, 211
- Strehlow, TGH 152, 154–5
 evidence in Stuart case 106–8, 128n3, 134, 136–41, 144–9
- Stuart case 105–11, 118, 127, 131–57
 appeals 106, 135–6
 comparison with Condren case 138–9, 141–4, 145, 150, 155–7, 158n9
- confession 106–8, 135–6
 backtranslation 106–8, 138, 139–41
 lexico-semantics 107–8, 138, 140–1, 148–9
 and linguistic evidence 105–08, 134, 155–7
 reaction to linguistic evidence 105, 110, 144–52
 Strehlow evidence 106–8, 128n3, 134, 136–41, 144–9
- Stuart Royal Commission 106, 134, 135–6, 146–9, 150
- swearing 79, 99, 103, 183, 212
- time 50–4, 102
 future actions 49–55
 past actions 49–54, 102, 110, 142–4
- Torres Strait Creole 90
- triggering 14, 39–41, 44
- truth 172–3, 195, 201, 206
see also evidence, consistency in
- TVD *see* Voir Dire
- unemployment 15, 59–60, 191
- Van Leer Language Development Programme 26
- verballing *see* fabricated confessions
- vocabulary *see* lexico-semantics
- Voir Dire (VD) 139, 158n3
- Wakka Wakka 24–5, 61, 96, 100
- WH-questions (e.g. why, where, when, what) 110, 142–4, 167
- Williams, Michael 24, 34, 38–9, 44–5
- work ethic 15, 51, 59–60
- Wuilli Wuilli 61
- Yock, Daniel 210–11
- Yolngu 14, 183