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Response to NSW Law Reform Commission –
"Sentencing Law Review"

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Dear Commission,

RE: SUBMISSION REGARDING THE OPERATION OF SENTENCING LAW IN NEW SOUTH WALES

We are pleased to contribute to the Commission's reference on the operation of Sentencing Law in NSW.

As you are no doubt aware, the NSW Government has responsibility for the largest population of Aboriginal and Torres Strait Islander people in the country.[1] The circumstances faced by Indigenous communities are such that, in our view, they entail concrete conditions of inequality and require the NSW Government to take affirmative action and discriminate in favour of that community so that genuine equality may be achieved.

Jumbunna Indigenous House of Learning, Research Unit ("**Jumbunna**") undertakes research and advocacy on Indigenous legal and policy issues of importance to Indigenous people, their families and their communities. Our current projects explore, inter alia, issues related to Indigenous people's contact with the criminal justice and legal systems. Jumbunna staff comprise experienced researchers, academics and practicing solicitors.

Currently, one of the projects that Jumbunna is engaged in is an ARC funded research project aimed at identifying factors – positive and negative - that impact on rates of crime in certain Indigenous communities in New South Wales. That project has involved substantial consultation with community members, legal service providers, local government representatives and police in those communities. Copies of the finalised reports in relation to Menindee, Wilcannia, Kempsey, Gunnedah, Bourke and Lightening Ridge are **enclosed** with these submissions.

INTRODUCTION

The NSW Government has the responsibility for adopting specific and proactive reform to identify ways to reduce the over-representation of Indigenous people in penal custody. One in every 40 Indigenous adults is in a New South Wales prison. The imprisonment rate in New South Wales for Indigenous adults is 14 times that of non-Indigenous adults. Among

[1] Australian Bureau of Statistics, *Year Book Australia, 2012*, (24 May 2012) <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1301.0~2012~Main%20Features~

juveniles the rate is 28 times that of non-Indigenous youth.[2] This is despite the long-standing principle that prison should be a sanction of last resort. This principle is embedded in both the common law[3] and legislation,[4] and yet it is a principle that has often been subjugated to 'tough-on-crime' political positions adopted by successive Governments. These approaches, whilst perceived as being populist, have resulted in the passage of laws which have impacted harshly upon Indigenous people.

With regard to the sentencing regime, and in addition to our remarks made in our preliminary submission *PSE15*, we make the following general comments:

1. A shift away from the 'tough-on-crime' paradigm is necessary to redress the sentencing of Indigenous offenders to higher rates of imprisonment. It has been noted by the Deputy Corrections Commissioner in NSW, Luke Grant, and repeated studies, that prison does not work at deterring or rehabilitating offenders.[5] Rather it compounds disadvantage and entrenches a cycle of offending, with offenders who have been imprisoned once having a substantially increased chance of being sent back to prison (based on recidivism rates). Chris Cunneen points out that 'the Indigenous re-imprisonment rate (66 per cent within 10 years) is much higher than the retention rate for Indigenous students from Year 7 to Year 12 of high school (46.5 per cent) and higher than the university retention rate for Indigenous students (which is below 50 per cent). In other words, Indigenous people are returned to prison at a greater rate than they are retained in either high school or university'.[6] By contrast to the failures of imprisonment, community programs in NSW have produced the most successful results in Australia for reforming offenders and reducing reoffending.[7]

2. The *Royal Commission into Aboriginal Deaths in Custody* provided practical recommendations for reducing levels of Indigenous imprisonment and thus improving the social status of Indigenous Australians. It is our view that the NSW Government's enactment of these recommendations in full would have a substantial impact in

[2] ABS, *Prisoners in Australia* - 4517.0, 2011, p 50.

[3] *Parker v DPP* (1992) 28 NSWLR 282.

[4] *Crimes (Sentencing Procedure) Act 1999* (NSW) s 5(1).

[5] Judicial Commission of New South Wales, *Judicial Officers Bulletin* (2010) Vol 23, No 10 at 88. http://www.judcom.nsw.gov.au/Ngara-Yura/Exchanging_Ideas_JOB_2011.pdf

[6] Chris Cunneen (2010), 'Fear: Crime and Punishment', *Dialogue*. Vol 29, No 2 at 44.

[7] Judicial Commission of New South Wales, *Judicial Officers Bulletin* (2010) Vol 23, No 10 at 88. http://www.judcom.nsw.gov.au/Ngara-Yura/Exchanging_Ideas_JOB_2011.pdf.

alleviating the inequalities experienced by Indigenous people in the criminal justice system.

3. It is important to recognise that the sentencing process is one of the last of a complex series of events involved in the machinations of the criminal justice system. Consequently, simply addressing the sentencing process will not sufficiently address the over-incarceration of Indigenous people. As Jumbunna has previously noted, Indigenous people are unequally singled out for detrimental treatment at all stages of the criminal justice process. Indigenous communities experience serious socio-economic disadvantage, the effects of intergenerational trauma, over-policing, and under-servicing of their communities, all of which contribute to their criminalisation. Compounding this problem, the Aboriginal legal services that are available to these communities are so underfunded as to be, in many instances, compromised in their ability to provide adequate representation to Indigenous defendants.

4. The mainstream NSW sentencing process does not generally engage Indigenous views or assist Indigenous people to reintegrate into their communities following arrest or imprisonment. The sentencing process as it occurs in mainstream courts is alienating for Indigenous people and does not address the need to heal the Indigenous community, victim or offender, or resolve disputes underlying the crime. We submit that what is required is a broadening of the circle sentencing courts to cover a broader offender demographic and a wider geographic ambit. This would be facilitated by providing more culturally appropriate sentencing and rehabilitation options (beyond those proscribed in the *Crimes (Sentencing Procedure) Act 1999* (NSW)) and relocating the courts to more culturally appropriate venues.

5. Cultural considerations should be embraced by all facets of the sentencing process, including as special circumstances for reduced non-parole periods, mitigating or aggravating factors in sentencing, in considering the conditions to be imposed in Good Behaviour Bonds, Section 10 dismissals, etc, and in regard to diversionary options, such as when dealing with the conviction and sentence of offenders for traffic offences. In developing culturally appropriate responses, there is a need for the NSW Government to engage with the substantial research on the reduction of Indigenous incarceration that is available.

6. In our view, the following recommendations (some of which are adapted from recommendations contained in the WA Law Reform Commission Report into Customary Law released in 2006)[8] are applicable to, and should be adopted in relation to NSW Sentencing Law:

   a) The *Crimes (Sentencing Procedure) Act* 1999 (NSW) should be amended to provide that the cultural background of an offender is a relevant sentencing fact, that when sentencing an Indigenous person the court must consider any relevant and known Indigenous customary law or cultural issue and that the Court should inform itself of such law or cultural issue by reference to an Indigneous Elder. This should include:

      I. any known aspect of Indigenous customary law that is relevant to the offence;

      II. whether the offender has been or will be dealt with under Indigenous customary law; and

      III. the views of the Indigenous community of the offender and/or the victim in relation to the offence or the appropriate sentence.

   b) Where Indigenous offenders are to give evidence in sentencing proceedings, it should be given in narrative form rather than the usual form;

   c) All Indigenous offenders should have the right to an interpreter to be present during any criminal proceedings, and to require an adjournment of proceedings if one is not available;

   d) In relation to young Indigenous offenders:

      I. Priority should be given to rehabilitation and the diversion of young offenders from custody;

[8] Law Reform Commission of Western Australia, *Aboriginal Customary Law*, Project No. 94 (2006) , Appendix A.

II. Targeted rehabilitation programs should be funded by the NSW Government and delivered in those geographical areas where recidivism rates are highest; and

III. Many young offenders report offending arising from 'boredom' in areas where there are no programs or alternatives for them. The NSW Government should, as a priority, engage with communities to identify and fund effective after-school and social programs.

e) In considering punishment for traffic offences, and statutory penalties for failure of payment of fines, Governments and Courts should be required to take into account customary law and cultural obligations before imposing licence suspensions and/or in determining conditions under which a restricted licence may be retained; and

f) Indigenous diversionary programs such as Tabulam (Balund-a) should be expanded and properly resourced and should be preferred to imprisonment. Where, in the Court's view, imprisonment is the only suitable penalty, it should occur in separate, culturally appropriate spaces within mainstream prisons, and/or separate facilities.

7. The NSW Government should provide resources to ensure that there are adequate and accessible culturally appropriate programs and services for Indigenous people at all levels of the criminal justice system. Including;

a) That when allocating resources for the provision of programs and services for Indigenous people, priority should be given to establishing and supporting Indigenous-owned programs and services. This is particularly important in relation to programs to address offending behaviour, including drug and alcohol addiction and sexual offending. One area of particular concern noted by Jumbunna in its research is a lack of psychiatric services for offenders to address any existing childhood trauma experienced by them, something seen commonly amongst sexual offenders. In addition, it is imperative that programs within prisons be culturally appropriate. Jumbunna researchers have encountered one case (outside of NSW) in which an Indigenous man who had been convicted of sexual assault offences refused to participate in a rehabilitation program in prison, resulting in his remaining incarcerated beyond his parole release date.

The refusal of the prisoner was based on the fact that the only individual who provided the program at the prison was a white women, and his participation was contrary to cultural imperatives;

b) Where it is not possible to establish an Indigenous-owned program or service, the NSW government should ensure that Indigenous people are involved in the design and delivery of government-owned programs and services;

c) The NSW Government should pay particular attention to ensuring that there are adequate and accessible culturally appropriate services for Indigenous victims of family violence and sexual abuse;

d) Indigenous Legal Services should be properly funded to ensure offenders receive proper legal representation;

e) Corrective Services staff, Judicial officers, members of Parole Boards, Attorney General's staff and lawyers should receive cultural training in relation to Indigenous clients. In the case of judicial officers and parole board officers, this should extend to advice and information in relation to any pertinent cultural factors in a given case;

f) In prison environments, programs which focus on providing a 'broader' journey, such as artistic expression and cultural literacy programs have proved to be effective and should be supported and resourced; and

g) There is a need to focus on effective transition programs for offenders to reintegrate into communities. This includes ensuring that any required support services are available in the community to which the offender is returning.

With regard to the Specific Questions contained within the reference, we do not have sufficient resources to address each of those questions, however we make the following comments:

QUESTION 5

8. With regard to the issue of short sentences, we note that one of the issues with short sentences is that the length of the sentence is often insufficient to allow offenders to

access any effective in-prison programs. In our view the NSW Government should enact the recommendation of the Sentencing Council of a trial period for abolishing short sentences in relation to Indigenous female offenders, and monitor the results of that program with a view to introducing legislation more generally abolishing short sentences for Indigenous offenders and directing those offenders instead to alternative, diversionary sentencing options, whilst remaining alert to avoid the danger of sentence creep.

QUESTION 6

9. In relation to the questions raised by Question Paper 6, we make the following comments:

   a) We support the use of intermediate custodial sentencing options, however such options require that they are available in all courts, and that they are properly funded. In particular, in order to be effective, these programs often require the imposition of conditions that can only be met with the presence of properly equipped services. In its research, Jumbunna has been informed by Magistrates that these sentencing options are often not available for offenders who would be suitable for them because, for instance, the nearest program is 300km away.

   b) In considering the conditions to attach to such alternative options, the courts should be aware of appropriate cultural conditions, and the options available within any specific community as to culturally appropriate community support and supervision. A guiding principle should be that properly resourced, culturally equipped, Indigenous service providers should be involved in the provision of services to, and the monitoring of, Indigenous offenders.

   c) Given the significant power exercisable by the Parole Authority in this context, the Parole Authority should receive cultural training and should actively seek the views of Elders and community representatives in determining the consequences of a breach of a parole order and/or the imposition of parole conditions.

QUESTION 7

10. With regard to non-custodial sentencing options, these should be preferred wherever possible, in accordance with the principle that imprisonment be an option of last resort. We reiterate our comments made above about utilising the provisions regarding the conditions of custodial sentencing options and Section 9 bonds to ensure culturally appropriate conditions, but also that available culturally effective systems of rehabilitation, control and review are utilised. In addition, we endorse an approach by which alternative sentencing options are available to be applied flexibly in a 'mix and match' approach.

11. We note that with regard to the issue of fines:

    a) The system of the imposition of fines can work disproportionately against Indigenous people, with 40% of Indigenous people in NSW having an outstanding debt with the State Debt Recovery office, and Indigenous people in Victoria disproportionately more likely to receive a Community Service Order for the non-payment of a fine.[9] Indeed, notwithstanding section 6 of the *Fines Act*, a survey of Local Court Magistrates indicated that 44% of them "sometimes or often impose a fine knowing that the defendant cannot or will not pay, usually because it was the only sentencing option available".[10] We endorse the view of the Homeless Persons Legal Service and PIAC that:

> magistrates should have access to information about unpaid fines, and where it is clear that payment is unrealistic, should consider adjourning the matter to allow the defendant to undertake community service or to address the underlying causes of offending, such as drug and alcohol abuse or mental health problems.[11]

    b) In our view, the concept of payment of fines 'on trust' is deserving of further inquiry. In particular, the granting of further time to pay the fine, as we understand is the case in the ACT, and the ability of a third party to pay the fine, have the ability to allay some of the problems with the current fines system. It may be that

[9] Indigenous Justice Clearinghouse, *Reducing the Unintended Impacts of Fines*, Current Initiatives Paper 2 (January 2011) <http://www.indigenousjustice.gov.au/initiatives/initiative002.pdf>

[10] Ibid, page 2.

[11] Ibid, page 2.

a capacity for a third party to pay a fine would also allow greater recognition of the complexity of Indigenous relationships; and

c) There is a continuing issue with the cancellation of licences as a result of unpaid fines, with a survey of 300 people finding that of the half of them that had had their licence cancelled, 59% of those were because of the non-payment of fines. The consequences of cancelled licences in the context of kinship relationships are particularly problematic.[12]

QUESTION 9: ALTERNATIVE APPROACHES

CIRCLE SENTENCING AND INDIGENOUS JPS

12. There is a need for an alternative sentencing regime for the majority of Indigenous offenders from communities where Elders are able to take on roles in sentencing. This would serve several purposes:

a) Strengthen authority structures in the local Indigenous community. This in turn would prevent offending because it instils respect for law. Circle sentencing empowers communities and reinforces community and cultural respect,[13] a particularly important consequence given that feelings of powerless and cultural breakdown often lie at the heart of offending. Indigenous relations, culture and law can play a vital role in repairing Indigenous communities;[14]

b) Provide sentences that better reflect the interests of the Indigenous community; and

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[12] Anthony, T. and Blagg, H. (2012) *Addressing the "Crime Problem" of the Northern Territory Intervention: alternate paths to regulating minor driving offences in remote Indigenous communities*, Report to the Criminology Research Council, CRC 38/09-10, <http://indigenouspeoplesissues.com/attachments/article/16575/Anthony_Blagg_Driving_Offences_Report_2012-f.pdf>.

[13] See Cath Brown and Roxanne Bainbridge, 'Enhancing Aboriginal Healing and Wellbeing: Evidence from a Decade of Empowerment Research' (Paper presented at Symposium on Indigenous Sentencing, Punishment and Healing, Cairns, 6 July 2011).

[14] David Woodroffe (2006) *Aboriginal customary law and the Sentencing Discretion by Courts in the Northern Territory*. National Indigenous Legal Conference, Sydney, 22-23 September at 7-8.

c) Provide sentences that engage Indigenous knowledge and values. This includes an understanding of the circumstances of the offender that go beyond, and are not embedded in, racial stereotypes. Daly and Marchetti's research shows how Indigenous courts provide 'innovative justice' by incorporating Indigenous knowledge and modes of social control into the sentencing process;[15]

d) Assist the reintegration of Indigenous offenders, which may have a positive role on recidivism in the long-term;

e) Improve family violence outcomes, including for victims. Marchetti notes that circle sentencing can address the 'subordinating experiences' of both offenders and victims.[16] Victims feel that their concerns and interests are addressed through the process. Unlike in mainstream courts, the Indigenous sentencing court process involves Elders, as well as the families of both the victim and the offender.

13. Circle sentencing courts have operated since 2002, beginning in Nowra and extending to 10 other locations: Dubbo, Brewarrina, Bourke, Kempsey, Armidale, Lismore, Blacktown, Moree, Mount Druitt and Walgett. They operate pursuant to the Criminal Procedure Regulation 2010 (NSW) and *Criminal Procedure Act 1986* (NSW) s 348. The numbers of offenders going before these courts remains relatively low with less than two hundred people in its first five years of operation.[17]

14. Given the benefits of the NSW circle courts in strengthening Indigenous communities and providing a space for modes of justice more compatible with Indigenous concepts, the jurisdiction of these courts needs to be extended to include:

a) juveniles as well as adults;

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[15] Kathleen Daly and Elena Marchetti, 'Innovative Justice Processes: Restorative justice, Indigenous justice, and Therapeutic Justice' in Marinella Marmo, Willem De Lint and Darren Palmer (eds), *Crime and Justice: A Guide to Criminology* (Lawbook, 4th ed, 2012) at 436.

[16] Elena Marchetti, 'Indigenous Sentencing Courts and Partner Violence: Perspectives of Court Practitioners and Elders on Gender Power Imbalances during the Sentencing Hearing' (2010) 43 *Australian & New Zealand Journal of Criminology* 263.

[17] Elena Marchetti and Kathleen Daly, 'Indigenous Sentencing Courts: Towards a Theoretical Jurisprudential Model' (2007) 29(3) *Sydney Law Review* 415 at 419.

b) serious offenders as well as minor offenders;

c) those who have been proven guilty as well as those who plead guilty;

d) repeat offenders as well as first-time offenders; and

e) a range of new community venues where Elders exercise influence amongst its Indigenous members.

15. The circles should operate in Indigenous spaces rather than in mainstream court complexes. This would reduce the culturally alienating experience of sentencing for Indigenous participants in circles.

16. At present, the circles can only determine punishments within the sentencing legislation. This limits the role of the courts and the Elders involved to the bounds of the existing sentencing paradigms represented in the Act and the common law underlying it. In so doing the effectiveness of the process is undermined in failing to recognise, utilise and endorse the unique cultural authority that elders and community leaders can exert on behaviour. There may be scope to broaden this role through punishment options that engage the community where it feels it can play a useful role, including community-based sanctions and supervision by community Elders rather than corrections officers. These roles should not be co-opted by the corrections department because they run the risk of turning Elders against the offenders and make the process appear 'state-sponsored' rather than locally generated.[18]

17. There need to be more rehabilitative options available for the Court to link offenders with appropriate services, including:

a) Drug and alcohol treatment, including incorporating strategies available to the Nunga Court in the Port Adelaide area, where treatment options enable offenders to have access to six-month programs which treat drug use, mental impairment and domestic abuse;

[18] Chris Cunneen, 'Understanding Restorative Justice through the Lens of Critical Criminology', in Thalia Anthony and Chris Cunneen (eds.), *The Critical Criminology Companion* (Hawkins Press, 2008) at 292.

b) Given the high proportion of offenders convicted of driving unlicensed who come before NSW circle courts,[19] it would be appropriate to provide the circle with the option of referring these offenders to driver training, exam tuition and assistance with attaining identification documentation such as birth certificates. For offenders convicted of driving disqualified, the court should be able to refer offenders to drink driver training; and

c) Resourcing of separate support groups for victims and offenders to facilitate the healing processes.

18. For lower-end minor matters such as driving unlicensed or driving unregistered or minor property damage or theft, it may even be appropriate for an Indigenous Justice of the Peace to oversee the sentencing (if offenders are to go through formal sentencing at all as diversion into driver programs may be a more resource-effective manner of dealing with such offending). This system exists in Queensland, where the Indigenous JP is provided with full adjudication rights when presiding over minor sentencing matters involving Indigenous defendants.[20] It gives rise to more comprehensible sentencing orders that are handed down outside of the alienating court environment.

19. Further, we reiterate, in relation to all of the diversionary programs canvassed in Question 9, the need to ensure that these programs (including the support and mentoring services upon which these programs rely) are available in those areas in which Indigenous populations are located. The lack of services in such locations has been a continual issue raised by magistrates, prosecutors and defence solicitors with Jumbunna staff during our research.

QUESTION 9.8

20. We strongly endorse the adoption of a 'problem-solving' approach to justice. In our view such an approach is common sense, focusing as it does both upon the

[19] Jacqueline Fitzgerald, 'Does Circle Sentencing Reduce Aboriginal Offending' (2008) 115 *Crime and Justice Bulletin*, 1.

[20] Fiona Allison et al, 'Sentencing and Punishment in the Indigenous Justices of the Peace Courts' (2012) 16(1) *Australian Indigenous Law Review* (forthcoming).

underlying causes of offending, and in placing the offender in the proper context of their community and giving the community a voice in determining what outcome would be most beneficial to its healing. Whilst in our view the preferred method for the adoption of such an approach is through a stronger, more developed model of Circle sentencing such as that addressed above, in the alternative, a model based upon those of the Neighbourhood Justice Centre in Collingwood and the Red Hook Community Justice Centre is preferable to the current model, provided that those models operate on a basis that Indigenous residents in a community have a representative presence within the model, including, in those communities where Indigenous people are the majority, a majority presence.

QUESTION 9.9

21. The review should acknowledge both the need to adapt existing effective rehabilitation and diversionary programs for Indigenous offenders, and investigate culturally effective means of diversion and/or effecting rehabilitation such as Indigenous diversionary centres, involvement with Men's and Women's groups, Elder mentoring programs, bush camps and mainstream rehabilitation services. In relation to existing mainstream programs, research has shown that in order to be effective for Indigenous offenders;

> therapeutic and offence specific programs that have been shown to be effective...require adaptation due to language barriers, levels of education, learning styles and the need for facilitators to be culturally sensitive.[21]

22. In addition, there should be a focus on the development of programs that prioritise strengthening culture, which may be lacking in the offenders life to that time. Inspiration for such options can be drawn from the abovementioned Balund-a program in New South Wales, as well as models in use overseas, such as the approach in New Zealand and Canada, of providing cultural learning and development centres separate from main-stream non-Indigenous offenders and the development of further programs designed to foster a therapeutic cultural community

[21] Jones, Tracey et al, 'Indigenous Specific Programs' (2010) 5 (1-3) *Australasian Journal of Correctional Staff Development*, page 1 <http://www.bfcsa.nsw.gov.au/__data/assets/pdf_file/0020/223760/Indigenous-Specific-Programs.pdf> citing Day, A, Howells, K & Casey, S, 'The Rehabilitation of Indigenous Prisoners: An Australian Perspective' (2003) 1(1), *Journal of Ethnicity in Criminal justice* 115 – 133.

that relies upon cultural practices and learning (for example, the Maori Therapeutic Programs).[22]

QUESTION 11: SPECIAL OFFENDER CATEGORY: INDIGENOUS OFFENDERS

Recognition of indigenous factors in sentencing

23. In New South Wales, like most Australian jurisdictions, judicial recognition of Indigenous circumstances arises from the common law. Based on the principle of 'individualised justice', the common law recognises 'all material facts' including those relevant to 'membership of an ethnic or other group'.[23]

24. There are a number of instances in which Indigeneity is recognised:

    a) the severe social and economic disadvantage, accompanied by endemic alcohol abuse, that exists in some Indigenous communities;

    b) the detrimental impact that prison has on Indigenous offenders;

    c) the positive contribution of the Indigenous offender to his/her community, including in community programs, mentoring and leadership roles;

    d) the existence of Indigenous laws and cultural practices which explain the offender's motivation for committing the offence; and

    e) the dispensation of punishment by community members pursuant to Indigenous cultural practice.

25. It is the first three considerations that that most widely relied on by New South Wales courts to provide Indigenous offenders with mitigation. The *Fernando* (1992)[24] decision crystallised the principles for sentencing Indigenous offenders in disadvantaged circumstances and where prison has an undue impact. The Court drew on precedent from *R v Yougie* (1987) in which the Queensland Court of

[22] Ibid, at 4.

[23] *Neal v R* (1982) 149 CLR 305, 326.

[24] *R v Fernando* (1992) 76 A Crim R 58.

Criminal Appeal stated that 'it would be wrong to fail to acknowledge the social difficulties faced by Aboriginals' that have 'placed heavy stresses on them leading to alcohol abuse and consequential violence'.[25] The decision was handed down at the time of the release of the Royal Commission into Aboriginal Deaths in Custody report. It recognised the heavy toll of imprisonment on Indigenous peoples. The principles are paraphrased as follows:

a) Facts relevant to the offenders' membership of a group should be accounted for, but 'the same sentencing principles are to be applied in every case';

b) Aboriginality does not necessarily 'mitigate punishment' but may 'throw light on the particular offence and the circumstances of the offender';

c) Alcohol abuse and violence 'go hand in hand within Aboriginal communities', feeding into 'grave social difficulties' of unemployment, low education, stress, and so on;

d) Mitigation should be provided where alcohol abuse reflects the offender's 'socio-economic circumstances and environment';

e) Courts should provide punishment to protect Indigenous victims and reflect the seriousness of 'violence by drunken persons', particularly domestic violence;

f) A long prison term is particularly alienating and 'unduly harsh' for Indigenous people who come from a 'deprived background' or have 'little experience of European ways';

g) The relationship between violence and alcohol abuse in Indigenous communities requires 'more subtle remedies' than imprisonment; and

h) The public interest in 'rehabilitation of the offender and the avoidance of recidivism on his part' should be given full weight (*Fernando* 1992: 62-63).

[25] *R v Yougie* (1987) 33 A Crim R 301

Application of the *Fernando* principles in NSW

26. A number of New South Wales decisions since the late 1990s have narrowed the application of the *Fernando* principles. The arbitrary lines that the Court of Criminal Appeal has drawn in determining who is Indigenous enough to enliven these principles provides an unsatisfactory premise for the recognition of Indigenous factors in sentencing. The Court has distinguished between Indigenous defendants from remote and urban Indigenous communities, to exclude the latter categories from the benefit of *Fernando* (*R v Ceissman* 2001[26]; *R v Morgan* 2003[27]; *R v Newman, R v Simpson* 2004[28]). For example, Ceissman, who was convicted of trafficking cocaine, 'grew up in extreme poverty', received little education, had parents who were drug addicts with criminal histories, witnessed serious physical violence between them, and was orphaned when he was 11 years old; his circumstances did not suffice to activate the *Fernando* principles. This was because the case did not involve 'an offender from a remote community for whom imprisonment would be unduly harsh'.

27. The Court of Criminal Appeal has also drawn a line between 'full' and 'part' Indigenous people. In *Ceissman* it stated that the 'fact that the respondent's grandfather was part aboriginal' lacked relevance. This reference to 'part' Aboriginality is contrary to Indigenous notions of identity that are not determined by the degree of descent. It also contrasts with the legal definition that does not draw lines between 'full' and 'part' Indigeneity, but requires Indigenous self-identity and community identity as well as descent.[29] The reasoning is reminiscent of colonial classifications of 'half-castes' or 'hybrids' that are based on biological taxonomies.

28. In *R v Pitt* (2001)[30] and *R v Walter & Thompson* (2004)[31], the New South Wales Supreme Court and Court of Criminal Appeal respectively held that the requisite disadvantage for an Indigenous person must be exceptional. For example, where offenders had achieved a reasonable level of schooling (such as completed Year 10),

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[26] *R v Ceissman* (2001) NSWCCA 73.

[27] *R v Morgan* [2003] NSWCCA 230

[28] *R v Newman, R v Simpson* (2004) 145 A Crim R 361.

[29] *Shaw v Wolf* (1999) 163 ALR 205; *Eatock v Bolt* (2011) 197 FCR 261, 304 (Bromberg J).

[30] *R v Pitt* [2001] NSWCCA 156.

[31] *R v Walter & Thompson* [2004] NSWCCA 304.

courts do not afford leniency: *Anderson v R* (2008)[32]; *Croaker v R* (2008)[33]; *R v Knight* (2004)[34].

29. In *R v Newman, R v Simpson* (2004), the Court of Criminal Appeal did not apply the *Fernando* principles despite Newman being forcibly removed from his family at a young age to an isolated mission property, being introduced to alcohol early in his life and experiencing racism throughout his life. In *Andrews v The Queen* (2007[35]) the New South Wales Court of Criminal Appeal remarked that the offender's removal to a 'white family' as a child, leading to 'feelings of abandonment, frustration, loss and hopelessness', and his witnessing of alcohol abuse while growing up were not a factor relevant to the "racial background" of the offender.

30. These remarks of the Court of Criminal Appeal deny substantive equality by basing its concept of Indigeneity on a form of neo-traditionalism and not avowing to the ongoing disadvantage and trauma presented to Indigenous people, including as a result of incarceration. The failure to advert to removal from family as a distinctly Indigenous experience shows how these offenders receive different treatment in sentencing by excluding their cultural context.

Legislated recognition in other jurisdictions

31. Given the narrowing of the Fernando principles, it is opportune to reconsider legislative recognition. Despite Indigenous people being vastly overrepresented in prisons across Australia, there is no recognition of Indigeneity as a mitigating factor in sentencing to reduce Indigenous imprisonment – although a number of jurisdictions refer to Indigenous views or cultural factors in their sentencing legislation. The ACT legislation specifies that the court must consider whether the cultural background of the offender is relevant.[36] Courts in Queensland, when sentencing an Aboriginal or Torres Strait Islander person, must have regard to submissions made by a representative of the community justice group in the

[32] *Anderson v R* [2008] NSWCCA 211.

[33] *Croaker v R* [2008] NSWCCA 232.

[34] *R v Knight* [2004] NSWSC 498.

[35] *Andrews v The Queen* [2007] NSWCCA 68.

[36] *Crimes (Sentencing) Act 2005* (ACT) s 33(m).

offender's community, including 'any cultural considerations'.[37] In the Northern Territory, a sentencing court may receive information about an aspect of Indigenous customary law, or the views of members of an Indigenous community, but only where certain procedural requirements have been fulfilled.[38] Moreover, in the Northern Territory and Commonwealth courts are now prohibited from considering cultural practices or customary law as mitigating or aggravating factors on sentence.[39]

32. Legislation in Canada requires courts to consider Aboriginal background under s 718.2(e) of the *Criminal Code* R.S.C. 1985. The provision was enacted in 1996 in response to the over-representation of Indigenous people in Canadian prisons. In the recent decision of *R v Ipeelee* (2012)[40], the Supreme Court of Canada described the effect of this section:

> Section 718.2(*e*) directs sentencing judges to pay particular attention to the circumstances of Aboriginal offenders because those circumstances are unique and different from those of non-Aboriginal offenders ... When sentencing an Aboriginal offender, a judge must consider: (a) the unique systemic or background factors which may have played a part in bringing the particular Aboriginal offender before the courts; and (b) the types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular Aboriginal heritage or connection.

33. In 2000 the New South Wales, the Law Reform Commission concluded that it was unnecessary for legislation to refer specifically to the sentencing of Indigenous offenders because it is covered by the common law.[41] However, this was before the confinement of the *Fernando* principles was fully realised. In light of these developments, legislation would provide a more secure premise for recognition. The legislation needs to clarify for interpretive purposes that Indigeneity cannot be confined to racist stereotypes based on remote, full-blooded Indigenous people.

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[37] *Penalties and Sentences Act 1992* (Qld) s 9(2)(p).

[38] *Sentencing Act 1995* (NT) s 104A.

[39] *Crimes Act 1914* (Cth) s 16A-AA.

[40] *R v Ipeelee* (2012) SCC 13 at [37].

[41] New South Wales Law Reform Commission 2000. *Sentencing: Aboriginal Offenders*. Final Report, No. 96 http://www.lawlink.nsw.gov.au/ lrc.nsf/pages/r96toc at [2.47], [3.88]

Other Issues

34. Whilst not a factor that is addressed within the Fernando principles as set out above, in our view considerations of customary law should also be recognised by the Court in relation to sentence, both in relation to:

    a) the existence of Indigenous laws and cultural practices which explain the offender's motivation for committing the offence; and

    b) the dispensation of punishment by community members pursuant to Indigenous cultural practice.

35. This approach ensures that all aspects of a crime are considered when determining punishment and provides substantive, rather than formal, equality before the law. The exclusion of aspects of the crime that related to it, on the basis that these aspects are "Indigenous" adopts a racist view of the nature of Customary Law and provides a diluted version of the true circumstances of the offence.

36. Legislation should promote the structuring of sentences to reduce imprisonment for Indigenous offenders. The disadvantage Indigenous people face in relation to receiving prison terms should therefore provide the foundation for providing non-custodial sentences. Otherwise, prison sentences will continue to compound Indigenous disadvantage.

37. We do not accept the suggestion, if it is being made, that the most effective way to address the over-representation of Indigenous people in custody is by reducing recidivism, at least to the extent that there is a suggestion that this would be a sufficient response. To do so has a number of dangers in our view, amongst them:

    a) Firstly, rehabilitating those who have offended as a way to prevent re-offending suffers from the obvious disadvantage that intervention has occurred after initial offending. In so doing it fails to address causes of offending until, in many respects it is 'too late'. Moreover, given the significance that initial imprisonment has upon subsequent imprisonment, the detriment to offenders who might be diverted at a prior point in the criminal justice system is extremely serious. To adopt such an approach is to risk the criminal justice system becoming a 'filter',

used to identify those with need, after the criminal consequences arising from a failure to address those needs have already resulted. It is a reactive, rather than proactive response;

b) Secondly, the suggestion that the model, originally designed as a model relating to imprisonment, can be effectively applied to court appearance fails to recognise the impact of coercive policing, 'tough on crime' legislative creep and the underfunding of Indigenous legal services, all influences that we know impact upon the level of Indigenous appearance before Courts.

38. We do note though that the paper referred to makes other important observations. For instance, given that we know that imprisonment has an insubstantial effect on recividism, it is concerning the weight that is given to previous imprisonment when considering a penalty for sentence of a re-offender. As noted by Weatherburn, Froyland, Moffatt and Corben:

> although courts may be reluctant to put an offender in prison for the first time, once they have crossed that threshold, the courts do not appear at all reluctant to put an offender in prison again.[42]

39. We note further that the BOCSAR paper notes that nearly a quarter of all indigenous accused appeared in Court in relation to road traffic and motor vehicle regulatory offences, many of which have had their licences suspended for failure to pay a fine.

40. Whilst we support strongly any moves to reduce Indigenous recidivism, focusing just on reducing recidivism is not a sufficient answer to the myriad of complex problems experienced by Indigenous people in the criminal justice system.

These submissions were prepared by Dr. Thalia Anthony and Mr Craig Longman on behalf of Jumbunna Indigenous House of Learning, Research Unit. The authors would be happy to provide the committee with further information on any of the matters raised above.

[42] Weatherburn, D et al, 'Prison Populations and correctional outlays: The effect of reducing re-imprisonment' (2009) 138 *Crime and Justice Bulletin,* 8.

Yours Sincerely,

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Fellow

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Director

Factors affecting crime rates in Indigenous communities in NSW: a pilot study in Wilcannia and Menindee

COMMUNITY REPORT
JUNE 2009

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It was our privilege to be allowed access to the ideas and expertise in Wilcannia and Menindee that are reflected in this report. We were struck by the generosity of those who participated in our study, both in giving their time to be interviewed but also in their willingness to reflect deeply and honestly on the circumstances of the two communities. Participants took the time to carefully check and amend the quotes we selected from their interviews that we considered as reflective of common views and important elements arising from the research.

We respect the decision of some of the people we spoke with to not be identified in the report. Given the nature of the research with its investigation of community dynamics and dealing with the sensitive issue of crime, anonymity for some people was vital, especially for the performance of their jobs. However, it is important to note that the themes that we have identified emerge from the conversations with all participants. Although not all participants are quoted, all made a significant contribution.

We would like to acknowledge and thank everyone who generously gave up their time and shared their thoughts and expertise with our Research Team.

INTRODUCTION

This report outlines the findings of a pilot study undertaken by a research team from Jumbunna Indigenous House of Learning at the University of Technology Sydney, with support from the NSW Bureau of Crime Statistics and Research (BOCSAR).

There are notable differences in the Local Court data on crime rates between different Aboriginal communities in NSW. Despite this, there is a lack of qualitative research on the factors affecting crime rates in Aboriginal communities. This pilot study set out to look at two towns with significant Aboriginal communities that are comparable in terms of geography, population and context, but with higher or lower crime rates. Wilcannia and Menindee were suggested as appropriate communities for our pilot study.

The aim of our study was to identify common themes and factors that may be considered to have an impact on crime rates being higher in Wilcannia and lower in Menindee. Given that our focus was on understanding the political, social, cultural and economic dynamics contributing to crime rates, we interviewed a range of community and organisational representatives and others working in relevant criminal justice and service delivery roles, as a way to better understand the dynamics and experiences of the community as a whole.

This report is intended to reflect the views of the people that we spoke to in September and October 2008.

Our approach

We are very aware that all too often, research is something that is ‘done to’ Indigenous people solely for the researchers’ own purposes with little benefit to the community. We are committed to an approach that is focused on issues of concern to Indigenous communities and which should be assessed in terms of accountability and benefit to the people with whom we work.

Indigenous people have a wisdom and insight regarding the dynamics of their own communities that is too often overlooked or disregarded. We are aware of the way that stereotypical media representations and outsiders’ perceptions of many Indigenous communities have had a negative impact on the people who live and work there. While Indigenous communities may share similar histories or experiences in certain areas such as the impact of government policies and practices, an understanding that Indigenous communities are not the same is the starting point for our research.

We hope that our research may start to document whether there are particular characteristics or strategies that may have a positive or negative impact on crime rates in certain Aboriginal communities in NSW. We believe that there is much to be learned from people living and working in Aboriginal communities regarding how the needs and aspirations of those communities could be better supported. We hope this study may be part of a longer-term project on these issues, with the aim of better informing policy and practice in this area. However we are not suggesting that programs or approaches that succeed in

one community would necessarily work in the next. It is the point of this study to reflect themes or common factors raised by people working in Wilcannia and Menindee, but also to engage with and have respect for the unique contexts and experiences in both communities.

We are aware of the sensitivities involved in asking people about the dynamics, structures and aspirations of their community. In any community there are conflicting perspectives about why things are the way they are. We respect the fact that people's views are sincerely held, and it is not our place to make a judgment about whose view is correct. It is certainly not our aim to cause division or conflict within or between the communities in this study.

Our interest is in understanding the dynamics of the two communities that may explain the differing crime rates. Again, we must emphasise that we do not claim to have definitive answers but hope to reflect the views expressed by those who live and work in Wilcannia and Menindee.

The next step

We hope that this report may be a useful tool for people living and working in Wilcannia and Menindee in negotiating with government agencies or funding bodies and in contributing to relevant policy development in this area.

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June 2009

WILCANNIA AND MENINDEE

Wilcannia and Menindee are communities within the Central Darling Shire in western New South Wales. According to the Australian Bureau of Statistics (ABS), the Central Darling Shire experiences extreme disadvantage, second in New South Wales only to the Local Government Area of Brewarrina.

According to the 2006 census, the towns of Wilcannia and Menindee have respective populations of 595 and 332. Both communities have significant Indigenous populations: Indigenous people in Wilcannia constitute 67.4% of the total population, while Indigenous people in Menindee constitute 46.7% of the population.

Wilcannia and Menindee are both within the traditional lands of the Barkindji people, which extend along the lower Darling River from Wentworth to beyond Wilcannia. Today, Wilcannia is considered the centre of Barkindji culture, while Menindee is populated by Barkindji and Nyampa people with a significant degree of intermarriage.

Under the Australian Standard Geographical Classification, Wilcannia is classified as very remote. The urban locality of Menindee is classified as remote, while the broader region encompassing Menindee is classified very remote.

The nearest major centre to both communities is Broken Hill, with a population of 18,854 of which 6.4% are Indigenous people. Wilcannia is approximately twice the distance from Broken Hill (approx 200km) that Menindee is (approx 110km).

Crime statistics

This pilot study did not have the scope to investigate the changes in crime rates or population in the two communities over time. The statistics set out below are taken from Local Court data in the period of April 2007-March 2008. The figures from Broken Hill are included as a reference point.

Offence	Postcode 2836 (includes Wilcannia)		Postcode 2879 (Menindee)		Postcode 2880 (includes Broken Hill)	
	Number	Rate per 1000 population	Number	Rate per 1000 population	Number	Rate per 1000 population
Murder*	0	0.0	0	0.0	1	0.0
DV related assault	71	93.5	13	20.6	155	7.7
Non DV related assault	36	47.4	8	12.7	204	10.2
Sexual assault	4	5.3	1	1.6	25	1.2
Indecent assault, act of indecency	4	5.3	0	0.0	14	0.7
Other sexual offences	1	1.3	0	0.0	6	0.3
Robbery without a weapon	0	0.0	0	0.0	4	0.2
Robbery with a firearm	0	0.0	0	0.0	0	0.0
Robbery with a weapon not a firearm	0	0.0	0	0.0	0	0.0
Break and enter dwelling	19	25.0	4	6.3	326	16.3
Break and enter non-dwelling	6	7.9	3	4.8	150	7.5
Motor vehicle theft	9	11.9	1	1.6	84	4.2
Steal from motor vehicle	6	7.9	3	4.8	194	9.7
Steal from retail store	0	0.0	0	0.0	32	1.6
Steal from dwelling	1	1.3	4	6.3	144	7.2
Steal from person	1	1.3	1	1.6	6	0.3
Fraud	5	6.6	0	0.0	41	2.0
Malicious damage to property	44	58.0	13	20.6	615	30.7

* Number of victims

^ Rates calculated per 1000 population for each postcode. Caution should be used when comparing rates when incident numbers or populations are small, since large percentage change in rates between periods will result from small changes in incident or population counts. For the rate calculations, population data was obtained from the ABS2006 Census. The population for postcode 2836 was 759; for postcode 2879 was 631; and for postcode 2880 was 20,051.

WILCANNIA

The recorded crime rates are much higher in Wilcannia than they are in other parts of NSW. The high rates of crime in Wilcannia in the period surveyed are predominantly in the areas of assault, in particular domestic violence related assault, break and enter dwelling, and malicious damage to property.

The image of Wilcannia as portrayed by the media and many outsiders is of a lawless 'wild west' town. Yet throughout our interviews, Wilcannia was spoken of very fondly by those who live and/or work there, with people remarking on the friendliness of the people, its physical beauty (especially the river when it is flowing) and cultural significance. Former residents described it as 'home' and many people stated their wish to be buried there. Even some who were otherwise critical of the town observed that there are 'great people in Wilcannia'.

Factors affecting crime rates

When asked to identify factors affecting crime rates in Wilcannia, there were some clear and common themes raised by people we spoke to. In particular, high-risk alcohol use, lack of employment, poverty and inequality, lack of activities for kids and young people, the approach of police, the dryness of the Darling River, funerals as flashpoints and an acceptance of criminal behaviour were raised.

Alcohol and mental health

The high rate of violent crime in particular was attributed by most people we interviewed to regular and extremely high levels of alcohol use amongst many community members.

> *It occurs in all towns but the biggest issue that we have to address in our [Local Area Command] is alcohol and domestic violence related crime. In Wilcannia, it's rife.*
>
> NSW Police Officer, Broken Hill

> *There is too much violence, way too much violence, from what I can see most of it appears to be alcohol-related, inspired, assisted… Aside from petty crime, theft, etc., I have seen very few incidents of assault where the people haven't been associated with each other, known each other, been in the same family, been in a relationship, an ex-relationship, and that seems to have been the pattern as I have seen it. So to me, the random crime that occurs in the capital cities doesn't seem to be occurring here.*
>
> Business Operator, Wilcannia

After mentioning alcohol as a factor in high crime rates or regarding the nature of the crime, people spoke in detail about why people drank to dangerous levels, particularly in terms of mental health issues and grief:

> *Drug and alcohol use is one of the biggest factors. I think there are lots of reasons for that. People drink to forget things, whether it's sexual assault or domestic violence in their home. The only way they are ever*

going to change drug and alcohol abuse is to have counsellors living in the community, on the ground, for the people. Mental health is a huge issue.

Community Worker

Underlying problems which are not being addressed such as mental health and the lack of mental health service providers in remote areas leads inevitably to drinking and other substance abuse as a form of self medication. I think it is a feeling of hopelessness in the community especially for Aboriginal males which leads to much of their offending behaviour.

Solicitor, Aboriginal Legal Service, Broken Hill

In response to concerns about public order, restrictions on the trading of alcohol and alcohol free zones have had unintended and potentially serious consequences:

The change in the way that the licensees do business … has reduced the fear in those communities and the violence in the street. … The downside is that, all the violence and alcoholism hasn't gone away but has been pushed into the homes.

NSW Police Officer, Broken Hill

While it seemed to be accepted that restrictions on the trading of alcohol had reduced public violence, their effectiveness in actually reducing alcohol consumption was not apparent. It was reported that some people pool their money and travel into Broken Hill to buy alcohol in bulk. The restrictions were also argued to encourage binge drinking.

People bust themselves to run to the pub to get their grog before the pub shuts because the shop is going to be open a bit later. But it's too late. They end up buying 3 cartons instead of 2 cartons and forget the food.

Community Worker

Culturally appropriate, local services dealing with substance abuse were clearly identified as essential services that were lacking. Notably, Wilcannia does not even provide basic services where people suffering from the effects of substance abuse can go to be safe in the short term:

There's no halfway house. There's no place that you can book them in so they can dry out. After the Royal Commission into Deaths in Custody, it's the last resort to put anyone, let alone an Indigenous person, in a cell when they are intoxicated just for the purpose of drying out. We used to do it all the time. Put them in, 8 hours later let them go. You just can't do it. It's not worth the risk. But if there was somewhere else to take them, an appropriate place, [that would be] fantastic. But there's nowhere like that in Wilcannia. Unless they are virtually that drunk that their health is at risk. Then can take them to hospital where they can be treated and monitored.

Duty Officer, NSW Police, Broken Hill

Nor are there local alcohol rehabilitation services:

> *At present, most of our people that have substance abuse issues or the like, they have to go away for rehab, and of course then they come back to the communities… it's not holistic enough, it doesn't involve the families, it's too individualised, and of course they go out of country and then when they come back they're exposed to the same sort of stresses and unfortunately, there's a lot of lapse involved with people that go away and come back.*
>
> Senior Aboriginal Mental Health Worker,
> Maari Ma Health Aboriginal Corporation, Broken Hill

> *All of our clients have serious medical and mental health problems. The difficulty for an Aboriginal Legal Service in the bush is in properly identifying that problem, making it clear to a sentencing magistrate and then having that problem addressed through a health service provider that will give our clients some prospect of rehabilitation. This will obviously have a significant impact on their future generally and also the way in which they are dealt with at court. Right now there is no residential rehabilitation program that is close to Broken Hill – our clients can't access a proper rehab service unless they travel hundreds of kilometres away from their families – it makes it a less viable option and is often not pursued. It's easier to go to jail.*
>
> Solicitor, Aboriginal Legal Service, Broken Hill

The lack of appropriate means to address substance abuse combined with the lack of counselling and other services also has a profound effect in light of the intergenerational impact:

> *Alcohol and the situation for some families is also really bad. I don't think the kids have a chance when they're in those situations. Until they can get parents well… That's what they have to address; they've got to address that. The statistics, like they say – one alcoholic parent, half the children. Two alcoholic parents, 90%. So the cycle is just going on.*
>
> Principal, St Therese's Community School, Wilcannia

Despite the obvious and serious effects of alcohol in Wilcannia, there are no social outlets or places for people to congregate that do not involve alcohol. Apart from occasional community dinners, the only places for people to gather in the evenings are the pub and the golf club. The only local store closes at 7pm.

Funerals were frequently identified as triggers for alcohol related crime and violence. The NSW Police Crime Manger in Broken Hill described funerals as the events requiring the biggest response from police and frequently requiring additional police resources. Funerals are the flashpoints in a town described as 'drowning in grief' but with insufficient co-ordinated services to respond, particularly when the need is acute:

[Wilcannia] is drowning in grief. There are so many deaths, early deaths. … A 25 year old woman from Adelaide hung herself and was brought back here [to be buried]. Older men – liver, kidneys. Young [people], 30s or 40s dying. Sure, you expect the old people to die but the gap is there in the middle. People are dying of heart attacks when they're so young.

Principal, St Therese's Community School, Wilcannia

The biggest problem in Wilcannia and Menindee is counselling… A lot of people drink in Wilcannia, Menindee and Broken Hill after a funeral because they want to forget about it. Best to have someone there talking to them.

Community Worker

[Counsellors] come out once a week from Broken Hill. Two hours driving out. They arrive at 11, 11:30 and they're leaving by 3 pm. [Wilcannia] needs six full time [counsellors] for grief, for alcohol, for drugs, for mental health. And not just two, they get burnt out. They need to work with families, 'You work with this cluster of families and you work with that cluster of families.' They need that desperately. But they say, 'Where do we get them?' Sometimes they say, 'The money's not there' and sometimes they say, 'We can't get the people'.

Principal, St Therese's Community School, Wilcannia

We have a lot of suicidal cases and self harm. People can't get to counsellors because they're only available once a week out here, which is not good enough. So if the problem arises they go the hospital and they're assessed. If it's a major problem, they're flown to Broken Hill. If it's a problem at a level that the community can handle; if it happens on a Saturday, they will be told we'll make you an appointment. You have to come back and see us on Wednesday. In the meantime, God knows what will happen. That's not good enough.

Community service provider, Wilcannia

There was also caution in the reminder, however, that counselling, whether alcohol counselling, mental health counselling or grief counselling for Aboriginal people tends to deal more with symptoms rather than addressing the underlying issues:

[In regards to programs to deal with grief] Even if there were, that would still be something that's coming in [with the mindset of] 'Oh, blackfellas are always going to be like this, so we'll just come in and do this quick counselling. It's not saying that what people need is to lead meaningful lives, whatever that means for them. So, how do we help you have a meaningful life? It's certainly a tricky thing.

Aboriginal Language and Culture Teacher, Wilcannia

Employment

While ABS figures record unemployment levels in Wilcannia of 20.5% of Indigenous people and 11.2% for the town as a whole, a recent study estimates that unemployment levels are much higher.[1] The main employers are the Central Darling Shire Council, Department of Education and Training, NSW TAFE and NSW Police.[2]

The lack of opportunity for meaningful employment or a sense of purposefulness in Wilcannia was raised by numerous people as a contributing factor to its high crime rates.

> *People have to have something to do – something meaningful. You wouldn't see too many offenders who are employed, or if they're younger, who go to school regularly or come from a stable family background. They are not our customers.*
>
> Crime Manager, NSW Police, Broken Hill

Several people referred to a letter that had been written to the Chair of the Wilcannia Community Working Party by the local magistrate at the time of an employment program conducted in Wilcannia:

> *A job skills program that was part of the Working Nation package of the Keating Government in its last year. The Central Darling Shire was the broker for it. In Wilcannia, it prompted the local magistrate to write [a letter to the chair of the Community Working Party.] He couldn't believe that court attendances had dropped from 110/month to less than 10/month; ambulance call outs dropped by 50-60%; domestic violence dropped by 40 or 50%; assaults caused by alcohol dropped by so many percent. This is all while the program went on. When it finished, over [about] three months, all the statistics went back again…*
>
> *The letter from the magistrate describes the benefit of having an employment program in the community because there was a lot of pride taken by the community [in the program]. It just shows the impact that employment has on social impacts in the community but also social impacts on individuals and families.*
>
> Chairperson, Murdi Paaki Regional Assembly

Many interviewees connected the lack of employment opportunities with living in a regional town with little industry and with a lack of education, training and capacity amongst the community to take up what employment that does exist.

> *Wilcannia, there's jobs there, but I don't think there's people who have the ability, the education levels to be able to pick them up.*
>
> Community Service Provider, Broken Hill

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[1] Lee-Anne Drewery, *Remote Control Communities: Final Report*, Central Darling Shire, March 2009, 5.

[2] Lee-Anne Drewery, *Remote Control Communities: Final Report*, Central Darling Shire, March 2009, 7.

People say if they got jobs they'd get off the grog. Other people say if they got off the grog they'd get a job. It may keep them off it for a while but I think you have to get them well first. There are certainly some jobs in town and people have had lots of chances. Get them well so parents can care for their kids.

Principal, St Therese's Community School, Wilcannia

The important impact of a pattern of unemployment on community perceptions and the aspirations of young people was also highlighted:

That feeling of not being able to get meaningful work in the town for adults has a bit of a flow on effect to the kids, so it means you get more kids dropping out of school, more people thinking they're worthless.

Aboriginal Language and Culture Teacher, Wilcannia

Kids are now saying, 'Mum and dad went to school and where are they? They don't have jobs. Why should we go?' I know two girls who would be 18 or 19 who would be lucky to have done 2-3 years of school. There are 9 year olds who have never been in the school grounds.

General Administration Support Officer, NSW Police, Wilcannia

One specific factor related to lack of employment opportunities that was commonly raised is the impact of a criminal record on people's ability to obtain employment, without flexibility to respond to the specific circumstances of a town like Wilcannia. One stark example related to it taking four years to fill a vacant NSW Police Aboriginal Community Liaison Officer ('ACLO') position in Wilcannia:

It took 4 years to get a second ACLO on board and then he's not from Wilcannia. He came from Menindee. You just can't find people who fit the criteria and don't have a criminal record. A large number of the youth have been in trouble with the law or been in custody by the time they're 12 or 14. They are behind the eight ball before they start.

General Administration Support Officer, NSW Police, Wilcannia

We had to knock back one person because they had a speeding ticket in the previous 12 months. That could have been any of us… It made it very difficult because we couldn't fill it. We had to re-advertise. There's been issues with people who have applied - because of their poor literacy skills, their applications that they submit might not meet the criteria and are culled. Our [Local Area Manager] got on to one of the employment services and made it part of the package that if you contact the employment service, they will assist with completing the resume… You have to be prepared to go that extra yard.

Duty Officer, NSW Police, Broken Hill

For most things now, you have to have a criminal check. If you have a criminal record that's not five years old, you can't stand for the Board [of the Land Council]. That's criminal itself. If I have paid my dues, that

should be the end of it. [Instead, people are] penalised again. I have no problem with criminal checks [for people] working with kids, but it's unnecessary when you are working with a government department.

Acting CEO, Wilcannia Local Aboriginal Land Council;
Chairperson, Wilcannia Community Working Party

Central Darling Shire was seen to have a pivotal role as a potential employer in Wilcannia. While recognised as a major employer of Indigenous people, particularly outdoors, it was criticised by several people both for not employing more Indigenous people itself and for not creating industry in the town:

The Council is the biggest employer for Aboriginal staff outdoors. Indoors they are all white and they come from outside of town. An Aboriginal girl turned up for work a couple of weeks ago - give her credit for rocking up. She was given photocopying to do and left standing in the corner. They didn't make her feel welcome. She went home for lunch and didn't go back. Credit to her for giving it a go.

General Administration Support Officer, NSW Police, Wilcannia

We haven't got an Aboriginal person working in the Shire offices. How can that be? I'll tell you how. The Shire Social Plan 2006-2009, when it was first put to Council, in Section 9: 'Aboriginal and Torres Strait Islander People' which detailed the Shire's plans for Economic Development/Employment, included the proposal 'Provide opportunities for Aboriginal employment such as street cleaning and tree planting/maintenance programs'.

That was the mentality that was saying: 'We believe that these people are only suitable for that type of work'. We had that changed in the plan, a couple of us fought for it and we thought we had got it to where: 'The workforce of the Shire should more readily mirror the population distribution of the town'. What was actually included was: 'Provide meaningful employment opportunities for Aboriginal People to include landscaping, civil construction and administration; Provide appropriate skills training for Aboriginal People'.

It hasn't progressed any further than that. Part of this is people coming in and saying 'Oh, things are bad: no-one can read, no-one can write, we can't do this, we can't do that, we're not going to make the effort, everybody's tried everything in the past, it's all failed.' And yet it's a town that I believe the only way it's going to survive in the long term – it's a welfare town, it's an Indigenous town, and if you put those two things together - you need to develop a workforce that is capable of running the place.

Shire Councillor, Central Darling Shire Council

We are moving to look at a Lifeline rag-cutting proposal to come into town, and with it is ten jobs. I know when you sort of say that 'oh well, ten jobs'; but I think for a place like this it really will show that there is the start of an industry or there is a reason to go through the training

because there's a job at the end of it. Knowing that if to have ten full-time jobs you're going to have to have twenty people trained because largely the locals don't work five days a week; they'll work two days and then take off for a day or two, so you don't train ten up, you train twenty up to cover that sort of situation. It'll be interesting to see that happen and then revisit the crime rates and how the community, and what we think of the community, after that project.

General Manager, Central Darling Shire Council

As with a number of other issues discussed in this report, the impact of shortsighted government policy on employment opportunities was a source of frustration. One example frequently discussed was the negative long-term impact caused by the shutting down of the RTA, a major employer in Wilcannia, when many jobs were lost to the town. The potential impact on changing government policy in relation to Community Development Employment Projects ('CDEP') was also considered:

Maybe it's too early to think about but the current ruling to take people off CDEP against their will after 12 months and put them back on Centrelink payments and then be case managed by a job network provider, I think is going to have profound impacts on crime rates. It's taking out at least 2-3 days of occupation of people's time. The funny thing for me; what I find illogical in government policy with this particular issue is that they take people off an employment training program; put them on to Centrelink payments and to be case managed by a job network provider for jobs that don't exist. I don't understand. There is no logic to it.

Chairperson, Murdi Paaki Regional Assembly

Children and young people

The lack of purposeful activity for children and young people was often mentioned. Many people described a range of sporting activities that used to be available for young people in Wilcannia that are now a distant memory. While many people mentioned the work of the WINGS drop-in shelter, the general lack of activities for children and young people after school and in the evenings was highlighted.

Similarly, the role of the school and school attendance were frequently identified as potentially a significant deterrent to juvenile crime:

While these kids are not in school, they end up out on the street and up to no good. They end up as statistic of the law. The crime rate [increases] because these other fellas are not providing the service they're supposed to.

Community Worker

Suitable curriculum [is vital], otherwise they just wander and they have nothing to do.

Education Worker, Wilcannia

I think we've got around 230 kids that could go to school if they wished to, and the school's only equipped to have 140. You think: wouldn't it be a wonderful conundrum to be in that you had 230 kids at school and you didn't know what to do with them because you didn't have enough space to fit them in? That'd be just such a wonderful message to send out.

General Manager, Central Darling Shire Council

The Central School and Education Department were criticised for failing in their role to provide meaningful education and ensure school attendance. Certain detrimental past practices at the school were reported:

[In the past] what was coming back from within the community was that once certain children attained the age of 14 or 15, they'd be sent a letter saying that it is no longer mandatory for you to attend school. It's a way of shifting responsibility for them to someone else. Any child who sees that; the first thing they think is, 'You beauty, I don't have to go', in particular if they don't think there's any chance of them getting a job.

NSW Police Officer, Broken Hill

W*hen I was working at the school before, we had this teacher, she was totally serious in her answer to the kid: this kid, it was the first time I'd ever seen him working, ever, so I walked up to him and said 'Oh, that's great, why don't you go and show your teacher?' So he's walked up to his teacher and she goes 'Oh that's fantastic… you'll make a great CDEP worker one day'. And so you've got teachers that don't want to improve Aboriginal people's lives, so it starts as young as pre-school, where you've got people that can't see a future for Aboriginal kids or trying to help Aboriginal people determine what their future is. And you've got kids that get a bit older and hang around older kids that have already left school and they pick up on those things, so that stuff gets reinforced.*

Aboriginal Language and Culture Teacher, Wilcannia

However, there was general recognition that there had been recent improvement in school performance and engagement with the community. A new Acting Principal had recently been appointed, who was described as having great commitment and vision for the school. The fact that he was only appointed as acting in the role was a source of renewed frustration for many people, who felt that a long-term plan for the school was crucial to its success.

Family background, along with school and community expectations and appropriate curriculum, were considered pivotal to young people not becoming involved in crime:

Forget about Indigenous/non-Indigenous, straight across the board. Not only with the dramas that I've seen here but in 21 years of policing, the problems we have with kids. Generally speaking, kids in trouble don't come from stable family backgrounds and don't regularly attend school. In Menindee, a greater proportion of kids come from stable

family backgrounds and they regularly attend school, as opposed to Wilcannia. With juvenile crime leading into later in life crime, adult crime, a huge influencing factor, probably the biggest are the values imposed by parents. In any community. In any community.

Crime Manager, NSW Police, Broken Hill

It would be easy for the school to focus on reading and writing but it is bigger than that. For kids to be ready to read and write and want to learn to read and write, all the other stuff has to be made right. Some of it is bigger than the school but the school is a centre point.

Acting Principal, Wilcannia Central School

Of particular concern is the lack of safe places for children and young people to go. While some are able to go to another family member when it is not safe for them to return home, others have nowhere to go:

My biggest concern is the kids. There's nowhere for kids to go any time of the day where they can feel safe. I'm not talking about a drop in centre... Somewhere for the kids to go and I don't mean until just 9 o'clock. If kids are fearful, they only have two places to go – the police and the hospital. Both are problematic.

Duty Officer, NSW Police, Broken Hill

A night patrol does operate in Wilcannia, which endeavours to take young people and children to their homes or another safe place and provides transport for others in need. While it operates most evenings, concerns were raised that its hours of operation were too short.

The lack of meaningful activities for young people and a safe environment in the evening may contribute to the high percentage of young people who come to the attention of the police, with the associated difficulties of obtaining employment with a criminal record:

The majority of the kids, by the time they reach 16 or 17 have come to the attention of the police for something, whether as instigators or hangers on who unfortunately just get caught up in it all.

Duty Officer, NSW Police, Broken Hill

Sadly, once within the criminal justice system, several people described custody as an attractive option for some young offenders as providing meals, a warm bed and safety:

In one case, an Aboriginal kid aged 12 was refused bail on pretty serious property related offences relating to the theft of firearms. He had no criminal history and seemed as though he had been led on by older kids in relation to this offence. The only problem for the court was that mum's address was not good enough - there was too much alcohol and violence there. The DOCS approved residence was the only option the court would entertain. When I asked the young fella whether he wanted to go there he broke down into tears. He said that he would

rather do the two weeks at JJ's [juvenile detention] and be allowed to go back to mum after being sentenced. It was very unlikely that he would have received a control order - but in any event, he was bail refused and quite happy to go back to JJ's as opposed to the DOCS approved residence.

Solicitor, Aboriginal Legal Service, Broken Hill

Acceptance of violence

Several people described the acceptance of criminal behaviour as a particular characteristic of Wilcannia that was both a result of high levels of violent crime and as a contributor in itself to the high levels of violent crime. One person did describe acceptance of people regardless of what they had done as a positive aspect of the Wilcannia community:

It doesn't matter what you've done or who you are; those people are so accepting, you can always go back and people will be there for you, and they're friendly people.

Community Health Worker, Wilcannia

However, this was not the norm and the 'celebrity' status of people returning from jail was identified as an issue that must be addressed:

[Y]ou're having an increase of kids being exposed to other family members being incarcerated, and when they're released, [they don't] talk about what they did. The way it's spoken about is like a rite of passage, so the kids tend to pick that up, the young males anyway… that's quite a big thing, a lot of the younger men that are still coming out of their teenage years are still caught up in all of that.

Aboriginal Language and Culture Teacher, Wilcannia

The acceptance of alcohol and violence in Wilcannia [needs to] be addressed. I've lived and worked in the bush all my life. I had five years in child protection in the western part of the state... It hurts me to say it but Wilcannia would be the worst town I've ever seen for the acceptance of violence. There are some families out there; if you mention their surname, it's synonymous with violence.

NSW Police Officer, Broken Hill

In Wilcannia, when someone comes back from jail, it's like a celebrity is in town. When you get out of jail, go to Centrelink and get that money. People following them around like a celebrity… In Wilcannia people forget. Will be drinking up and laughing up alongside the people who have taken other people's lives.

Community Worker

If someone commits a crime in a country town, people are divided. Some will side with the victim or the offender or just walk the line. In Wilcannia, I've seen people who have been convicted of serious assaults, stabbings, sexual assaults on family members and murders. They go and do their time, get released and are welcomed back into

the community. Welcomed back into the, 'Haven't seen you in ages mate, have a beer' type of culture. No-one addresses the fact that you stabbed that person because you were drunk and out of control. No-one says, 'you've had enough', or 'you're not having any' or 'we're going to keep an eye on you'.

Duty Officer, NSW Police, Broken Hill

Worryingly, frequent contact by children and young people with such high levels of violence was described as normalising it.

They're forgetting the children involved in these domestic situations. Floggings are going on and kids are witnessing it. The kids come and sitting at the [Blue Reelers movie sessions run at the police station in Wilcannia]. They're not even watching it. Talking to me, eating a sausage sandwich and talking about what dad did last night and how dad nearly stabbed them when he tried to stab mum. Kids are pushed to the side. The Safehouse staff are counselling mum. Dad's in jail but nothing is being done for those kids involved in the ongoing cycle of domestic violence.

General Administration Support Officer, NSW Police, Wilcannia

Kids talk about [domestic violence] so casually, as if it's normal. 'Dad changed the tyre on the car'; 'Dad lifted mum last night.' They just use that domestic violence terminology.

Community Worker

Wilcannia's unique in that it has a really high percentage of Aboriginal people within the community, so when you've got the majority of a town being suppressed, the effect of that over a number of generations means that people tend to drift more towards the violence and other socially unacceptable things. If you're feeling resentful or a bit downtrodden and you tend to want to try and resolve that somehow, and if what you're learning at home is a setting of if someone does you wrong you punch them in the face, then that's what you'll go through life doing.

Aboriginal Language and Culture Teacher, Wilcannia

If something like [kids sniffing petrol] happened [in Wilcannia] and you approached a kid, next thing you would have the mother at the front door or on the phone abusing you for talking to the kid: 'My kid not yours'. I've been with police when we've gone out and chatted with the parents. We've said, 'What are we going to do? Your kid was involved in a 'break and enter' last night. He was sniffing last week. We need to take him on a camp, get him out of town.' Parent's response was, 'Nothing to do with me. What are you going to do about it?

General Administration Support Officer, NSW Police, Wilcannia

Poverty and inequality

The very high cost of living in Wilcannia was consistently raised as a significant problem. There is only one small supermarket and one roadhouse

selling fast food and a small range of grocery items, and the cost of basic food staples is exorbitant. The most affordable food in Wilcannia is chips and gravy. Significant concern was raised about the health implications of a poor diet.

Inequality between Aboriginal and non-Aboriginal people was also talked about as a contributing factor to a sense of injustice and resentment. Poverty and hunger were raised as particular factors impacting upon crime rates.

> *I'm sure that if people had the means to buy whatever they wanted that you wouldn't have so many cars stolen, so many break-ins… I'm not saying that money fixes all these problems, but there's certainly links to a healthy diet and a healthy lifestyle.*
>
> Aboriginal Language and Culture Teacher, Wilcannia

> *I think if people really knew what an empty stomach was, when you see more meal times than meals – it's not a good feeling. You will do all sorts of things you wouldn't normally do, but we don't provide for that. If the government were providing access to food a lot cheaper than what we have now, you wouldn't have half the crime rate…. They are the sorts of things that while they are neglected will always lead to crime, while communities are in poverty like this one. You need to see for yourself the price of a loaf of bread. How can you live on welfare payments when you have to pay such a high cost of living? I haven't seen any attempt by the authorities or government departments to build a co-op.*
>
> Acting CEO, Wilcannia Local Aboriginal Land Council;
> Chairperson, Wilcannia Community Working Party

> *Every time they break and enter, they get chips and lollies. What does that say? They're just not getting fed at home because every dollar is being spent on booze.*
>
> Solicitor, Aboriginal Legal Service, Broken Hill

> *Quite a lot of people don't have a lot of assets, kids don't have a lot of toys, and then you've got a bit of a contrast within in town where there's a small number of non-Aboriginal families that have quite a lot and are based in the town because of the high Aboriginal population, however the Aboriginal population that's here don't have stuff, so there's like a have and a have not thing happening, and I guess people get a bit envious about that.*
>
> Aboriginal Language and Culture Teacher, Wilcannia

Poor quality housing and overcrowding were consistently identified as issues requiring urgent attention. It was said that if you can't get a good night's sleep, then you can't function properly at school or at work. Inadequate, flawed housing projects that have failed over decades to produce positive outcomes were frequently reported including the most recent Aboriginal Communities Development Project.

The river

The effects of the drought and the long-term lack of water in the Darling River were regularly talked about as a factor in high crime rates.

> *When the river is down, the crime rate is high. Most families spend weekends on the river – fishing, swimming and on boats. When there's no water in the river, they're stuck in town, there's nowhere to go.*
> Aboriginal Client Service Specialist, Broken Hill/Wilcannia Local Courts

> *What also affects the [Wilcannia] community is the river; it's a really important one here. It takes you back to the cultural side, and how connection to our river and our land is really important… Early 90s, we had a stage there when we were in a drought really bad, people were really down and crime rates right up, by the end of that year when the river had filled, friends of mine appeared, they'd come over for court, here they do a court circuit, rocked up: they only had one case. And the river was absolutely full, kids were swimming in the river, people were fishing, the spirit was just really high. Everything that affects our environment for blackfellas, it really has big impacts on people's spirit.*
> Community Health Worker, Wilcannia

Policing

Any discussion of factors contributing to high or low crime rates must necessarily consider the nature of policing in the community - this is especially true in Wilcannia which has around twelve police stationed in the town with a population of approximately 600 people. This was a topic that provided some of the most varied responses that we received. One issue that was raised was the extent to which such a large police presence in itself contributes to such high crime rates. Opposing views were expressed about on the one hand, incidents that would pass without notice elsewhere being prosecuted, contrasting with a perception that anti-social behaviour was accepted in Wilcannia that would not be acceptable in other rural communities:

> *There is over policing in Wilcannia and over charging. They aren't using any discretion. If no one is being hurt, do they have to charge? Verbal altercation, breach of AVO, they've had a problem; they are sorting it out, and are getting on better. Do they have to charge? Why not just let it go?*
> Community Service Provider, Wilcannia

Similarly, the extent to which fines are issued in Wilcannia to people who cannot afford to pay them was one issue raised a number of times as potentially impacting on high crime rates:

> *The biggest problem there is if you get a fine on the street and you can't pay, even if it's a first offence, a lot of people elect to bring it to court and they'll get a Section 10 without a record. But then the second one, you've got a record.*
> Aboriginal Client Service Specialist, Broken Hill, Wilcannia Local Courts

It was widely recognised that the nature of policing had improved over recent years, in particular from a time where a lot of public clashes between community members and police were common. Nonetheless, the need for relationship building was emphasised:

> *We're certainly not policing [Wilcannia] like we used to police it. It's very rare that we would have a brawl or a riot as we would have had 10 years ago. We are probably taking a softly softly approach, more than we used to, for various reasons.*
>
> Crime Manager, NSW Police, Broken Hill

The approach taken by police posted to Wilcannia and the development of police/community relationships seems largely to depend on individual police, who are often inexperienced and may not be familiar with Indigenous communities. Overall, responses about police tended to be positive, although there were criticisms:

> *Some of [the police in Wilcannia] are pretty good. They will sit down and they will talk to the kids. But others antagonise them. They're probably out to get numbers, statistics. There are a couple out there who will sit down and talk with the kids, but as far as getting programs implemented: nothing.*
>
> Aboriginal Client Service Specialist, Broken Hill, Wilcannia Local Courts

> *In a place like Wilcannia, it depends on who the cops are; the personalities of the police. If you get someone there who is a little bit more relaxed and laid back and a little bit more experienced, they tend to build a relationship with people - and that's the way to do it with Aboriginal people. You've had instances there where the police would get out and do walking patrols, and just wander around the town, and that's good, because people see them, kids see them, they talk to them: they sort of become less of an ogre or a mystery to people. But it just depends on who's running the local police force.*
>
> Community Service Provider

> *[It would be good] to get the police over to the school. Even for 15 minutes, once a month, not every day. Just so the kids can see them in a different light. But you just can't get it… At each turnover, I have said: 'this would be a good starting point to be seen'… A teacher did a profile in the local paper of what she would like to see. She said that at NAIDOC week, she would like to see a police presence there. The police should've been involved in games and letting the kids have a look at their cars but they just weren't there. If more positive things like that were happening before there was a crime; something like that may help.*
>
> Principal, St Therese's Community School, Wilcannia

A number of people commented on the very broad role that the police often adopt due to the absence of other locally based services in Wilcannia; one

example was given of police being contacted by the hospital to pick up elderly people who had missed appointments:

> *We find out there a lot of the time that we seem to be the basket holder for lots of services. When it comes to close of business, the police are the only government agency on the ground. We probably tend to find that we're doing a lot of work outside our core business. Core business being safe community, protection of life and property. We certainly end up being welfare workers and pseudo DoCS workers… If you are the only door open, people are going to come to you.*
>
> Crime Manager, NSW Police, Broken Hill

> *I think police are frustrated a bit... One of the cops here, his attitude was that they're not social workers, they're not there to develop communities; their role is to stop crime.*
>
> Community Service Provider, Broken Hill

Appropriate recruiting, experience and training were identified as important factors, especially where it is recognised that what is acceptable in Wilcannia in terms of 'anti-social behaviour' may differ quite markedly to other towns:

> *Some [police] pick it up easier than others. I don't expect police to be punching bags for people to lay in to but the reality is that in Wilcannia… they use the 'c' word with a capital 'K'. In Wilcannia, you only need to sit in the car in the main street for 5 minutes with the windows down and you will hear that it's how people speak to each other. Is it offensive language? Most definitely. Should everyone who uses it end up in the dock for it or end up with an infringement notice? I don't believe so.*
>
> Duty Officer, NSW Police, Broken Hill

> *As far as the way the police now work – I've been 20 years in the cops now – we've made some significant inroads like with Aboriginal cultural awareness training. Police undertake that training. Our ACLOs are all local from these areas and probably more importantly, from local tribes, and play a role in delivering that training. We try to get that done reasonably early after police are transferred here. You get a lot of police who had no involvement at all with Indigenous people or Kooris.*
>
> Duty Officer, NSW Police, Broken Hill

The high turnover of police officers and lack of experience was identified by many people as a problem in the relationship between the police and community members in Wilcannia. To attract candidates, the police have adopted a model of offering short-term tenure and incentives regarding their next posting:

> *A big issue that we may have created for ourselves; to fix one problem we may have created another and that is it's a very short tenure in Wilcannia, the shortest in NSW. Police only there for 2 years. The biggest complaint we get from the community… is that as soon as*

police are known to community, they move again. Whereas, in Menindee, even though it's only another 18 months longer, they are there for 3 ½ years as opposed to two. Two years can go like that, especially when you take into account leave, courses and courts… It is an issue that we have created for ourselves but the problem that we had before was that we could not recruit. We had vacancies there all the time.

Crime Manager, NSW Police, Broken Hill

Police recruiting, we're lucky. Wilcannia and Menindee are 'Special Remote Locations'. Police only have to go to Wilcannia for 2 years and Menindee for 3 years and at the end of that time they can nominate 3 stations anywhere in the state and they will be given one of them. It's their entitlement. I don't know that other agencies… would have the same approach in their recruitment.

Duty Officer, NSW Police, Broken Hill

While many people understood the rationale behind the short tenure, it was a source of frustration that impacts on police/community relationships:

You can meet [a police officer] for the first time and you think they're just new to town and they have been here 18 months and they're just on their way out.

Principal, St Therese's Community School, Wilcannia

Despite the high numbers of police in Wilcannia, under-reporting of certain crimes was still seen as a problem.

You have a lot of cases that are unreported [in Wilcannia]. There are a lot of cases where kids are talking to teachers, kids are talking to other adults but it's not being reported.

General Administration Support Officer, NSW Police, Wilcannia

There is plenty of opportunity for people to disclose, whether it be sexual assaults, child sexual assaults or historical. We have put measures in place; disclosure can be anonymous. I have even bent the rules so that ACLOs can disclose anonymously but, unfortunately, our reporting rate hasn't increased at all.

Crime Manager, NSW Police, Broken Hill

Criminal justice processes

Despite the common experience of contact with the criminal justice system for Aboriginal people in Wilcannia, there was a reported lack of understanding by community members of its workings. The important role played by key figures such as the Aboriginal court liaison officers and the Aboriginal Legal Service solicitors and field officer was widely acknowledged, however there was a general sense of people working in these roles being over-worked and under-resourced. The implications of a lack of understanding of criminal justice processes include the reality of regular examples of missed court

appearances, breaching of bail and other conditions, and a broader sense of alienation from the legal system and government services.

A number of people we spoke to who worked in the criminal justice system identified the lack of available and appropriate options – both in terms of prevention and diversion in sentencing – as a serious shortcoming in Wilcannia. One example regularly referred to was that of Apprehended Violence Orders (AVOs). While AVOs play an important role for women in particular in providing police protection against interpersonal violence, in the absence of broader programs or strategies to assist perpetrators and victims of violence they were often seen to exacerbate problems. In Wilcannia, people in relationships – friends, relations or spouses – regularly take out AVOs that are then frequently breached. An example was given of three friends who were drinking together and after getting into an argument, took AVOs out against each other. The next time they met up, they were then in breach of the conditions of the AVOs and potentially subject to criminal proceedings.

> *AVOs are not helping at all – the community is becoming more and more dependant on the court system to resolve dysfunctional relationships and their inability to fix relatively minor domestic disputes. I think they should be used much more sparingly and only when really required – certainly where violence is occurring on a regular basis. Condition 10, in particular, which provides that a person is prohibited from approaching another person after having consumed alcohol [is inappropriate] in dysfunctional homes and relationships where alcohol is rife. It doesn't solve any of the social problems leading to alcohol abuse nor does it deter people from committing alcohol related crimes. Instead it simply leads to the criminalisation of behaviour and to the rate of Aboriginal people in custody. We have to get to the root of the problem.*
>
> Solicitor, Aboriginal Legal Service

> *[When there are problems in Wilcannia] a lot of the times it's left to the police. And the police solution is to get people out of each other's faces. The courts do the same thing, they put court orders on them that they're not allowed into the town. It doesn't really solve the problem; it just creates problems in [Broken Hill].*
>
> Community Service Provider

Even where alternative sentencing options were available, their existence was described as fragile. Two people we interviewed mentioned a drivers' licence program that included numeracy and literacy programs, and drug and alcohol education to which the magistrate could refer offenders that was strongly supported by the community, but which no longer exists. Driving offences, particularly unlicensed driving, are particularly common in Wilcannia and the program was seen to fulfil a local need and potentially contribute to lowering crime rates in relation to certain offences. People were able to get their drivers' licences, a necessary precondition to employment in a regional area where there is little public transport, and which could also lead to a sense of

pride and achievement. It also provided a program to which the magistrate could refer licensed driving offenders who were otherwise facing disqualification. It bolstered a partnership with the State Debt Recovery Office whereby those who had lost their licences or had sanctions on their licences could apply to have them reinstated while they paid their fines.

Issuing fines was a particular concern in an environment where people frequently couldn't afford to pay them, and which could then have serious consequences. An example was given of non-payment of fines by a young person for riding a bike without a helmet many years earlier, which lead to inability to get a licence and then a series of unlicensed driving charges that lead to imprisonment as an adult.

As reported in other rural communities, magistrates are limited in their sentencing options as diversionary programs are largely not available and incarceration is a regular outcome. Appropriate bail options were also not available:

> *It's hard for a magistrate to look at a kid's record and see so much and give them another go. They breach bail over and over again. Bail addresses often do not work because the kids don't have stable homes to go to. Current bail laws are not adjusted to the ways in which Aboriginal people live – kids often reside with their mothers, grandparents and sometimes uncles and aunties. They are given a bail address by the court but find that they are in breach after a couple of days because someone else is looking after them.*
>
> Solicitor, Aboriginal Legal Service

The only treatment program referred to was the MERIT (Magistrates Early Referral into Treatment) program based in Broken Hill, which gives the opportunity for people charged with minor offences to be referred by police, solicitors, magistrate or by the individuals themselves for drug and alcohol treatment. The program lasts for three months, during which time consideration of the matter is adjourned while the alleged offender attends the program.

Government policy and priorities

Almost every person we spoke to talked about Wilcannia as a community with significant financial resources allocated to it but with little to show for it; about the absence of coordinated, long-term planning or service delivery; and the serious lack of consultation and accountability to the community. Wilcannia was frequently described as a community run by 'remote control',[3] with increasing regionalisation of services and a blanket approach by government agencies, despite the obvious need for locally based, locally targeted solutions to the problems in the town.

[3] Lee-Anne Drewery, *Remote Control Communities: Final Report*, Central Darling Shire, March 2009.

The levels of frustration with top-down, short-term programs that were not evaluated in terms of their appropriateness or effectiveness were extremely high:

> *We spend millions of dollars on the place regularly. We constantly pump $3-4 million into a program; 18 months later, 2 years later, the program finishes and they never put in place anything to see how it went. Never measure it at the end of it to see if it worked and we just go and find another $3 million or $4 million and pump it back in. People are employed in those programs. They only run for 2 years and they've lost their job.*
>
> NSW Police Officer, Broken Hill

> *Every few years there'll be some money to throw around, and a few years later, the problems are still there, and it's because Federal and State Governments are only thinking about electoral terms, and so that flows onto the Local Council, and they're not thinking about the people that live in the places.*
>
> Aboriginal Language and Culture Teacher, Wilcannia

> *We do everything short term. We never plan for 25 years with milestones along the way and measure what we are doing. We never do that. You never see somebody with their $3 million sit down … to see how it's going and what it's doing. It puts a bit of money into the town but there's nothing long term. I have seen all these short-term programs go for a couple of years. In 3 years time, they might rename it, give it a funding injection, and employ different people to do exactly the same thing all over again… It's got no substance. We should be ashamed of ourselves.*
>
> NSW Police Officer, Broken Hill

> *A lot of money has been poured into Wilcannia on the surface. That's what it looks like but they don't count all the money that has been taken out by the consultants and the friends of the consultants and friends of the builders etc.*
>
> Community Worker

> *The other most important thing, if you are disempowered, what are you? You're there to be controlled by whatever policy, procedure or government rule and you just float along. You will bury your misery in the bottle or drugs or whatever. If you don't provide services properly and sincerely, you are going to have problems. If you continue to disempower people like the systems are, you will continue to have crime rates going up.*
>
> Acting CEO, Wilcannia Local Aboriginal Land Council;
> Chairperson, Wilcannia Community Working Party

The lack of accountability of service providers and government departments in a community where individuals, especially parents, are frequently lectured about taking responsibility for their actions was keenly felt:

> *The heavy-handed accountability imposed on parents and kids' attendance at school has to be imposed on agencies as well. Being heavy handed on the local people of Wilcannia who are very disempowered is to pick on people who have been picked on enough. I would like to see government agencies and people responsible … up the line [to be held accountable] – the people who should know better.*
>
> Acting Principal, Wilcannia Central School

A recent housing project was raised by many people we spoke to as a particular example of lack of government planning and accountability:

> *I was surprised that all of the old houses were pulled down: about half, possibly more, were in a condition that could have been renovated. They were concrete block houses, they were built in the 50s, 60s some of them… I think it was a mistake. There are people who are trying to lay the blame in certain areas: I don't think that's really effective or going to get us anywhere. There were mistakes made; decisions made that shouldn't have been made – I believe that the Department of Commerce was as responsible as anyone else, because they allowed it to go that way.*
>
> *When the initial contract was for six and a half million to be completed in a year, when it ended up taking almost five years - when the opposing contract, which most people favoured, was for a local builder to do the job over a period of three to five years, building half a dozen houses at a time and working with more local people, and that was going to cost eight and a half million – Commerce opted for the six and a half and also some people I believe that may have been influenced by money, they went with that and we received a letter in the community just under twelve months ago from the Department saying 'Congratulations, your last house is now completed and the final amount was 13 million dollars'. There's something underlying wrong with that…*
>
> *If you read the website for DAA it will say 'There were 19 locals employed'. What the contractor did was he went to anyone who wanted a job with them and said 'You have to take out an ABN and we'll pay you $12.50 an hour'; no worker's comp, no tax taken out, no superannuation – people didn't know what an ABN was, so he showed them how to do it. That's all very well in the building industry in a capital city, but it's not right here. Those people were employed short term, digging some ditches, with very little real work done by them.*
>
> Business Operator, Wilcannia

> *Overcrowding, shortage of housing and these other things [hunger and poverty] will all come back to impact on crime.*

Acting CEO, Wilcannia Local Aboriginal Land Council;
Chairperson, Wilcannia Community Working Party

At a public meeting called to address a recent ‘crime wave’, there was a great deal of anger expressed at the tendency to simplistically blame parents for children’s behaviour when services and activities for young people were in great need. The Central Darling Shire Council was a specific target, being criticised for failing to provide sporting facilities and, in particular, a skate park that some residents claimed had been in the pipeline for years.

This short term focus results in repetition which residents of Wilcannia find frustrating and exhausting, with the same community ambitions and needs identified but not acted upon:

> *We had an education forum with the Working Party a couple of months ago. It’s going over and over and over the same things, all the time. They call meetings and you go over it [again and again].*
>
> Principal, St Therese’s Community School, Wilcannia

As has been observed, Wilcannia did not become the town that it is overnight and overnight responses will not solve its problems. An environment where government departments are accountable to policy direction from above and don’t communicate effectively with each other results in disjointed service provision, lacking in coordination and resulting in duplication of services in some areas with gaps in others. It was said that the left hand often doesn’t know what the right hand is doing:

> *The Community Working Party was formed to try and bring services together. The local people complain a lot that DoCS [Department of Community Services] comes in, domestic violence will come in, all these different agencies and service providers and no one knows what the other is doing. … [There is duplication.] The [Women’s] Safe House might put something on about domestic violence, then two months later DoCS puts on the same thing. That type of thing. [We need] more co-ordination between the services. That’s what I thought the Working Party was meant to be doing but [each service] has its own hierarchy that it’s answerable to.*
>
> Principal, St Therese’s Community School, Wilcannia

> *One of the problems that we have is that we don’t know the services that come in [to Wilcannia]. Typically we find that there is a lot of service providers, with wonderful hearts and they really mean the world and there’s no doubting their sincerity, but their job is to run a program… it’s the latest thing, you beaut, super duper, we’ve got to drive in from Broken Hill so it takes us two hours to get there, we’ve got a few hours in the middle of the day, then we drive back. So what we’ve found lately is that we can have probably three people doing the same service on the same day, and no one knows. So we’re trying as a Shire is to get a database, if you provide services to any of our towns,*

tell us who you are, tell us what you're providing, so we can start to map the things.

General Manager, Central Darling Shire Council

If the service providers could network with what is in the town locally, then we might be able to overcome problems… They are forgetting about what is on the ground. They need to work out what is on the ground and network with them… It is common sense. I cry out for it all the time. The norm is that they are on a time limit: 'It's three o'clock, I'd better hit the road'. They can come out by all means, but they should leave with a good aim, which is to educate the community, train the locals and leave people on the ground.

Community service provider

The Central Darling Shire Council has published the results of a service mapping survey that identified 46 different human services being offered to Menindee, Ivanhoe or Wilcannia.[4] The main findings of the Shire survey accord with our findings in relation to the provision of services, namely that services are uncoordinated, operate from a distance and do little to build community capacity or infrastructure.

The problems that Wilcannia faces were described as larger than any one particular issue, and exacerbated by a disjointed approach:

What you tend to see is a lot of symptoms of living in poverty and every agency or organisation that's involved in Wilcannia just deals with one aspect of it, so there's never any joint effort to try and change things, because I'm sure that most projects would need other projects to support them if they're going to… If you've got some sort of employment strategy happening, then you probably need something along the lines of a training strategy happening as well, a health strategy happening at the same time, a domestic violence strategy going, but they'll need to actually work together and not be totally isolated because one's with the police and one's with DoCS and one's with the hospital and one's with whoever. Not enough of that happens. That's another thing that the Working Party's meant to deal with, but because of the amount of times that people have been stuffed over, you don't get so many people showing up to that forum, so you don't get so many things happening, so you don't get so many people showing up to that forum, it feeds itself… You couldn't deal with grief if you're not looking at substance abuse and things like that as well at the same time.

Aboriginal Language and Culture Teacher, Wilcannia

An equal source of frustration was the regionalisation of services. In particular, service delivery based in Broken Hill or Dubbo was said to lead to a distorted perception as to actual resources spent in Wilcannia, when the

[4] Lee-Anne Drewery, *Remote Control Communities: Final Report*, Central Darling Shire, March 2009, 9.

money supposedly allocated to Wilcannia was in fact being 'driven up and down highway' by government employees and consultants. One person we spoke to labelled this 'dead money'.

> *Money is spent to travel up and down the highway. [Someone] gets a great job to coordinate a program in Wilcannia but they're paying you to live in Broken Hill. You travel up the highway five days a week in the big flash car with the roo bar. None of that is considered when people talk about money given to Wilcannia.*
>
> General Administration Support Officer, NSW Police, Wilcannia

> *It's the same thing where they regionalised all the CDEPs. That's one thing that has stuffed them up. The CDEP in Wilcannia was going really well years ago. Then they regionalised it. Bring outsiders in. Don't empower the local people to carry on with things. You know, it's just bring outsiders in.*
>
> Community Worker

The perception by people in Wilcannia is of services being removed further and further from the town. This angered people particularly in relation to services where there was a clear need in the town for a locally based service, such as a Violence Against Women (VAW) worker, and the fact that DoCS no longer has a permanent presence in Wilcannia.

> *There was a VAW worker based here… She did some sensational programs here. Then the State Government decided to change their focus and how they address things and they got rid of something like 24 VAW workers across the state. We now have a DV Coordinator based at Dubbo, which is 750 km away.*
>
> NSW Police Officer, Broken Hill

> *DoCS are trying to increase their profile… They would love to have staff based out there full time but I don't think they can achieve it. At all. They advertise but they can't recruit. You have to look at the remoteness for your staff too. I'd like to see them with [support] like ACLOs [NSW Police Aboriginal Community Liaison Officers]. [DoCS] used to have field officers. Would like to see that sort of process in place. Trusted people from within the community. If someone needed nappies or formula, or someone had a health issue; if needed to, could run someone to the hospital - someone dealing with the day to day welfare of families, and in particular kids. DoCS staff from [Broken Hill] could do weekly visits. If they had to do removal, the field workers wouldn't become involved – more a support and monitoring role. If there is any issue, other staff come from outside and move in.*
>
> Community Service Provider, Broken Hill

The only permanent full time services in Wilcannia are the police, the health service and the Women's Safe House. While the work done by the Safe House was highly commended, there was a repeated concern expressed that there was no equivalent service for men.

The strong preference expressed was for locally based services employing local people:

> *Knowing the people is the real key. Everybody you talk to locally will say that they resent the fly in fly out model… Having people with a positive attitude is important to the town – [that you] value Wilcannia and its culture. It is better that people become part of the place, rather than come and go.*
>
> Acting Principal, Wilcannia Central School

> *The dollars were just band-aid solutions. They never really got down and talked on the ground to the Aboriginal people and asked, 'What do you want?'*
>
> Community Worker

Inflexible funding guidelines were identified as a further cause of programs not being responsive enough to community aspirations. Even where money was available for a community project, people criticised the need to put together a submission that fulfils the guidelines dictated by the bureaucracy. The final product had to be tailored to suit inflexible government requirements or red tape and didn't necessarily suit the community or fulfil local aspirations.

While there was acceptance that it was difficult to recruit suitably qualified people to work in Wilcannia, there was a strong sense that government policy and processes were not flexible enough and did not provide sufficient incentives to make Wilcannia a realistic option for employment:

> *A lot of people think that coming to Wilcannia is a sentence that's got to be served. That applies to all of the government agencies but it shouldn't be like that. The local people know that it shouldn't be like that because it's their home. They're not here because it is a sentence; they're here because they're home.*
>
> Acting Principal, Wilcannia Central School

Almost every person we spoke to raised the inadequacy of mental health services as an area of urgent, largely neglected need:

> *[The police] a great model for other agencies to think about... If I have a year 8 student in school who needs to access an adolescent mental health worker, that student has got to get on a bus and go to Broken Hill. I think there's something to be learnt in those two differences. Why is the police service valued so highly by government leaders that they should have such a strong and dominant presence in the town when they adopt that model of operation, which I really agree with because it's very integrated; why are mental health services not valued that they're given just a cursory point of contact which is in Broken Hill, 190kms away?*
>
> Acting Principal, Wilcannia Central School

A major criticism of government policy and priorities is that there tends to be a short-term band-aid approach without focus on sustainability and without dedication to building the capacity of the community to determine and implement its own solutions:

> *Constantly, we're talking about making sure it's sustainable within the community; that we're going there as a service, and that we're not permanent – that we go up there to skill up the community; that we go up there making sure the community are aware that until we're told any different – June 30 2009, that's where our service may end, so let's get moving: this is what we can do, and this is what we can't promise. Just making sure that language is always there, because it's always in the back of our minds, 'well I've got to make it sustainable'. How do you do that when you've only got a guarantee of funding until then?*
>
> Community Service Provider, Broken Hill

Importantly, there was also criticism of government programs and priorities that failed to embody Aboriginal culture as central to their operation. While health, housing, education, cost of living and combating poverty were identified as essential responsibilities of government, there was an identified need to foster the spiritual and cultural elements in the community.

> *Over the years, while the intent may have been to benefit us, [the focus] has been on the physical [or] the material side, but never the spiritual side. [That is] certainly out of balance as far as Aboriginal people are concerned. You only have to look at policies like assimilation. They destroyed the spirit of Aboriginal people. It goes right back to denying those rights to practice their own spirituality.*
>
> Acting CEO, Wilcannia Local Aboriginal Land Council;
> Chairperson, Wilcannia Community Working Party

The Murdi Paaki Regional Assembly conducted a regional planning process to identify community priorities. The realisation of community aspirations was identified as the top priority:

> *Coming out of the COAG trial was a planning process for determining priorities and it's different from one community to another in terms of what they placed the emphasis on. When we did the regional matrix for the 16 communities' plans, 'community' came out as the number one priority; not health or housing. It was about engaging with each other and getting those things sorted out in the community; protocols, cultural protocols and cultural authority, all that sort of stuff, before they were prepared to [identify] other impacting issues that they wanted to address. … The relationship with each other in the community was the fundamental thing. They were saying that there is no good engaging with government about these specific things unless we get our own house in order. … Just the relationship or lack of relationship that existed between community organisations for example. Just the division and the factionalism … getting to overcome that stuff to make the community a better place.*

Chairperson, Murdi Paaki Regional Assembly

While governments may not be responsible for reinvigorating 'community' in this sense, policy that is top down, non-consultative and provides short term fixes will do little to facilitate these aspirations.

Community dynamics

As described above, there is a common narrative of substance abuse and domestic violence as dominating crime rates in Wilcannia, but also the suggestion that the perception of Wilcannia as a frightening place and dangerous to strangers is overstated:

> *There is a problem with how Wilcannia is perceived. People think of riots and violence. The place is suffering from a huge PR problem. Some people are working to change the image. Some people don't want to change the image. They like the bad boy image and get off on the hardcore reputation. The game would be over if everyone knew that Wilcannia was a quiet town. What would you have to talk about at a dinner party then?*
>
> Acting Principal, Wilcannia Central School

> *I'd heard the reputation of the town before I came here in terms of crime rates. … One of the things I did when I was here [considering buying a business in Wilcannia] was actually visit the courthouse, which had a court day in session. I'd heard this massive thing about crime, and went down and there were a number of people out the front; I went into the court and the magistrate was sitting there and there was a defendant at the desk, there was a prosecutor and WALS (Western Aboriginal Legal Service) solicitor there, a court recorder, and the magistrate was reading the brief and said: 'Are these people still living together?' The response was yes. 'Well do you realise that in this AVO you've got a declaration that they have to be no closer than 50 metres: that's a little bit impossible given the circumstances. Would you like to review that?' So that was my first experience, so I thought 'Well if that's the sort of crime that's going on, obviously it's a lot different in reality to what the statistics show'.*
>
> Business Operator, Wilcannia

There was widespread frustration and dissatisfaction with the lack of community control but, equally, recognition that there is little capacity in the community to make significant changes; to engage in long term strategic planning and effectively implement decisions:

> *It's a really tricky issue, but I think the biggest thing is that people need the power to look after their own lives. Here in Wilcannia there are no active projects or programs in place on a community level that are trying to change the behaviour, so the less focus there is on whether or not behaviour is good or bad, or socially unacceptable or socially unacceptable, means that people just keep doing what they're doing; nobody's being told, you shouldn't do that or you shouldn't do this.*

Aboriginal Language and Culture Teacher, Wilcannia

> *It applies to all government agencies. They pour money into Wilcannia like there's no tomorrow. But there's nobody out there that wants to take any programs, who is [willing to say], 'This is my program, I'm going to run it', sitting on the ground doing it. It's always somebody who comes into the community and says, 'This will be a really great program, let's run it'. While they are in Wilcannia running it, it will work. The moment they leave town, things may continue for a short time then they fall apart. There's nobody you can trust to pick up the reins and continue on with it.*
>
> General Administration Support Officer, NSW Police, Wilcannia.

Some people referred to the need for 'leadership' in general terms but there was no clear vision of what that leadership would look like or what it would achieve. Indeed, there was some cynicism about the concept of leadership generally and about the tendency by outsiders, for example government agencies, to latch on to individuals who may not have legitimacy with the broader community. The suggestion seemed to be that a focus on 'leaders' by outsiders with the hope that a strong leader may solve some of Wilcannia's problems did little to improve well-being:

> *There's this focus on 'creating good leaders', and when you focus on creating good leaders, it means you're picking 1 in 50 people, and who gives a shit about the other 49.*
>
> Aboriginal Language and Culture Teacher, Wilcannia

Key individuals providing needed services for the community were identified but there was the observation that they were often not supported and there was a tendency for them to burn out. One such example, which was repeatedly referred to, was a film night run by one individual, which does not run when she is unable to co-ordinate it:

> *[The General Administration Officer, Wilcannia Police] has been running 'Blue Reelers' for 10 years. If [she] hadn't taken it over, it would have folded. And if [she] left tomorrow, we would obviously try to keep it running. It's a voluntary exercise but this year has been able to get some police dedicated funding. If [she] had to go tomorrow, it would probably fold. But it's a great program. Gets kids off the street on pension night and we are talking young kids. Gives them free movies. Kids get a good feed. [Apart from Blue Reelers], there would be nothing else running in that community that has actually run and stayed running.*
>
> Crime Manager, NSW Police, Broken Hill

The Community Working Party (CWP) was frequently identified as a potential vehicle for identifying community aspirations but there were different views as to what the CWP has achieved or is able to achieve. Some people felt that the CWP was hampered in the planning process by government priorities and policies; that, in effect, government would indicate what it would do for the

community, rather than the community determining its own preferences. The proper relationship between the CWP and Central Darling Shire was also questioned, where it was felt that the Shire did not appreciate the representative role of the CWP. Perceptions of a divided accountability of the community facilitator were also commented upon. While on the one hand, the community facilitator was meant to enact CWP decisions, external funding and auspising resulted in some confusion in the community as to which organisation directed that role:

> *[T]he Local Council having one or two Indigenous faces in their office: they're a part of the problem that don't want to accept that they need to change what they're doing. So the forum's there [the CWP] but because of the structure it means that organisations have less voice than someone in the Mallee with a busted sewerage pipe…*
>
> Aboriginal Language and Culture Teacher, Wilcannia

Wilcannia is described as a segregated town with little interaction between the Indigenous and non-Indigenous community.

> *If you get to know Aboriginal people in the town, then you seem to not to get to know white people in the town. … It is not a very integrated town and doesn't have any common events. They don't mingle. No common show or rodeo or dance or anything that everyone goes to and mixes at. This lack of mixing results in division and communication breakdown and problems.*
>
> Acting Principal, Wilcannia Central School

This segregation is most evident in economic disparity and was identified as a fundamental, underlying problem in the operation of the town. While the majority of the population is Indigenous, many of the non-Indigenous residents' livelihoods are seen to depend on the Indigenous residents:

> *Wilcannia – its schools, hospital, council - exist because of the number of Aboriginal people who live in the town: All of these organisations are all basically here to support blackfellas, but they're supporting the symptoms of poverty, they're not addressing the other end of it.*
>
> Aboriginal Language and Culture Teacher, Wilcannia

Competing descriptions as to the significance of traditional culture and spirituality were given. On the one hand, Wilcannia was described as having a rich Barkindji culture and high degree of adherence to tradition, and argued by some to have succeeded in resisting assimilationist policies. Commonly, there was reference to the maintenance of spiritual and cultural connections but concern that high levels of substance abuse in the community were undermining respect for and practice of culture.

A number of people mentioned the history and role of the Christian church in the town. St Therese's Community School, referred to as the 'mission school', has had a long presence in the town and is viewed with a great deal of affection by many in the town. There were more conflicting views about the

more recent presence of the River of Life church. While some people felt strongly that it provided an important moral framework for families in Wilcannia, others felt that it drained money and focus from the town and created division.

People referred to respected people in the community who with the right support could play a crucial leadership role. A number of people expressed frustration that the respect for elders that had been ingrained when they were young was no longer common. With the undermining of the role of elders, people described a loss of peacemakers – instead it was said that contemporary honour and pride are often linked with maintaining feuds. A number of people we spoke to talked about the pressure from many in Wilcannia to continue unhealthy lifestyles, and the need to leave the town in order to make positive changes in their lives.

However there were examples given of positive, pro-active choices that were made at a community level. A strong stance is reportedly taken on 'hard drugs' such as amphetamines in Wilcannia, described as the town drawing the line at 'anything injectable', with one person we spoke to saying that 'the boys go round and have a word, and empty it out on the ground'.

People talked about a pervasive sadness and depression in Wilcannia where people live very hard lives. Attempts to take control of their own lives were repeatedly thwarted leading people to consider active engagement a pointless exercise. The provision of housing in Wilcannia is an example where consultation with local people, if it took place at all, was ignored leading to further demoralisation:

> *Because people have been oppressed for so long, they just take that oppressed role. So they say 'Oh there's no point me looking for anything better', and it's been happening for so long that it takes so much bloody resilience and courage to first of all stand up to it.*
>
> Aboriginal Language and Culture Teacher, Wilcannia

One image of Wilcannia that some people talked about was that of a dying, rural town, suffering from the advances in technology and transportation. People described Wilcannia as experiencing the constant decline of population and services:

> *It's a sad thing but Wilcannia is probably one of many country towns in NSW and maybe the rest of Australia that maybe have hit their use by date. It was once a bustling community, a river town, it had rural industry and the RTA. All those things have gone as people become more mobile – Broken Hill is only 190 km away, it's not a long distance. People can go out and back in a day; government services. I guess it is technology. When it was back with horse and dray, you needed a big community, maybe even when the roads weren't so good but things change.*
>
> Crime Manager, NSW Police, Broken Hill

> *A lot of Wilcannia people have probably relocated to Broken Hill anyway. Purely because the services are here and the town out there is slowly dwindling away.*
>
> Duty Officer, NSW Police, Broken Hill

However, what was readily apparent from our interviews is that, despite very difficult circumstances, the residents of Wilcannia on the whole remain very loyal and committed to the community.

MENINDEE

The lower recorded crime rates for Menindee in all areas were supported by descriptions from people we spoke to of the community as generally law-abiding, cohesive and as able to solve problems locally. People referred to Menindee as a town with an active involvement in crime prevention, with employment and other opportunities, and one where community members are likely to take care of problems themselves:

> *The community [in Menindee] is stronger – they take care of their own. There is more employment. There is more self-respect and self esteem.*
>
> Aboriginal Client Service Specialist, Local Court, Broken Hill

Factors affecting crime rates

Conversations with people raised some common themes ranging from the availability of employment opportunities and proximity to Broken Hill, to the central role of the school and expectations of success, to the role of a particular group of women and the extent to which the community takes control of its own destiny in the light of few government services. However, one important factor frequently raised was the possibility of the low crime rate in Menindee being due to crime being under-reported.

Menindee as law abiding

People we spoke to described Menindee as a law abiding town, with the general view that 'people here don't want trouble'. Menindee was described as a community that had a good working relationship with the police and government agencies in relation to crime prevention. An important factor identified by those working in the area was that of the Police ACLO who is also a key community figure.

> *Menindee seems to be a community that has more participation in the crime prevention stuff. They have also have a better engagement process with the Attorney-General's Department. Also, the Menindee Community Working Party chairperson is the Aboriginal Community Liaison Officer, which may have some impact on how people see [the police], and developing a respect for the legal system, rather than just not having any regard for it whatsoever.*
>
> Chairperson, Murdi Paaki Regional Assembly

> *The community structure itself seems to be maybe a lot more positive in Menindee. From my experience, our involvement with the Working Party and LACAC [NSW Police Local Area Community Aboriginal Committee], we seem to get a lot more interest from the Menindee Indigenous community than we do from the Wilcannia community. What I mean by that is, [people are] prepared to be involved in projects and look towards goals with us. Probably a good example is the LACAC meeting the other day. The Northern LACAC services Broken Hill, Wilcannia and Menindee. To be fair, we took the meeting to Wilcannia. Next to no locals turned up. They knew about it. The ACLOs [Aboriginal Community Liaison Officers] reminded them about it and*

offered lifts and yet we still got good representation from Menindee and Broken Hill, 200 km away.

Crime Manager, NSW Police, Broken Hill

One of the strongest themes emerging from interviewees regarding Menindee was the importance of informal social controls on lower crime rates.

We have some [people who have been convicted of crimes] here and they're just not treated as well as others… In Menindee, the stigma stays with you. In Wilcannia people forget. Will be drinking up and laughing up alongside the people who have taken other people's lives. In Menindee, they're not treated the same if you do something like that. You're looked at quite differently but you're not cast aside either.

Community Worker

Forget about Indigenous/non-Indigenous, straight across the board. Not only with the dramas that I've seen here but in 21 years of policing, the problems we have with kids. Generally speaking, kids in trouble don't come from stable family backgrounds and don't regularly attend school. In Menindee, a greater proportion of kids come from stable family backgrounds and they regularly attend school, as opposed to Wilcannia. With juvenile crime leading into later in life crime, adult crime, a huge influencing factor, probably the biggest are the values imposed by parents. In any community.

Crime Manager, NSW Police, Broken Hill

Examples were given of community mobilisation to deal with local problems as they arise. In one example that a few people referred to, community members, parents, the school, the health service and the local store acted together to deal with a problem of aerosol sniffing by some young people.

Couple of outsiders come into town caused a lot of the rot. Parents are quick to jump on it... One mother heard about it through the group of women I'm involved with. We rang the police, rang the health service and the school. Some parents had a meeting there and then. Someone went to the shop and told them not to sell fly spray to kids. Had another incident at about the same time with kids burning one another with deodorant. Next morning the school banned deodorant at school. Parents were notified – notices were put up saying that police were going to check bags. Police didn't need to because the parents put a stop to it. Parents will get together at the drop of a hat and say, we're going to do this. That needs to be done. Couldn't wait for DoCS to come out or Mission Australia because it won't happen.

Community Worker

Employment

Greater employment prospects in Menindee were one of the first factors that people identified as influencing a lower crime rate. Employment opportunities related to the local horticulture, pastoral and tourism industries as well as to closer proximity to Broken Hill.

There appears to be a lot more employment in Menindee and a lot more scope for employment, even if you have to travel to Broken Hill. Broken Hill is a travelling distance, whereas Wilcannia is a bit too far … You have the horticultural industry that is alive and well in Menindee.

Crime Manager, NSW Police, Broken Hill

Economic opportunity is probably one of the contributing factors to the difference in crime rates… There is that reflection in the two communities where Menindee has that difference of employment opportunities all the time, rather than Wilcannia only having [employment] part of the time.

Chairperson, Murdi Paaki Regional Assembly

However, some interviewees still raised challenges faced by Aboriginal people in Menindee in terms of accessing employment.

A lot of people will employ Aboriginal people when there are the traineeship dollars but when it comes to the actual jobs… A lot of people are happy when the blackfella is below them but don't like it when the blackfella is level to them. That's a different kettle of fish.

Community Worker, Menindee

Other people observed that it was too simplistic to attribute the differences between Menindee and Wilcannia to employment opportunities, highlighting many of the problems facing Aboriginal people living in bigger towns and cities where employment is more readily available.

Children and young people

Any discussion of children and young people in Menindee led to a focus on the role of the school, and an overwhelmingly positive response. The strong relationship between the school and the Aboriginal community was identified as a key characteristic of Menindee. In particular, having an active, experienced principal committed to working in partnership with the community was regularly referred to.

There was an important sense of community input into the school direction and approach, and respect for Indigenous staff and content. Traineeships with local businesses and agencies for students in later years of school were seen as an important bridging step to employment. While many people we spoke to identified ongoing challenges facing the school, there was a sense of commitment to having a functioning, nurturing school that helped to provide a future for Aboriginal students.

If your school is functioning really well in the community, it can help overcome some of the dysfunction and neutralise disadvantage.

Community Service Provider

Menindee just seems to be a very functional school and it's very important to everyone that kids get an education.

Duty Officer, NSW Police

Input from the Indigenous community is integral to the operation of the school. Through the Schools in Partnership program, an advisory committee comprising the Principal, Aboriginal Education Consultative Group, Menindee Community Working Party, Parents and Citizens and the Teachers Federation has substantial input into allocation of funds and in setting direction for the school.

Innovative measures taken by the school are the creation of the role of an Aboriginal male educator and the involvement of an Aboriginal mentor for the school.

> *[The Aboriginal male educator] is an important bridge for keeping kids at school. When they are at school, they have a better chance but we need the employment to back up…*
>
> *He is changing the perception of Aboriginals as subservient.*
>
> Principal, Menindee Central School

> *An Aboriginal mentor is working with the school. He has written a couple of reports and the school is implementing them. We are keeping the direction steady and starting to achieve.*
>
> Principal, Menindee Central School

The traineeship scheme was one school program that was repeatedly referred to as an excellent initiative for young people. The Principal explained that it was important that students see that the school is giving them opportunities. Traineeships commence in Year 11 where students undertake a TAFE course over seven terms while working one day a week and, at the same time, completing their HSC. The school provides resources and close support of its students undertaking the program. While a challenge for students to undertake, the traineeships have a high degree of support from within the community and more broadly.

An example of the ambitious vision of the school lies in its proposal to develop hospitality traineeships on site through the development of a restaurant, and ultimately accommodation, to cater for tourists.

Despite the accolades given to Menindee Central School, the Principal gave a cautious reminder that success requires constant vigilance:

> *So much more still to be done. The message is that while the school may be doing well, it is fragile…*
>
> *Most difficult job I have is keeping things balanced and keeping things moving forward. It's a tightrope. You need people who are prepared to take chances and walk on the tightrope.*
>
> Principal, Menindee Central School

Parental and community expectation seem to be important factors in encouraging ambition and a sense of purpose for young people:

> *We get our kids to school: that's another big thing.*
>
> Community Service Worker, Menindee

> *Just about every kid goes to Year 12 in Menindee – it's the done thing. They'll chase you and chase you until you go back.*
>
> Community Service Provider, Menindee

> *In Menindee, we're always pushing the kids; about getting their licence, doing courses, doing training.*
>
> Community Worker

> *That's what we say to these kids now all the time. Be careful what you do from now on in. If you get that [criminal] record, you're gone. You can't work anywhere.*
>
> Community Worker

A picture was painted of a community supportive of young people, eager to ensure that they have every available opportunity. For example, when the Community Facilitator organised governance training for members of the Community Working Party, she 'roped in' business students from the school to do the courses.

An awareness of the need to mentor young people and provide active succession planning was described. The need to 'get the young ones involved' in the Community Working Party was expressed, so that they know how things work and ultimately can take over its running. Young people are encouraged to become involved and to participate in meetings. There was a strong sense of continuity and sustainability fostered by one generation in handing over to the next:

> *We want to train everyone behind us. So if we all walk away, it's going to keep running.*
>
> Community Worker

However, many people also raised the lack of organised activities and venues for children and young people outside of school hours as a problem for the town. The need for a drop-in centre was mentioned, although community members were clear that they wanted a centre that was designed by and tailored for them.

The fraught question of how to deal with juvenile offenders was raised by people we spoke to in Menindee. Concern was raised about intervention to prevent juvenile offenders from taking a path to adult offending. In particular, there was tension between the acknowledgment of custody as rightfully a sanction of last resort but an expressed need to halt a progression to adult offending with its very serious consequences:

They need to be hard on, say a 17 year old kid. I know that cautioning thing is a good idea but, say a 17 year old kid goes and does something. You'll find they start from about 14. Mum sticks up for them. [There is a] difference between supporting your kid and sticking up for them. If they've stuffed up, they've stuffed up. … Problem is that starts when you're 14, you get a smack on the wrist, a smack on the wrist, a smack on the wrist. You turn 18 and bang, you're inside. That's the biggest problem. They need to be really drilling those kids and giving it to them. For some kids in Menindee, conferencing has worked. Put the wind up them. But there are others who just go there and their parents tell them, 'Go along and make out you care.' … You need to be hard on them.

Community Worker

Under reporting

Despite a prevailing sense that the situation was better in Menindee than Wilcannia in a variety of ways, it was claimed by some people that there was significant under-reporting of crime in Menindee, particularly in relation to domestic violence and sexual assault.

Menindee has just as many distresses in their community as Wilcannia has in terms of child sexual assault, adult sexual assault, domestic violence, substance abuse - it's just not as open, or not as visual as Wilcannia's.

Senior Aboriginal Mental Health Worker,
Maari Ma Health Aboriginal Corporation, Broken Hill

The police are aware of the issue of under-reporting and have made attempts to encourage disclosure. The reasons given for under-reporting seemed to fall into two distinct categories. First, there was under-reporting because local police were unavailable or non-responsive:

There's a big problem with police not coming out. A lot of people ring 000 [and their call goes through to Broken Hill] and are told that the police are on their way. Police don't turn up. A lot of times our police here don't even know.

Community Worker

Even though we've got three police, they're never here. When you need the police, they're never around. Sometimes they go to Wilcannia, or are relieving in Ivanhoe, Broken Hill for court and stuff like that.

Community Service Worker

The crime rate [in Menindee] is lower because the domestic violence isn't reported. And the police station is only open 2 or 3 days a week.

Aboriginal Client Service Specialist, Local Court, Broken Hill

Second, there was a broad description of Menindee as a strong community that takes care of its own problems. This was particularly resonant as it

related to dealing with juvenile offenders and community attempts to avoid contact with the criminal justice system. A description was given of people undertaking their own investigations in relation to break-ins and approaching parents of young people suspected of being involved. Given the implications of contact with the criminal justice system, there was not a perceived need to approach the police over such incidents.

> *[The community] controls a lot of things before they need to go further. With the police, it's more like community policing in Menindee. They want the police more for positive things rather than having to call the police in.*
>
> Community Worker, Menindee

However, attempts to resolve issues internally were also described as a negative thing:

> *Because of the history [in Menindee], everyone attempts to resolve the issues within families, within that set up, and sometimes that's a good thing, but on the other hand, they tend to close things up. Some of the things that we're finding out with the [Maari Ma] research project now is that particular DVs and things like that are hidden, and everyone has that blanket approach where it gets hidden, whereas in Wilcannia it's just out there in the open: what you see you'll see there on the streets, you'll see in the homes.*
>
> Aboriginal Health Co-ordinator, Broken Hill

Others mentioned the lack of police involvement in petty crimes committed by young people leading to the perception that police weren't interested in such matters and then to people taking matters into their own hands in a negative sense. It was argued that where there is no reporting, no pattern is then discerned to inform crime prevention strategies.

Menindee women

The important role played by a prominent group of women in Menindee, most of them related, was regularly identified as a key factor in the dynamics and functioning of the community. Most interviewees were very positive about the role played by this group of women and described many of the positive things happening in the community as the result of their commitment and hard work. Others who were not aligned with their vision for the community described their leadership role in less positive terms.

> *[The prominent group of women in Menindee have a] vision for what they want for the community. They want a good school, a good community, the same as anyone in any community would want. They have big fight to get it because governments don't support little communities like this.*
>
> Principal, Menindee Central School

> *Menindee just seems to be a place that works better as a community. The women out there, in particular, are very driven, whether in the*

CWP or the local rugby league club. They are really focused on trying to get the best for the town.

Community Service Provider, Broken Hill

[The women] may be seen to be greedy. They may be seen to be unpopular but without them, this would be a much lesser town. They are a formidable group.

Principal, Menindee Central School

Menindee women will put themselves out and do a lot for other people because [Menindee] just doesn't have the services here. No one else will do it. That's just what you do.

Community Worker

An example is the determination of those women to do whatever it takes for appropriate training courses to be conducted in Menindee through the CDEP:

There's that many people in jobs in Menindee that came from that CDEP. It wasn't a matter of, 'We're going to keep you on CDEP'. It was, 'What are you interested in?', and then we would get the training for you. We all have so many different tickets because if there wasn't enough to do a course; they would only do the course if there was so many. Extra couple of women would jump in so they would run the course. Chainsaw courses, earthmoving, horticulture etc. Because we needed it to run for those boys. Unbelievable some of the tickets we've got. But you've got to do it.

Community Worker

Local solutions to local problems

The aim of the Community Working Party in Menindee was regularly stated as developing local solutions to local problems, based on what local people know will work. The CWP was described as having a clear vision and view of how to achieve its aims. Community control is absolutely central to the operation of the CWP, which resists intervention from outsiders in terms of its method of operation and identifying priorities:

When we first started, they wanted it top heavy with the Shire; everyone else but the grassroots blackfella. We said, 'If that's the way you want it, you can have it that way. We're not having ours like that.' They tried to stand over us. We said, 'You go and set up a working party like you want. We're going to set one that's coming from the community and what they want.'

Community Worker

People come to work with us, we want references from them. We want references from the communities; the black people. We want contact numbers from some of the tenants. We want contact numbers from people on the ground. We don't want people up top telling us that this is all pretty.

Community Worker

Members of the CWP described themselves as resistant to a blanket approach by funders and service providers; one person explained the rejection of the one size fits all approach, because 'we're all out of shape' and need something designed for Menindee specifically:

> *That's why we've never got a lot because we've refused to bow down to what they wanted to do. They wanted to control the community. … We said, "You want us to do that. We're not."; the way they wanted the Community Working Party set up. We're unique to the rest of them. Our working party here, only about 8 regulars turn up but 2 reps from each facet of the Aboriginal community: housing, education, health, old ones, young ones, employment. Only [Aboriginal people] have voting rights, white fellas don't. It is predominantly women through no fault of our own. With the reps that are there, it's a good cross section; each family group in Menindee is represented.'*
>
> Community Worker

> *We're behind the eight ball [in Menindee] as far as getting any funding and the likes but we will not be dictated to by people who don't know what the community is like.*
>
> Community Worker

The focus on locally crafted solutions is exemplified by the Community Working Party's refusal to accept funding for proposals that do not fit within its plan and vision. There is a reluctance to compromise:

> *We have said no. … This is where the others are failing because they have signed their lives away to a handful of men who have driven the bus so many times before and crashed it and nothing has worked.*
>
> Community Worker

> *We want to build on resources that we have here. If we are going to have a drop in centre, we want the best. They are talking about putting a shed up. Why would we want a shed? There are plenty of sheds around town that we could jump in. If we are going to do something, it needs to be multi purpose. We want the best value for our dollar. It wont be open until after school. Not even open until 4.30. There are activities at the school, the kids can stay at the school. They say to us, up in [another town this is happening] – but we're not [that town].*
>
> Community Worker

Policing

There could not be a more stark contrast between Menindee and Wilcannia than in the role and the level of policing in the two communities.

> *From our perspective, we have a lot more policing dramas in Wilcannia than in Menindee, hands down. … [In terms of] our policing resources,*

there are dramatic differences, you have 3 police in Menindee and, at the moment, 11 ½ in Wilcannia.

Crime Manager, NSW Police, Broken Hill

In Menindee, we hardly ever have to supply additional resources, [whereas] in Wilcannia we quite often have to supply additional resources, especially for funerals.

Crime Manager, NSW Police, Broken Hill

As described above, police are a very significant presence in Wilcannia, contrasting with a limited presence in Menindee. The tenure of police in Menindee is 18 months longer than in Wilcannia. The additional time was seen to be sufficient for better community-police relationships to develop, which was considered important in a community such as Menindee where there was an emphasis on police support for community initiatives. However, as noted above, the lack of police presence was also described in negative terms, leading to under-reporting and the potential for ineffective crime prevention approaches.

In Menindee, similar concerns about a lack of engagement with the criminal justice system by people charged with an offence were raised – lack of understanding of processes and inability to effectively advocate for themselves. For example, unlike Wilcannia, there is no specific court sitting in Menindee, so people charged with offences must travel to Broken Hill to have their matters heard. This raised particular problems, such as the only public transport to Broken Hill being the daily bus that leaves Broken Hill for Menindee before 3pm. If the alleged offender's matter has not been dealt with by that time, they are faced with the dilemma of having to stay overnight in Broken Hill or not appearing in court. People, feeling unable to explain their situation to the court, often opt to return home, failing to appreciate the importance of appearing.

Government policy and priorities

Interviewees regularly referred to the lack of government services and programs in Menindee. This was described in both negative and positive terms. Many referred to the lack of services and programs to address many issues faced by the community, and described the way that not being seen as a 'problem community' like Wilcannia meant that there was not sufficient focus on the needs of people living there. Others felt that the reason Menindee continued to function better was, ironically, in part due to a lack of government interference in or control over the way things functioned in the community. This was described as being due to the problematic way that funding was provided and services and programs delivered to Aboriginal people in small regional communities.

The prevailing sentiment about the lack of government services or resources in Menindee may be summed up in the following comments:

We don't get nearly as much as what Wilcannia does. There's been lots of talk around town like maybe our crime rate should go up so we can get some of the funding.

Health Worker, Menindee

If Menindee doesn't do it for itself, no one else is going to because Menindee gets no services.

Community Worker

That's why the community goes so well. We get limited resources but what we do get, we share and make the most of it.

Community Worker

While similar themes emerged in relation to Menindee as had arisen in Wilcannia – problems with regionalisation, remote service delivery and the adoption of a blanket approach – there appeared to be less anger about it. Not because there was a view that service delivery was better than in Wilcannia, but that it was pretty much non-existent in Menindee, which seemed to promote a certain resigned frustration.

Nonetheless, examples were given of the impact of regionalisation and the adoption of a blanket approach on some of the few services available, particularly in relation to the role of Community Facilitator and impact on CDEP. The role of Community Facilitator in the Murdi Pakki region arose from the Murdi Paaki Partnership Project, designed to strengthen operation of Community Working Parties. Community Facilitators have now been superseded by a new role funded by the NSW Department of Aboriginal Affairs, who will have the role of part time community engagement officers but will not be based in the communities.

There was frustration at yet another accessible community-based resource or service being removed from the community and based elsewhere. The removal of community facilitators from the community was viewed as particularly ineffective, given the acknowledged lack of support for Community Working Parties in general and an urgent need in the community for co-ordinated responses. It was argued that what was actually needed was a full time facilitator:

Keep the [Community] Facilitator! … They're talking about having part time facilitators elsewhere and they're finishing ours next week. Why would you? Why pour money into another project? Why put someone else on when you have stuff that is operating? … She's only part time. A full time facilitator could get a lot more done. What's she's done part time but she does do a lot in her own time… As usual, it's a pilot. … Before the Community Facilitator, the members of the Community Working Party were run off their feet. At least now you have the one port of call. She'll ring up and nag and say, are you coming to this, are you going to that? Someone to co-ordinate the community. We need the Community Facilitator because there are no other services here. We need that grass roots person sitting there who is accessible by the

community. … Solutions to our problems are coming up because she is there.

Community Worker

A similar theme was described in relation to the CDEP:

They've regionalised Menindee's CDEP. They took our CDEP. It was one of the last to go over. We said, "Just take it." They hold funding back and hold funding back and hold funding back until you can't go on any more. When it was held in Menindee here, it was run by a local and there were that many people trained. There's that many people in jobs in Menindee that came from that CDEP.

Community Worker

As in Wilcannia, the preference is for community specific programs tailored for the identified needs of that community. However, in an environment of distinct need, there is pressure to roll out services that have been successful in one community more broadly. The danger is, of course, that programs may have succeeded because of the particular nature of the community and may not succeed in others without similar characteristics. The concern is that the communities themselves, ultimately, carry for the blame for the lack of success:

[In relation to successful programs], whatever has worked has been run in both communities. It's not a case that police are doing something different in Menindee as opposed to Wilcannia at all. Anything we have tried that has worked goes everywhere. … If anything, we have probably poured tenfold the amount of resources in Wilcannia compared to Menindee. It's simply back on the community itself. Anything we've got that works goes to everywhere that's appropriate. Wilcannia has had no less opportunity than Menindee. If anything, it has had much much more.

Crime Manager, NSW Police, Broken Hill

Community dynamics

The description of Menindee as wanting to find its own solutions to problems in the community was a prominent one backed up by many examples given. The need to organise training and opportunities for people in the community, particularly young people, was emphasised.

Divisions within the community were acknowledged, some of them along the lines of people identifying as Nyampa or Barkindji, particularly arising from land rights and native title processes that recognised Barkindji as the traditional owners of the area. It was repeatedly emphasised that Menindee is not a segregated community and that there is a high degree of integration between Aboriginal and non-Aboriginal people in the town. This was not always viewed in positive terms, with a small number of people describing Aboriginal people in Menindee as 'assimilated', contrasting them to the Aboriginal people of Wilcannia. But Menindee was generally described as an integrated, cohesive community.

We wouldn't want to go and build a separate [health service]. We need to be working together. Menindee's not a black and white town. What we would want to do is expand on what we already have and put an Aboriginal perspective into it.

Community Worker

We're not taking our kids out of the system. If we've got a problem with the school, we get blackfellas into the school. Our kids are going to stay there whether they like it or lump it. If we need to change things to make our kids more comfortable and create a better learning environment, then we'll get down there and do it.

Community Worker

People do come to town and cause a bit of black and white shit but they soon get knocked down. They do try to cause waves but we don't want to hear it.

Community Worker

[Menindee] has its factions. Every town has its factions. It's not Indigenous communities. Every town has its factions but they are at a point where they are prepared to say, how about we agree to disagree and move on in the best interests of the town.

Duty Officer, NSW Police

Overall there was a sense that there was a contemporary, cohesive culture in Menindee, with people seeking to work together for the town to have a positive future.

IDEAS FOR REDUCING CRIME

Everybody that we spoke to had ideas about particular community characteristics or strategies that may have a positive impact on crime rates. There were important lessons from both Wilcannia and Menindee for this study. These are the main recommendations from people that our research team spoke to:

Alcohol and mental health

- Local, culturally appropriate mental health and alcohol rehabilitation services
- Accessible trauma and grief counselling, including longer term support to help people to lead meaningful lives
- Holistic approach to rehabilitation, involving families
- Men's services
- Drying out shelter
- Enhanced services during funerals
- Programs that the magistrate can refer offenders to
- Social outlets that are not focused on alcohol

Government policy and priorities

- Co-ordinated, long term planning and service delivery approach
- Genuine consultation with Aboriginal people regarding that they want for their communities
- Community role in determining policies, funding and programs
- Longer term, flexible funding approach with a reduction in red tape
- Sustainability of programs and services being a priority
- Comprehensive and ongoing evaluation of programs and services
- Accountability by government and other agencies regarding funding and program priorities
- Greater scrutiny of role of consultants and contractors
- Consideration of the false economy and impact of regionalisation
- Locally based, locally targeted solutions to problems
- Documenting of and learning from experiences of people who live and work in the town to avoid the frustrations of continually having to identify the same problems to different audiences
- Better communication between government agencies to avoid duplication of services and wasting of resources
- Increased role for local government in training, employment of local Indigenous people and better co-ordination and oversight of services in town
- Locally based staff that are sufficiently resourced, like police role in Wilcannia, with flexibility and incentives to make community-based roles a realistic option for employment
- Department of Community Services (DoCS) field officer based locally, taking a support and mentoring role who is not directly involved in child removal, ideally a trusted member of the community
- More thorough consideration of the role and management of CDEP
- Reflection on merits of Violence Against Women worker model
- Issues of mental health, grief and trauma a priority for all agencies
- Support for community-run store with fresh, affordable produce

- Respect for community aspirations and processes and support for community structures and development of locally specific cultural protocols

Policing

- Better proactive community police presence in Indigenous communities, for example at school activities, NAIDOC events
- Support for and advice taken from Aboriginal Community Liaison Officers (ACLOs)
- Reduction of issuing of fines and infringement notices, or alternative means of addressing minor offending, given the long-term detrimental impacts
- Reflection of impact of over-use of Apprehended Violence Orders (AVOs)
- Support for locally developed cultural awareness training for police new to communities, especially those who are inexperienced
- Funding specifically for police community-based crime prevention programs, for example to work with young people
- Sufficient police resourcing and responsiveness to crimes that may be under-reported, in particular regarding domestic violence or child sexual assault, working in partnership with relevant agencies

Criminal justice approaches

- Alternative sentencing options for magistrate, for example diversion to a driver's licence program, to numeracy/literacy programs, drug and alcohol programs
- Serious consideration and co-ordinated response to long term impacts of issuing of fines and infringement notices, including as a pathway to incarceration

Employment

- Locally based job skills and training programs
- School traineeships, run with support of local organisations and businesses
- Priority of government funding to recruit, train and employ local Aboriginal people for local program and service delivery roles
- Flexibility in recruitment regarding people having a criminal record for long-ago or minor offences
- Support in applying for and staying in jobs
- Local government taking a more active role in employing Aboriginal people and supporting other employment opportunities and programs

Children and young people

- Safe and productive activities for kids and young people after school and in the evening
- Specific activities for young women
- Alternative appropriate safe residences and support networks to juvenile detention
- Alternative role models, for example, Aboriginal education workers

School

- Support for good partnership between the local central school and community
- Schools engaging with the local Indigenous community; giving input and control over aspects of its approach and curricula; engendering a sense of community ownership of and investment in the school
- Support for good school attendance through shared vision and encouragement rather than punitive approaches
- Recruitment of and support for experienced staff committed to Aboriginal students having opportunities and succeeding
- Traineeships linked to pathways to employment and further education

Community dynamics

- Effective and legitimate community representative bodies
- Community control of agenda setting, resources, services
- Support for different groups to work collaboratively for best interests of the community
- Mentoring and support for young people in the community
- Local solutions to local problems

Factors affecting crime rates in Indigenous communities in NSW: a pilot study in Bourke and Lightning Ridge

COMMUNITY REPORT NOVEMBER 2010

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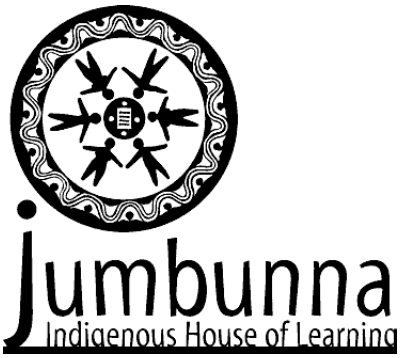

ACKNOWLEDGEMENTS

It was our privilege to be allowed access to the ideas and expertise in Bourke and Lightning Ridge that are reflected in this report. We were struck by the generosity of those who participated in our study, both in giving their time to be interviewed but also in their willingness to reflect deeply and honestly on the circumstances of the two communities. Participants took the time to carefully check and amend the quotes we selected from their interviews that we considered as reflective of common views and important elements arising from the research.

We respect the decision of some of the people we spoke with to not be identified in the report. Given the nature of the research with its investigation of community dynamics and dealing with the sensitive issue of crime, anonymity for some people was vital, especially for the performance of their jobs. However, it is important to note that the themes that we have identified emerge from the conversations with all participants. Although not all participants are quoted, all made a significant contribution.

We would like to acknowledge and thank everyone who generously gave up their time and shared their thoughts and expertise with our Research Team.

1. INTRODUCTION

This report outlines the findings of a pilot study undertaken in the communities of Bourke and Lightning Ridge. An earlier pilot study was carried out in Wilcannia and Menindee in 2009. This pilot study was completed with the support of an Australian Institute of Aboriginal and Torres Strait Islander Studies Research Grant. We were grateful for the support that made the study possible.

There are notable differences in the rates of crime between different Aboriginal communities in NSW. While there has been important research undertaken into the characteristics of individual offenders, there is a lack of qualitative research on the factors affecting crime rates in Aboriginal and Torres Strait Islander communities. In this context, Jumbunna Indigenous House of Learning at the University of Technology Sydney, with support from the NSW Bureau of Crimes Statistics and Research (BOCSAR), is exploring factors that may be considered to have an impact on crime rates being higher in some Aboriginal communities and lower in others.

This report is intended to reflect the views of the people that we spoke to in November 2009 and March 2010. Given that our focus is on understanding the political, social, cultural and economic dynamics contributing to crime rates, we interviewed a range of community and organisational representatives and others working in relevant criminal justice and service delivery roles, as a way to better understand the dynamics and experiences of the community as a whole. The findings of this pilot study are preliminary and are by no means comprehensive and we do not pretend that we have captured the views of the entire community.

Our approach

We are very aware that all too often, research is something that is 'done to' Indigenous people that might contribute more to the researchers' own purposes with little benefit to the community. Jumbunna Indigenous House of Learning is committed to an approach that focuses on issues of concern to Indigenous communities and which should be assessed in terms of accountability and benefit to the people with whom we work.

Indigenous people have wisdom and insight regarding the dynamics of their own communities that is too often overlooked or disregarded. We are aware of the way that stereotypical media representations and outsiders' perceptions of many Indigenous communities have had a negative impact on the people who live and work there. While Indigenous communities may share similar histories or experiences in certain areas, such as the impact of government policies and practices, an understanding that Indigenous communities are not all the same is the starting point for our research.

We hope that our research may start to document whether there are particular characteristics or strategies that may have a positive or negative impact on crime rates in certain Aboriginal communities in NSW. We believe that there is much to be learned from people living and working in Aboriginal communities regarding how the needs and aspirations of those communities could be better supported. This study will form part of a longer-term project on these issues, with the aim of better informing policy and practice in this area. However we are not suggesting that programs or approaches that succeed in one community would necessarily work in the next. It is the point of this study to reflect themes or common factors raised by

people working in Bourke and Lightning Ridge, but also to engage with and have respect for the unique contexts and experiences in both communities.

We are aware of the sensitivities involved in asking people about the dynamics, structures and aspirations of their community. In any community there are conflicting perspectives about why things are the way they are. We respect the fact that people's views are sincerely held, and it is not our place to make a judgment about whose view is correct. It is certainly not our aim to cause division or conflict within or between the communities in this study.

Our interest is in understanding the dynamics of the two communities that may explain the differing crime rates. Again, we must emphasise that we do not claim to have definitive answers or represent all views on these issues held in the communities, but hope to reflect the particular perspectives of those who we spoke to in Bourke and Lightning Ridge.

Due to confidentiality undertakings, a list of people that we interviewed or organisations represented in the study cannot be provided. However, representatives of a wide range of organisations were interviewed for the study.

The research team conducted semi-structured interviews with open-ended questions. It was important in this first stage of the study that the interviewees be allowed to reflect and express their views, rather than being 'led' to particular potential causes of crime. Thus, different factors that may impact on rates of crime or social cohesion – either positively or negatively – were raised in relation to the two communities. For example, while the relationship between the community and the police was raised in Bourke by a number of people, it was not raised in Lightning Ridge. That does not mean that it is not a significant issue but was one that was not at the forefront of people's thinking. While it was not possible to follow up such differences in the pilot study, they will be an important starting point in the next stage of research in the two communities.

The next step

We hope that this report may be a useful tool for people living and working in Bourke and Lightning Ridge in negotiating with government agencies or funding bodies and in contributing to relevant policy development in this area.

Jumbunna has been awarded an Australian Research Council Linkage grant in partnership with the Department of the Attorney-General to expand the research to consider six communities in NSW with significant Aboriginal communities, three of which have high crime rates, three with lower crime rates. Therefore, the research team will be returning to Wilcannia, Menindee, Bourke and Lightning Ridge during the latter part of 2011. The fifth and sixth communities to be explored are Kempsey and Gunnedah.

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2. Bourke and Lightning Ridge

Bourke and Lightning Ridge are communities situated respectively within the Bourke and Walgett Shires in the far north west of New South Wales. According to the Australian Bureau of Statistics (ABS) Socio-Economic Indexes for Areas (SEIFA), the Walgett Shire experiences extreme disadvantage, third in New South Wales only to the Local Government Areas of Central Darling and Brewarrina. The Bourke Shire is ranked 53rd in New South Wales out of 153 Local Government Areas (LGA).

According to the 2006 census, the localities of Bourke and Lightning Ridge have respective populations of 2145 and 2602. Both communities have large Indigenous populations: Indigenous people in Bourke constitute 36% of the total population, while Indigenous people in Lightning Ridge constitute 21.3% of the total population.

Under the Accessibility/Remoteness Index of Australia (ARIA), the localities of Bourke and Lightning Ridge are both classified as remote. However, Bourke is part of a broader LGA that is classified as 36% very remote, while the LGA for Lightning Ridge is classified 5% very remote. Despite its location, the Bourke Aboriginal community is able to access services from many locally based providers. By contrast, there are very few services in Lightning Ridge and the Aboriginal community must rely on service providers located in Walgett, 78km to the south.

The nearest major urban centre to both communities is Dubbo, with a population of 30,574 of which 12.1% are Indigenous people. Bourke is 369km north west of Dubbo and Lightning Ridge is 355km north of Dubbo. Lightning Ridge is also located close to the urban centre of Moree (263km west), with a population of 8,083 of which 22.4% are Indigenous people.

Bourke is within the traditional lands of the Ngemba people and Lightning Ridge is within the traditional lands of the Yuwaalaraay people. The Ngemba occupied the east bank of the Darling River around Bourke and Brewarrina while the Yuwaalaraay lived on the west bank of the Darling River.

3. Profile of crime

This pilot study did not have the scope to investigate the changes in crime rates or population in the two communities over time. The statistics set out below are taken from New South Wales Recorded Crime Statistics for the period January to December 2008. They indicate the number of Indigenous Persons of Interest proceeded against for the 17 major crime categories.

	BOURKE		**LIGHTNING RIDGE**	
Offence	**Number****	**Rate per 1000 population*****	**Number****	**Rate per 1000 population*****
Murder*	0	0	0	0
Assault – Domestic Violence	62	7,588.7	13	2,317.3
Assault – Non DV related	28	3,427.2	11	1,960.8
Sexual Assault	2	244.8	1	178.3
Indecent Assault, Act of Indecency and other sexual offences	0	0	0	0
Robbery without a weapon	0	0	0	0
Robbery with a firearm	0	0	0	0
Robbery with a weapon not a firearm	0	0	0	0
Break and enter dwelling	18	2,203.3	9	1,604.3
Break and enter non-dwelling	8	979.2	1	178.3
Motor vehicle theft	18	2,203.2	1	178.3
Steal from motor vehicle	8	979.2	0	0
Steal from retail store	10	1,224.0	5	891.3
Steal from dwelling	6	734.4	1	178.3
Steal from person	0	0	0	0
Fraud	0	0	0	0
Malicious damage to property	43	5,263.2	3	534.8
Total of 17 major offences	205	25,091.8	45	8,021.4

*Number of victims.

** The number of Indigenous Person's of Interest (POI) proceeded against by suburb of the POI's residence. Persons of interest (POIs) are suspected offenders recorded by police in connection with a criminal incident. The number is comprised of POI's formally proceeded against to court by way of Court Attendance Notice or proceeded against other than to court by way of Youth Justice Conference, Caution Young Offenders Act, Cannabis Caution, Other Drug Caution, Criminal Infringement Notice, Infringement Notice or Warning, Legal Process Not Further Classified.

***For the rate calculation, population data was obtained from the ABS 2006 Census. The Indigenous population for Bourke was 817 and for Lightning Ridge was 561.

4. Bourke

4.1 BACKGROUND

Aboriginal History

In the 1840s white settlers began to move into the western region of NSW.[1] The violent struggle between the Aboriginal inhabitants and white settlers is well documented. By 1845 the Aboriginal population of Bourke had been drastically reduced, primarily as a result of European diseases.[2] The first significant influx of Aboriginal people settling in Bourke was the Wanggamurra people who had escaped the notorious Brewarrina Mission in the 1930s.[3] The Brewarrina Mission was the first institution formally established by the Aboriginal Protection Board in 1886. Aboriginal people from the Brewarrina area were relocated to the mission, which was established 10 miles east of Brewarrina on the opposite bank of the Barwon River. The Wanggamurra originally started walking towards their homeland, Tibooburra, but were prevented by the flooded Paroo river and so they settled in Bourke.[4] From 1938 onwards other Aboriginal people from the surrounding area moved to Bourke to work in the abattoir.

The modern township of Bourke is home to a proud and extremely diverse Aboriginal community. A recent mapping exercise identified the presence of Aboriginal people from over 20 language groups. The traditional owners, the Ngemba, are a minority alongside other major language groups including the Wanggamurra, Murrawari and Barkindji.

The Bourke Aboriginal community suffers extreme disadvantage and many people described low levels of self-esteem and community-wide negativity. However, although life in Bourke is tough, the people who live there love it. Despite its hardship and notwithstanding outsiders' perceptions of the town as violent and dangerous, it is described as a "tremendous spot" to live and many commented positively on the lifestyle. Although heavily impacted by drought, the surrounding environment is very beautiful (especially the river when it is flowing) and filled with cultural significance. Despite declining opportunity, allegiance to family and community leaves people reluctant to leave.

Rural decline

Bourke has experienced significant decline over a long period of time with progressive loss of rural industries that once provided employment to the local community. Unemployment rates are high, incomes are low and the condition of housing is poor that, when added to a high cost of living results in considerable hardship.

Segregation

Unfortunately, Bourke was also described by Aboriginal and non-Indigenous interviewees alike, as a segregated town with minimal interaction between the

[1] Rick Flowers, "We're the same mob fighting for the same thing", (1989) Aboriginal Community Development and Adult Education Training Strategies, 4.
[2] Id.
[3] Id.
[4] Id.

Aboriginal and non-Aboriginal communities. While several people described community relations as “pleasant” and “polite” on the surface, there was widespread acknowledgement of the underlying division between Aboriginal and non-Aboriginal people. Many people labelled Bourke a racist town, but described the racism as “subtle and hidden”, “not openly racist”, “underlying and not very exposed”, “don’t care racism”, “closet” or “passive”. This was said to impact on the town in profound ways, ranging from lack of employment opportunities to the failure to recognise Aboriginal institutions or support Aboriginal initiatives and autonomy to the impact arising from people who do not know each other, which can cause distrust and suspicion and breakdown in cohesion.

4.2 TYPES OF CRIME IN BOURKE

The recorded crime rates are much higher in Bourke than they are in other parts of NSW. During the period surveyed, the highest rates were predominantly in the areas of assault, domestic violence related assault, break and enter dwelling, motor vehicle theft, malicious damage and breach of bail. According to BOCSAR, the Bourke LGA has consistently ranked highest in the state for the rate of recorded incidents of domestic violence, sexual assault and breach of bail (across the Indigenous and non-Indigenous community) in recent years. People that we interviewed were, understandably, most concerned about violent crime, although many also referred to car theft and break and enters as major problems.

Interestingly, the reputation of Bourke held by outsiders as a violent and frightening town might be overstated to some degree. Undoubtedly, continuing high rates of crime combined with several high profile incidents have contributed to this perception. Some interviewees who work in Bourke but do not live there, described random acts of violence where that people walking down the street might be attacked but this was not supported by people living in Bourke. While there are high levels of violent crime, the feedback was that violence occurs largely within families and relationships, or at parties or gatherings with large amounts of alcohol. The streets, we were told, are largely safe:

> *“I think Bourke does get a bad rap. You don’t see any drunks around town. I can take my kids into any park and you won’t see smashed bottles. Once in a while down the street you’ll find the odd argument. But considering the Indigenous population and the issues we have in the community, it’s pretty good. So yeah, I think it does get a bad rap. And that’s from people who only read what the media puts in there. As soon as something goes wrong, you know what the media’s like, they sensationalise it.”*
>
> Youth Case Manager, NSW Police Force Youth Command, Bourke PCYC

> *“Opportunistic crime is very low. You don’t get randomly robbed or bashed walking down the street. Bourke is not nearly as dangerous as everyone makes it out to be. If you’re in a domestic relationship, Bourke might be pretty dangerous. Or you’re at a party with 100 people, and they are all intoxicated, that can be pretty dangerous. But walking down the street there’s no danger at all.”*
>
> Solicitor, Aboriginal Legal Service, Bourke

> *“One of the problems that Bourke faces is that crime is not the biggest issues, it’s the perception of crime. The perception of crime can be a real killer in*

these towns. If people think they are going to go out and get robbed or whatever, that to me is as bad as the crime itself."

Crime Manager, Darling River Local Area Command

When discussing crime in the town, people naturally divided crime into adult and youth categories. Violent crimes such as family violence and assault were associated with adults, while more 'petty' crime such as car theft and break and enters were associated with young people. Breach of bail was also specifically discussed in relation to young people. We have addressed both categories of crime separately in this Community Report.

The reported rate of sexual assault involving Indigenous offenders is low and sexual offences were not widely raised by the people we spoke to. However, a Joint Investigative Response Team (JIRT), comprised of DoCS, NSW Health and NSW Police, has been recently established in Bourke to target child sexual assault leading one person to surmise that there might be more child sexual assault than what is reported.

Many interviewees were concerned about perceived high levels of illicit drug-use in the Aboriginal community. It was said that there are "plenty of drugs in Bourke" because the town is located on a significant drug transit route. However, only one person observed that Aboriginal people are engaging in drug distribution, compared to the many comments of Aboriginal involvement in drug use.

Driving charges were raised as an "overwhelming" problem in the Aboriginal community; driving while disqualified, driving while unlicensed. A number of people referred to the difficulties in getting a driver's licence in Bourke. People fail the learner's test because of problems with literacy, or they don't have access to a car to drive sufficient hours to obtain their licence or cannot afford to take the test. Licensed drivers lose their licences because they can't afford to pay fines or for driving offences.

4.3 PRIMARY CAUSES OF ADULT CRIME

When asked to identify factors affecting crime rates in Bourke, there were some clear and common themes raised by the people we spoke to. In particular, community dynamics, high-risk alcohol and drug use, unemployment and lack of meaningful activity, conflict within the Aboriginal community, anger and frustration, the history of Bourke, and the housing situation.

4.3.1 Alcohol and drugs

The people we spoke to painted a picture of a heaving drinking town – among Aboriginal and non-Indigenous people alike – described by one person as a "rowdy, alcohol driven community".

"In rural areas, alcohol problems are mainstream, it isn't an Aboriginal specific problem. It highlights the fact that there is a culture of drinking there – enjoyment, success, being happy is connected to alcohol."

CEO, NSW Outback Division of General Practice

Every person that we interviewed raised excessive consumption of alcohol or drugs as either a direct cause of crime or an exacerbating issue. In particular, alcohol was identified as the trigger for much violence, particularly family violence and social violence at large gatherings, that dominates crime rates in Bourke. It was said that domestic violence usually occurs while a person is under the influence of alcohol and/or drugs.

> *"They get into the parties and the out of towns come in and they get in their big groups and they're all intoxicated and the problems seem to get out of hand. That's where the domestic violence comes into it."*
>
> Aboriginal Community Liaison Officer, NSW Police, Bourke

Many people described underlying factors which may lead people to drink, such as boredom caused by unemployment, isolation, low self-esteem or the stress of poverty, having no money and overcrowded living arrangements. In these circumstances, alcohol was viewed as "fuelling" violence. As one person put it, "If you are already struggling, then just add alcohol and it certainly won't improve things".

> *"Husband, wife, siblings, extended family will all live in the same house. The family will have a domestic. Fuelled by alcohol, money problems, drugs, gambling, a huge problem."*
>
> Community Worker, Bourke

> *"If you are bored and there's nothing else to do, you are going to be drinking. So this is about looking at where people live, their environments, what things are going on around them to maintain a healthy lifestyle. Are there parks and gardens? Is there a place to sit under a tree with the kids? It's looking at how you maintain healthy lifestyles."*
>
> CEO, NSW Outback Division of General Practice

Alcohol consumption was described as being at such an extreme level that passive effects of drinking are having a negative impact on the community:

> *"It is at the point where the discussion is moving to the impact of passive drinking – lost productivity, impact on relationships and children, underachievement of children, limited funds, no holidays, lack of family engagement, impact on social settings from alcoholics wanting to fight people, being rude, even down to infectious diseases because people can't be bothered washing their hands. There are real passive alcohol issues in the community."*
>
> CEO, NSW Outback Division of General Practice

There was a range of views about whether drugs or alcohol are a bigger issue in the community. A minority of participants felt that drugs were more of a problem than alcohol. These concerns were acknowledged, but disputed by other participants and notably by police and health professionals:

> *"The problem is that people will blame drugs and refuse to think that alcohol is an issue as well. Sometimes people will write it off and just say, 'Oh the drugs are bad, why are you doing so much about alcohol?' But it's shown that alcohol causes so much damage. I suppose that's why I jump on the alcohol bandwagon. I'm not saying drugs aren't an issue, as they are in most communities, but they are very hard to measure too."*

Crime Manager, Darling River Local Area Command

Many interviewees observed that there are insufficient alcohol and drug support services in the town, in particular, too few drug and alcohol counsellors. There are no local 'drying out' or rehabilitation facilities. We were told the closest treatment centres are in Orange and Kempsey.

Importantly, in response to what has been described by many as an overwhelming problem in the town, a five-year alcohol management strategy was introduced in Bourke (described in more detail below). The plan is a joint initiative of the police, the Bourke Alcohol Working Group and the Outback Division of General Practice. It must be acknowledged that the strategy has been somewhat contentious, especially in relation to the practicality of restrictions; whether the restrictions represented the best available option; whether the curbing of individual civil liberties could be justified by community benefit; and the manner of their implementation, in particular, the degree of community consultation (Lyford, August 2010). However, the strategy's proponents point to an urgent need to reduce alcohol related crime – particularly violence – and to reduce adverse health effects.

The strategy is being assessed by the George Institute for Global Health and a preliminary evaluation noted the 'overwhelming opinion' that restrictions had been an 'effective mechanism for addressing health and social impacts' and that the majority of interviewees supported its continuation. It reported a significant decrease in non-domestic alcohol related assault, while other categories of crime were reported as stable or no change and recommended the plan's continuation (Lyford, August 2010). Most of our interviews also supported its continuation and described benefits, although questions about the breadth of support were raised. Interestingly, criminal justice and health workers reported that while there may not have been a dramatic decrease in violent crime in some categories, anecdotally there had been a decrease in the severity of crime and they expect to see positive results emerging from the evaluation.

4.3.2 Unemployment and lack of purposeful activity

Unemployment and a lack of other purposeful activities for adults were raised by most people as a factor influencing the high crime rate. According to the 2006 census statistics for Indigenous persons aged 15 years and over in the Bourke Local Government Area: 37.5% are in employment (including CDEP participants); 12.3% are unemployed; 40.1% are "not in the labour force"; and 10.1% were "labour force not stated".

Unemployment was linked with boredom, poor self-esteem and poor self-confidence and it was suggested that these factors, in turn, lead people to drink alcohol, which was strongly linked to violent crime.

> *"With some employment things would change dramatically. Helping employers to employ more people. Any work is good work, but it has to be something that pays them. A lot of the guys that I talk to are bored. There is drinking and that is affecting relationships."*
>
> CEO, NSW Outback Division of General Practice, Bourke

"Give them something to do. I can guarantee it will build their self-esteem up. Because a lot of them have got low self-esteem. They're low educated and they feel there's no hope."

Youth Case Manager, NSW Police Force Youth Command, Bourke PCYC

Value of employment

The people we spoke to described the importance of employment in social terms as well as economic terms. Employment provides a social network and the feeling of being part of something. Many people described employment as contributing to improved self-confidence, self-esteem and physical health.

Money is important, but it's not the only thing that you get out of your work. You get lots of other things apart from just money. The more senior up you can get a car. You get recognition, you have a place and you are contributing. There is real merit in acknowledgement and engagement. Esteem comes from being able to tick off milestones in life. Getting their licence, getting out of strife, redeeming themselves, being recognised for that, having a job that contributes to improving the community, even if it's fishing all day."

CEO, NSW Outback Division of General Practice, Bourke

Employment and purposeful activity was described as a social determinant of a healthy lifestyle. One person referred to an employment program conducted in Wilcannia that had a direct impact on health and rates of crime. "New Work Opportunities" was a work skills program that provided additional funding for employers and employment programs to provide work and training for Aboriginal people. Everyone that could work was given four days of work a week, The jobs included working in the canteen, fixing the cemetery, building gardens, sweeping streets, cleaning out the river and building houses.

The New Work Opportunities program had a number of significant impacts. The local Magistrate in Wilcannia at the time observed a dramatic reduction in the number of Aboriginal people coming before the court. Police incidents and call outs were also significantly reduced. In spite of the program's success, it was ended by the Howard Government that was pursuing a policy of "real jobs" for Aboriginal people:

"We said, well ministers, we are in Wilcannia, what else are they going to do? We were stopping people from just sitting around. And they were enjoying it. And they were healthier. After the program was axed they were expected to get a job somehow. What were they going to do? There is no farming or anything. It's a statistic that has haunted many of us in this region. Work is a social determinant of health."

CEO, NSW Outback Division of General Practice, Bourke

An associated concept, perhaps linked to self-esteem, was the link between purposeful activity and employment and the undermining of 'masculine pride' or cultural authority. As part of a broader narrative of undermining of cultural authority through colonial policies and failure to support Aboriginal autonomy, the story was told of men losing their place in their community: "The responsibility of the man in the family has been stripped away from him."

Barriers to employment

There were mixed perspectives on the availability of employment in Bourke. Some people felt there is scope for new business opportunities if the relevant support was available. One person identified a shortage of carpenters, electricians, builders and

mechanics and expressed frustration that tradespeople from Dubbo and Orange are constantly visiting Bourke. However, lack of education and skills were consistently identified as a barrier for Aboriginal people:

> *"Whilst there's some employment here, it depends on what you want to do. Yet if your education's behind, you're probably not going to get to the jobs that you want to do either."*
>
> Crime Manager, Darling River Local Area Command

In particular, some participants were concerned that young people are falling behind with their education and they will inevitably fall into unemployment:

> *"A lot of young kids aren't even turning up to school so they aren't getting an education. They're getting as far as year 7 and not even being able to read and write. And they get lost through that system. A lot of them, I think, just feel like they've got no hope. They've got no real education, they've got no hope of getting a job or doing anything with their lives, so they're turning to other means like drugs and alcohol."*
>
> Aboriginal Community Liaison Officer, NSW Police, Bourke

People we spoke to identified other barriers faced by Aboriginal people in accessing the opportunities that do exist. Several participants felt that racial discrimination might explain the lack of Aboriginal participation in the private sector.

Several people noted that Bourke is a small community and it is difficult to get a job if you have a reputation as a criminal offender, drug user or drinker. Many of the employment opportunities for Aboriginal people in Bourke are in public sector government agencies or NGO service providers in identified positions. One participant felt that some people are reluctant to apply for identified positions because of their criminal record, even if they could be eligible for the job. Reputation was also described as a particular barrier for young Aboriginal men who have been involved in juvenile crime and are trying to turn their lives around:

> *"Anyone who has a history of crime in Bourke, because of the community size, any of the ones that want to reengage in the local workforce, are just not given the opportunity. But that's a two-way street. You can't begrudge an employer for not wanting to give them a go. But how can these young people turn their lives around if people are not willing to give them a chance?"*
>
> Community Service Provider, Bourke

Lack of employment opportunities / decline of rural towns

Most people we spoke to agreed that employment opportunities in Bourke are declining. Whereas once Bourke was a community with an abattoir and thriving cotton, shearing, and agricultural industry, the long-term drought has had a devastating impact, compounding the decline seen in rural communities across Australia:

> *"Unemployment has increased since the drought and whatnot and the river, they've been selling off the cotton farms and that and it has gone downhill because cotton was a big employer. That has probably halved or more now."*
>
> Aboriginal Community Liaison Officer, NSW Police, Bourke

The decline of these rural industries has heavily impacted on Aboriginal people. According to many of the people we spoke to, Aboriginal participation in these rural

industries was historically quite strong, with many stockmen, horsemen and shearers. The decline is also felt more heavily by Aboriginal people in that Aboriginal people are not as willing as their non-Aboriginal counterparts to leave Bourke to pursue employment opportunities in other regions now that these industries are failing.

Some people felt that the decline of industry had led to welfare dependency, which they contrasted to 20 or 30 years ago. Aboriginal people were said to be "happier and self-sustaining" then because of greater employment opportunities.

"Welfare dependency, that in itself is a huge issues for Indigenous communities, because it's been there from day one. Once that gets a hold of anyone it's a terrible thing because you're trying to get people self-motivated to get them out and active in the community and learn new things or be putting them on a career path."

Community Service Provider, Bourke

4.3.3 Conflict within the Aboriginal community

Division in the Aboriginal community was described as "rife" and was viewed by many as a product of historical legacies of colonisation such as dislocation and dispossession. A number of people referred to the impact of the Brewarrina mission. Conflict was described as occurring along family and language group lines and some people felt it had become generational. One participant referred to the number of different Aboriginal language groups in Bourke "even though we all look the same" and felt that through the generations people have been taught "we don't get on with those people, you stay away from them". This conflict can be manifest in threats, violence and on occasions, over the years, had escalated to affray:

> *"There are a number of factors that affect crime rates. Firstly, there is a sense of dislocation and conflict within the community as a whole. It's a very fractured community divided along family lines and local language groups. You get conflict between these groups and I think that's part of the problem."*
>
> Solicitor, Aboriginal Legal Service, Bourke

> *"You also have to think about all the different tribes that live together in a community. You see we're not all from one tribe. In Bourke there's probably about 60 different tribes and that's where all the conflict is too. We don't get on with those people, you stay away from them. And it's been taught to our kids, through the ages, not to associate with them fellas. And it's still happening today and that's where you get all this conflict too. And that's where you get the assaults and all the abuse. We are all different tribes, different people, even though we look the same."*
>
> Community Worker, Bourke

One interesting comment made by several people was that, in the past, disputes and conflict sometimes led to physical fights but there was very quick resolution. The fight was over and done with and the issue dealt with. While not condoning violence, there was disappointment in long-standing and continuing enmity that is more apparent today. One person commented that, in the absence of quick resolution, there are so many AVOs in the town, that at some point, there will be an AVO on everyone:

> *"With Aboriginal people back in the old days of the west, so to speak, if there was a difference they would sort it out. At times, unfortunately, it resulted in*

physical violence. But if it had to result in a punch up, it did. But they were best friends 5 minutes later. Not like today, where enmity has become intergenerational. It goes back to your great grandfather, someone might have sworn at him."

Acting Chairperson, Murdi Paaki Regional Assembly

One aspect of this conflict is the inter-family conflict played out among young women. A number of people working in the criminal justice area and service provision referred to insulting text messages being sent to each other by young people defending their family's position. The insults were increasing in severity and there was concern that these insults may escalate to violence.

A common experience in Aboriginal communities throughout Australia is that particular Aboriginal families become associated with particular organisations or service providers and Bourke is no different. Some people expressed concern that there may be a lack of transparency in recruitment processes that may lead to resentment within the community. One person noted that people need to be aware that even though they may work for a service, "they don't own it; the whole community owns it".

The Community Working Party conducted a mapping exercise that identified 21 language groups in an attempt to explore historical legacies and build harmony in the Aboriginal community:

"We wanted to demonstrate acceptance of people who were forcibly relocated or relocated under voluntary arrangements to Bourke under past government policy. Trying to find common ground among all the groups and demonstrating ownership is the complexity of what we're up against. These people are here. We need to work with them. They have a lot to offer. It has been in the last 40-50 years the largest groups have dominated in Bourke and the TO's, as a minority group, have been on the fringe of everything. We are trying to have people acknowledged so that we can move forward. Whatever benefits the TO's have, they are for everybody. The whole process is daunting and absorbs everything, takes everything out of you."

Acting Chairperson, Murdi Paaki Regional Assembly

4.3.4 History of Bourke

While it might be expected that historical legacies might be identified as underlying causes of crime, one stark theme emerging from interviews was the contemporary impact of these legacies on current crime rates. The history of Bourke is so fundamental to the dynamics of the community and contemporary relationships that several senior Aboriginal people mentioned it as a *primary* cause of crime; that crime is directly attributable to Bourke's colonial history.

"I think racism has got a lot to do with it. There's this underlying issue that hasn't been dealt with. People in Bourke walked on a road called Poverty Road. They weren't allowed to go anywhere else. They weren't allowed to come into town. Once they crossed that border of that road, then they'd go straight to jail. When I was a young fella, I was sitting around on the reserve and there was this old man. The toilet was on the opposite side of the road to his house. So one day he walks across the road to go to the toilet and walks

home. The paddy wagon rides around on the stock reserve, pulls up and the police say, 'You're intoxicated, you're going to jail.' All he had to do was walk another five metres and he would have been home. But that legacy is there. You don't want to forget that old fella, so he passes it down. That what's happening here right now. That's why a lot of our people from Bourke are in prisons and juvenile justice and in courts – that legacy. Not because they've brought the legacy – it's the legacy that's been given to them by just a simple act like that. So it's only a little thing, but that old fella remembered that."

Aboriginal Cultural Heritage Officer, NSW Department of Environment, Climate Change and Water

If not raised as a primary cause, most people raised history in discussions about the underlying factors that influence the fabric of the community and impact on crime rates.

"Violence is a strong cycle that we're trying to break around the communities, but it's not a cultural thing. We don't believe it was there, that's not what we're about. We're a loving, nurturing group of people. We believe the violence has come in with cultural change and the impact of colonisation, with removal of land and culture and the dependency started way back then. We just don't realise that it's ongoing, it's been an historical and generational event that's just very difficult."

Community Service Provider, Bourke

Many people described feelings of frustration and, at times, anger at the lack of acknowledgement of the way Aboriginal people have been treated historically and the lack of acknowledgement of the continuing impact of this treatment. One worker in the criminal justice system drew a direct correlation between this anger and crime, especially in the areas of property crimes, resist arrest and assault police.

"There is a lot of post colonisation anger here that is raw and it is fresh, it's not something that's historical."

Solicitor, Aboriginal Legal Service, Bourke

"We were picked on from a racist point of view, by police, by farmers and all that. They ended up sending me and my brother away to school because we would have gotten into deep trouble. If we had stayed in Bourke, then we would have ended up in prison because we were angry, too, very angry. We were very angry young boys. It was because of the way we were treated. We used to walk home from school and soon as we'd see the paddy wagon come, we were gone, we were out of there We had this mental thing – run, run, here they come."

Aboriginal Cultural Heritage Officer, NSW Department of Environment, Climate Change and Water

"There's a lack of local history being shared and told within this local community. Australian history is a must. If you don't know and understand Australian history then you won't know and understand all those triggers for drugs and alcohol. You can't get away from the past treatment of Aboriginal people in Australian history. You can't. Because what happened then still impacts on Aboriginal people today greatly, if not more."

Community Worker, Bourke

Others described disempowerment and destruction of culture that had impacted on respect – respect for culture, for Elders, for Aboriginal authority and respect for self.

"The respect is just lost. I don't know if it can ever come back because there is just so much disempowerment. People have no control and that started right back when they were first moved off their homelands. Disempowerment started in the men and woman and slowly evolved into how people feel now. People have only heard the bad stories. They don't hear the good stories. You can imagine the heartache and hatred that caused. That comes down through the families and slowly eats into the respect – it eats it away."

Community Worker, Bourke

The stolen generation was raised by several people as having had a profound and intergenerational impact on Aboriginal families in Bourke. In particular, it was said that as a result of the stolen generations many Aboriginal people "don't know who they are or where their family came from".

"The greatest thing was the stolen generation. They took our children away and people still affected over that today. But that's still going on today too. You got children who is in foster care and they are cared for by white people. What about their families? Why are they placed with white people? With all due respect, they are not giving those children culturally appropriate education nor the care and comfort these little people require."

Community Worker, Bourke

4.3.6 Housing and overcrowding

Overcrowding, poor quality housing and homelessness in Bourke were of great concern to many people we spoke to and overcrowding in particular was raised as a cause of crime. There was a perception that public housing in Bourke is unnecessarily expensive to build and inappropriately designed for Aboriginal people which contributes to discontent and frustration. When linked with unemployment, poverty and lack of purposeful activity, overcrowding and poor quality housing become a potent mix:

"There are overcrowding issues. People get shitty with one and other. No-one likes looking at the same people everyday. Especially when there is no money, you don't have anywhere to go or anyone to visit and you all have to sit there and look at one and other. It gets very hot here and sometimes it's too hot to walk around outside."

Indigenous Community Worker, Bourke

"I can see a pattern of where they are housing people all together in these little spots. Sometimes that causes a problem in communities. It comes back to whether that family gets along with that family. Or whether that family are a bunch of people that really like to drink. And then this family will come over and join them because they are close. One little group can end up being one really big group that's intoxicated and causing problems."

Aboriginal Community Liaison Officer, NSW Police, Bourke

Youth homelessness was raised as one area of urgent need where children and young people are "just floating everywhere" from Aunty to Aunty or to someone else. A number of people described unsafe or unpleasant homes with "huge drugs and alcohol" as a major contributor to children and young people being on the streets in the evening and susceptible to becoming perpetrators or victims of crime

themselves. The Safehouse provides crisis accommodation for homeless adults but cannot accommodate homeless young people.

Poor maintenance and repairs for Aboriginal housing was an area of bitterness at the time of our visit to Bourke. In protest, some people had stopped paying rent and there was broad anger at the perceived injustice in them receiving eviction notices. In a similar vein, one interesting observation was on the impact of the physical environment on well-being. Several people reflected bitterly on the state of the physical environment of Alice Edwards village and expressed frustration at the perceived reluctance of the local council to address the situation.

4.3.7 Relationship with police and over policing

Over policing and the large number of police in Bourke were raised by a number of people and notably by some working in the criminal justice system as a factor contributing to the high rate of crime. Bourke has 30-40 police, which was said to result in crimes being detected and acted upon that would not be detectable in big cities. As one person described, "the mechanical effect of the numbers and the transparency of the Aboriginal population to the police is a big issue."

There were both positive and negative comments about police and their relationship with the Aboriginal community in Bourke. Unfortunately, it is apparent that the relationship is primarily negative, which appears to have a strong historical dimension. We were told that police cars have been bottled at the Alice Edwards Village and that police officers have been bottled when intervening in disputes. It was said that one source of tension was that Aboriginal people feel that the police are expecting violence. It was also suggested that this antagonism towards the police may contribute to police reluctance to intervene, especially in large parties or gatherings with large amounts of alcohol.

At the same time, the important role of the police was identified in a very challenging environment. The police were commended for using their discretion and utilising cautions under the Young Offenders Act but it was also recognised that "there comes a point where they can't do any more and it has to be brought before the court." It is clear that the relationship between the Aboriginal community and police is complex and difficult where people simultaneously rely on but resent the police:

> *"When there are problems in the community, a lot of times people would come straight to the police. But then they have a great hatred for the police. I think that's a generational thing too, with everything that has happened with the stolen generation and everything like that. They just have this real negative feel for the police, hatred for the police. But then, when things go wrong, the first people they really depend on are the police. Any complaints or issue they have with other families within the community they'll come to the police."*
>
> Aboriginal Community Liaison Officer, NSW Police, Bourke

The history of policing in Bourke was a recurrent theme. It was acknowledged by one police officer that the police have a "terrible history" of policing in Aboriginal communities and that there is "some ground to make up".

> *"The dislike of Police that Aboriginal people have, other people can't understand it. It goes a long way back to things like segregation and the Stolen*

Generation and it has just gone on from there, people are still living with the effects of those events."

Indigenous Community Worker, Bourke

However, it was also acknowledged that the police are attempting to open the lines of communication through networking meetings and the Aboriginal consultative committee meetings. One police officer observed that the consultative committee meetings had formerly been "fairly sanitised" but police had relocated the meetings to the village in an attempt to broaden consultation. The need to build confidence to report crimes and, crucially, to report complaints about police was described as an important development by one police officer.

The vital role of Aboriginal Community Liaison Officers (ACLOs) and Aboriginal police was highlighted as critical to improving community relations. Several people emphasised the value of Aboriginal people in the police force and the benefits that can be derived from their expertise. Aboriginal police were said to manage things differently because they "operate in a different paradigm, with different focus". It was suggested that police reconsider their Indigenous employment strategies to include more ACLOs, with some of the ACLO's training to be police at the same time.

Bourke was described as a "learning area for probationary constables". However, the importance of recruiting experienced police was highlighted by many people, particularly in their attitudes towards Aboriginal people and willingness to engage with the community. It was said that it is better for everybody if police get out to meet people and develop relationships:

"I don't really see a problem with too many police but I think it is about the sort of police they are. You've got to have the right sort of police out here to do any good. You get someone straight from the city and they've got different attitudes."

Aboriginal Community Liaison Officer, NSW Police, Bourke

"I think our communication is very good. There are some police officers who work well in Aboriginal communities and the community has the confidence to report complaints against police and crimes which is important. It's never going to 100 per cent, given the history of police and Aboriginal people."

Police Officer, NSW Police, Bourke

4.4 PRIMARY CAUSES OF YOUTH CRIME

Bourke has a large youth population (the 2006 Census identified more than 1000 children and young people in a town of just 3000). Most people identified youth crime as a major problem in Bourke. Car related crimes – car theft, stealing from cars and breaking windows – were described as the biggest youth problem in Bourke. Other issues include breach of bail and property crimes including criminal trespass, break and enter and malicious damage.

Many referred to young people being on the street especially in the evenings, expressing the need to understand why youth are there and to address the "push" factors including boredom, lack of stability at home, lack of parental supervision,

alcohol, violence and suspension from school. These push factors contribute to a range of problems – giving young people opportunity to commit crime, contributing to breach of bail and reinforcing older, more experienced offenders as role models:

> *"I think a lot of the kids in town don't have a lot of discipline at home. Sometimes home is a pretty bad place - a lot of alcohol, no food, sometimes violence to mum or dad. So often they are out and about with their mates because they are safer out with their mates than being at home. That's also behind a lot of the breaches of bail. There are a large number of breaches of bail relative to other places. Kids don't want to be home, there is nothing there for them and they are safe with their mates roaming the streets."*
>
> Solicitor, Aboriginal Legal Service, Bourke

Breach of bail was consistently raised as a problem, especially among youth. According to BOCSAR statistics, Bourke has ranked highest in the state for breach of bail conditions for the past seven years. These figures are for reported incidents of breach of bail conditions for both Indigenous and non-Indigenous persons.

> *"There are large numbers of breach bail relative to other places. Kids don't want to be home. There's nothing for them and they are safer with their mates roaming the streets. Police are well aware of who is on bail and they have an obligation to act. They can't ignore it ad nauseum and I understand that, but there are a lot of police in Bourke. We are trying to get a bail safe house for kids, which would cut down on breaches of bail. They could go stay there, be fed and be happy. But we haven't got any money for that yet."*
>
> Solicitor, Aboriginal Legal Service, Bourke

The word "structure" was raised in relation to youth in various contexts by a number of people – in terms of the lack of structure in young people's home and school life and recreation and in terms of the need for structure as a solution to youth crime:

> *"They're quite good kids. And they're like any kids – people tend to forget they're kids. They are high maintenance kids a lot of them. They need a lot of attention. You've really got to engage them. But that's why you just structure stuff for them. You keep them structured and they'll stay between the barriers."*
>
> Youth Case Manager, NSW Police Force Youth Command, Bourke PCYC

While youth crime is a serious concern among community members, we were reminded that these are disadvantaged kids facing difficult circumstances who are part of a broader community. Several people reflected upon a time in Bourke when people knew each other and young people were part of a broader network:

> *"Surely we must be able to find a way to celebrate all this youth, to identify who they are, to own them, to be proud of them, to encourage them. Do we need to put in a submission into a State Government department to teach us how to do that because we are no longer intuitive or no longer connected? It's not unique to Bourke at all, but it is one of things we used to celebrate about living in these outback communities. We did have a strong connectedness. We did know each other."*
>
> CEO, NSW Outback Division of General Practice

Key members of the local community propose to conduct a two day youth forum. The aim is to engage young people to determine their aspirations and how they may be achieved, with the expectation that it may also generate potential solutions for

youth crime in Bourke. The proposal is that the forum be conducted by young people and that proposals be implemented by them.

4.4.1 Boredom

In the same way that boredom and lack of work were recognised as contributors to crime for adults, boredom was identified by every person we spoke to as a cause – if not the number one cause – of youth crime: of car theft, trespass and break and enter. The overwhelming refrain in relation to children and young people was that there was not nearly enough for them to do that was safe and positive and that "every day is the same". In relation to car theft, one person observed that kids "find it fun to get the police to chase them".

There are few activities for children and young people after school in Bourke. People commented that there is little sport, no dance classes and no BMX track or skate park. The high cost of participating in sport was noted by several people. A positive development has been the commencement of a mid-week junior rugby league competition in 2010 with 12 months financial support from Country Rugby League. While many people mentioned the work of the PCYC, it was also viewed as not reaching its full potential. In particular, people could not understand why the PCYC is not open until later in the evening or why it is not open for extended periods on weekends. There was also confusion about the cost of admission, which deterred some families from using the facilities.

4.4.2 Family background

One theme that emerged strongly, particularly from those working with young people, was of the need to understand the circumstances of young offenders, many of whom experience neglect, or live in unsafe circumstances, moving from house to house, or who might not know where there next meal was coming from. One person asked, "how can you ask young people to settle down at school if they are hungry or haven't had a proper night's sleep?"

> *"People say, 'why don't the police get those kids off the street?'. But if only you knew where those poor little buggers slept, you wouldn't be saying that. And they would say, 'Well that's not our problem, it's their problem.' Well it is our problem. What happens to these young people will eventually come back to bite us."*
>
> Community Worker, Bourke

> *"People need to see how these kids live and what they're up against. It's not their fault they were born into it. They don't know any different. Some people in Bourke say terrible things about these kids but the kid doesn't know anything different. It's nothing for him to go without a feed or to stand there at five years old and see domestic violence at home."*
>
> Youth Case Manager, NSW Police Force Youth Command, Bourke PCYC

Several people noted that some children and young people feel safer on the streets at night than at home, sometimes at a very young age. A number of people lamented that children in Bourke become independent too early. As one person commented, "they start to become independent at four or five years old and by ten or eleven, they are very, very street-wise." Family background, including a stable home

life and structure, was considered pivotal for positive outcomes and for young people not becoming involved in crime. Adult supervision – knowing where your kids are and what they are up to – was identified as a deterrent.

> *"All the social issues come from home, who their parents are, whether they drink and how many kids they planned for."*
>
> Community Worker, Bourke

> *"I think it comes back to the parents really, controlling their kids and keeping them off the street and keeping them out of trouble."*
>
> Aboriginal Community Liaison Officer, NSW Police, Bourke

> *"There are a lot kids on the streets too. They sometimes get around in little gangs. It might be they don't have any air conditioning at home and it's just cooler to be out and about. But it's what they are getting up to when they are out and about. A lot of them aren't supervised. In a town this size people may think that the kids will be OK, but I don't know what they are thinking really."*
>
> Indigenous Community Worker, Bourke

It is self-evident that parents love their kids and want to do what is best for them. One reason given for why some people find parenting more difficult than others was because they themselves came from unstable families with many children raised by aunties or grandparents. A number of people referred to young people themselves becoming parents, who want the security of family but "have been brought up without those [parenting] skills." Aboriginal women spoke of their concern for the wellbeing of young, inexperienced women having children and while they may be caught up in unstable or abusive relationships.

> *"The young girls are getting tied up in relationships at an early age and even if they don't want to, they want out. Though generally not, because as soon as they say they want out he'll just stand over her. I've seen it heaps of times. Next thing they're pregnant. Next thing you've got babies on the way and then it goes from being a small problem, to a huge one. To her it looks insurmountable and she feels there is no way out. I think this is a huge problem, young girls are just getting pregnant a lot earlier, and they want it to work. They'll tell you they want to have a baby because they want their own family, they want it to work. It's not happening for them, but they want it desperately."*
>
> Community Service Provider, Bourke

Thus, the need for intensive support for parents was raised. On the other hand, the problems was considered to be so extensive that some non-Aboriginal people suggested direct intervention into those families.

> *"I think you have to take kids out of the environment for a while. But because of their extended family you can't just send them to stay with their uncle for a little while because their uncle lives just a block away and the trouble still is there. There are just a few that have full maintenance problems and you have to take them out of the environment. Counsellors or health workers could spend a day with a kid trying to turn them around, getting rid of their anger management problems but then they go home to the same environment. The problem is so big."*
>
> Community Worker, Bourke

The fraught issue of what to do with children and young people whose families struggle to provide them with what they need or whose family environments are unsafe was raised. An urgent need for some kind of evening Safehouse for young people was raised by several people. Foster care was both praised and criticised – while on the one hand, it may provide security and safety, on the other, it may not provide the appropriate cultural environment. Appropriate Aboriginal carers seem to be urgently needed.

4.4.3 Role of education and school

Education – including mainstream education and the education of young people in Aboriginal heritage and culture – and school attendance were identified as factors that reduce the likelihood of children and young people becoming involved in crime. Unfortunately, non-attendance at school appears to be common for a number of reasons including poverty and hunger, lack of positive role modelling and the need for culturally and socially appropriate curriculum:

> *"A lot of young kids here in Bourke also don't go to school. That's for a variety of reasons. I mean the cost of living these days, it's so hard. They might not have any food in the house or some kids lose their shoes and parents can't afford to buy new ones until payday. I wouldn't say that people don't have food in the house all the time. It's just hard to make ends meet when it's coming towards the end of the week before you get paid, you got nothing. That is common with families who have low incomes, it's just a fact of living."*
>
> Indigenous Community Worker, Bourke

Many people observed that Aboriginal children are getting behind in their education from the very beginning, which puts them in a position of never being able to catch up. Young people leaving school without the requisite skills to gain employment, leading to boredom and hopelessness was frequently referred to:

> "*A lot of young kids aren't even turning up to school so they aren't getting an education. They're getting as far as year 7 and not even being able to read and write. They got lost through that system. A lot of them feel like they've got no hope. They've got no real education, they've got no hope of getting a job or doing anything with their lives, so they're turning to other means, like drugs and alcohol."*
>
> Aboriginal Community Liaison Officer, Bourke

> *"Picture that by year 6 you're that far behind that you leave school. Spare time, they get caught up with older kids, who are not old kids, and then they start committing crime. So education is absolutely crucial. If they're not doing the year to year, they are that far behind, it is nearly pointless going to school. They think it's pointless going to school, so they have nothing to do. It's not even about making BMX tracks if you've got nothing to do. But they get in and they have to survive and keep going and generally they'll commit crime."*
>
> Crime Manager, Darling River Local Area Command

Concerns about discipline approaches taken by schools in Bourke were raised by a number of people, especially the suspension policies. Some people identified schools as adopting a "zero tolerance policy", which was criticised as inappropriate because it does not "deal with the issues". Lengthy suspensions were spoken about with some degree of bitterness for creating a situation where children and young

people facing suspension get behind and can never catch up. It was perceived that suspending these kids without alternative structured activities pushes the problem onto the streets.

However, the question of appropriate school discipline is a complicated issue. As one education worker identified, school needs to be a safe caring and environment for ALL students, so that education can occur. To some extent, suspension policies are out of schools' hands. The Department of Education and Training mandates suspension for any student who is involved in serious criminal activity, including drugs, weapons, violence and threats of violence, or persistent misbehaviour. The most important part of the suspension process is the returning from suspension. This always involves parental interviews, counselling, ongoing monitoring, the development of teacher strategies and feedback to home. Bourke High School is developing a new discipline policy underpinned by "respect, safety and learning" and is beginning to implement the positive Behaviours for Learning Program; the eight ways of learning philosophy introduced to all staff.

With 65% Indigenous students, the High School is endeavouring to develop relationships with the Aboriginal community in Bourke. It has an active AECG and employs a local Aboriginal Engagement Officer and is currently conducting a community survey. These efforts appear to be necessary as many people commented on a historical lack of connection and perception that the Aboriginal voice is not particularly welcome in the school.

The High School operates a Tutorial Centre to provide short-term intensive support for students in two classes of seven students, each supported by a full time aide. Students stay in the Tute Centre until they "get things rolling again smoothly, turning up for class, working properly and independently". Ideally, students attend the Centre for a 10-20 week intensive placement and transition back into mainstream classes. However, historically some have stayed for longer continuous enrolment for a variety of reasons. The Centre has recently been reviewed and is going to change the terms of its operation.

The Tute Centre was described both positive and negative terms. Some people believe it caters appropriately to the needs of high needs students. However, there was also a perception that the Centre is where 'bad kids' are sent so that they are out of the way and that they never return to mainstream. It was criticised by some for providing a 'soft option', where students finish at lunchtime and get so far behind their peers that they never catch up. In fact, the issues are very complex and not capable of simple resolution. For example, ending the school day at lunchtime (note that the Centre now operates for the full school day) was an attempt to engage students who would otherwise not attend school at all. Some students who attend the Centre are disengaged with education – they may have learning difficulties or undiagnosed medical or psychological issues or face family problems that dramatically impact on their school attendance. Reintegration into mainstream is extremely difficult and may not be possible, revealing the lack of suitable options for young people with such challenging needs.

The short tenure and inexperience of teachers – and other professionals in Bourke – were cited as problems, although it must be emphasised that this was not a criticism of the teachers themselves. Several people spoke of the need for more experienced teachers. There was strong criticism of the Education Department policy of placing inexperienced teachers in challenging locations for a few years, with the lure of transfers to more desirable locations on the coast. While it was certainly not a widespread perception, concern was raised that some teachers are 'time servers'

who struggle with difficult conditions but 'hang in' term by term. This was considered to be a poor result for both teachers and students.

The need for teachers coming to Bourke to undergo cultural awareness training was emphasised but also that teachers become aware of the circumstances of the particular children that they teach. One person spoke passionately of the need for teachers to be aware of the difficulties faced by children and young people, who may appear to be trouble makers:

> *"You'll get a young, 24 year old school teacher out here who doesn't know that this fella could have been abused last night at home and he slept in a corner because he was frightened that this fella was going to walk in and touch him. Or his parents had a big blue last night cause they were both drunk and they'll both be drunk when he gets home today. He's got dirty clothes. He wouldn't have had tea the night before. He's definitely had no breakfast. Now he is supposed to sit in the classroom side by side with other kids who haven't been through all that? And act the same? And take in the same amount of education? You see the comparison? The teachers have to know these things."*
>
> Community Worker, Bourke

The issue of educating Aboriginal people in the mainstream system was touched upon by several people. One person thought the school should have a separate area specifically for Aboriginal youth where they can go and "feel a lot more freer instead of having a set regime". Another Aboriginal educator thought an Aboriginal school, based on a property, would be able to deliver better mainstream educational outcomes and culturally appropriate educational outcomes. While not the role of the school or education department, several people emphasised the importance of putting kids in touch with their culture and heritage.

> *"I find that putting them back in touch with their culture and heritage, you can see that lift in them, that spark. I don't know how to explain it, but you can actually see the change in their personality."*
>
> Community Worker, Bourke

Need for long-term education, training and employment strategy

A common perception was that of the young Aboriginal person who continues to progress through school even though they may not have basic literacy and numeracy skills, described by some a "falling through the system". People were critical of this practice and stressed that the education department needs to be more flexible, realistic and responsive to the specific needs of the community; that perhaps education and training should be tailored to vocations or activities appropriate for Bourke. As one person put it, there needs to be "more things for the kids that are never going to come up to an academically high standard to enjoy".

> *"If these guys are not going to leave town and there is no employment we need to be aware of this very early on, so we are working with 14 year olds thinking about where they are going to be when they are 24. What skills do they have? What's going to be useful in our community? What do we need in this town? And often it will take that long to work with these guys."*
>
> CEO, NSW Outback Division of General Practice

People stressed the importance of having local, relevant vocational training and higher education facilities. Education was described as vital to the community moving forward and creating new employment opportunities for the families that are not willing to move.

> *"Let's look at accommodation and proper training facilities to up skill the community, to look at educating the community how to actually go forward. If families aren't going to move, how do they work as a community to create new employment?"*
>
> Community Service Worker, Bourke

However, lack of resources, funding and institutional support were identified as barriers. For example, one person said they had enquired with TAFE about the possibility of offering a childcare course in Bourke for a small group of young Aboriginal women. However, TAFE will only offer courses where there are at least 15 enrolled students. This policy was criticised on the basis that even if you could get 15 students, there are not enough jobs in childcare in Bourke for those students at the end of the course and so "you get the deflation of 'well, why did I do it?'".

4.4.4 Intergenerational offending

A number of people described continuing or evolving or intergenerational offending where role models are older offenders – whether family members or friends or simply people who seem adventurous and who they admire. One scenario was described of young people getting into trouble with police, following in the footsteps of their fathers and grandfathers who also had been in trouble:

> *"The problem that we're having in town at the moment is that the role models of your eight to 12 year olds aren't your football players, aren't your sportsmen, aren't your scientists – their role models are locked up in juvenile detention. So they look up to these kids – he stole a car, he's good at stealing cars. Let's go talk to him and hang out with him. So that's a really big cycle you've got to try and break somehow is to change the mindset of these young kids. Because their thoughts are – Joe Blow, he's in jail again you know, he's doing great. He stole two cars when he got out and didn't get caught, or he took the police on a chase through town – What a champion!"*
>
> Youth Case Manager, NSW Police Force Youth Command, Bourke PCYC

Many interviewees described a cycle of violence in some Aboriginal families that is being passed from parents to children. For example, it was said that boys who grow up with domestic violence learn from what they observe. When these boys get into relationships with girls, it was said "if they don't know any other behaviour, then when it comes time to deal with emotional issues or relationship issues, they don't know how to handle it or deal with things they don't necessarily agree with, they lash out." It was said that they don't have the skills to deal with their anger in a non-violent manner.

> *"A lot of time domestic violence is cyclical because you have either the male or the female that's growing up with it – it's their upbringing. Their mum and dad might have grown up like that too. Statistics show us that a woman who's grown up in it, she'll end up with a partner that's violent".*
>
> Community Service Worker, Bourke

A similar issue was raised relating to more experienced offenders, who are already familiar with the criminal justice system, recruiting younger boys to commit crimes, counting on the fact that the younger person will not face serious trouble. Another aspect of the intergenerational offending described by several people, was the evolving seriousness of criminal behaviour as more experienced offenders recruit less experienced offenders who step up to the next level:

> *"From what I can see, a lot of the older boys are actually grooming these young boys to commit these crime for them and with them. I think they know these young boys can't really get in much trouble because they have been through the system themselves."*
>
> Aboriginal Community Liaison Officer, NSW Police, Bourke

Sadly, once within the criminal justice system, several people described custody as an attractive option for some young people as providing meals, a warm bed and safety. It was acknowledged that the appropriate sanction for juvenile offenders is a vexed question. On the one hand they are just kids, while on the other hand crime must be stopped. Juvenile detention was largely considered to have been a failure and the need for alternatives was discussed by numerous people. In particular, the Brahminy program operating in the Northern Territory was identified as potentially having positive outcomes in Bourke.

4.4.7 Authority to discipline kids removed

A recurrent theme raised by nearly every person we spoke to was the perception of many Aboriginal people that their authority to discipline their kids has been removed, which undermines parental authority, which in turn leads to juvenile crime. This theme was raised as part of a broader picture of the undermining of Aboriginal authority and of Aboriginal family structure.

> *"Parents feel disenfranchised because their rights have been taken. Take Aboriginal people, they can't chastise their children, or only to a certain degree. They have just given up because they have been told what to do their whole lives under laws, Acts and legislations and all these kinds of things."*
>
> Acting Chairperson, Murdi Paaki Regional Assembly

The undermining of authority has contributed to frustration and a feeling of powerlessness. While the community expects Elders to take responsibility for their kids, the Elders feel they cannot do anything, "they'd like to but they don't want to be locked up over it".

> *"The Elders have had the authority taken off them. Then the police come knocking on their door and say 'why don't you do something with your kid?' Really, they can't do nothing. They'd like to, but they don't want to be locked up over it".*
>
> Community Worker, Bourke

On the other hand, some people noted that whereas once it may have been acceptable to physically punish children, those days are over and alternative means of discipline or punishment must be found.

As in many communities – Indigenous and non-Indigenous alike – a frequent lament was that young people lack respect, whether it be respect for parents, teachers, the

police, themselves, authority or other people's property. Several reasons were given: some believe it is the influence of outside factors that have come with globalisation and, in particular, the Americanisation of Australian young people; others felt that parents are responsible for not teaching their children respect. One person felt it basically boils down to treating the kids themselves with respect which will then be reciprocated.

4.4.8 Youth bail issues

A significant number of participants working in the criminal justice system observed major problems with young people breaching bail. Lack of structure and discipline at home, substance abuse and violence were identified as factors driving young people from their homes and rendering a specific bail address ineffective:

> *"There are a large number of breaches of bail here relative to other places. Kids don't want to be at home. There is nothing there for them and they are safe with their mates roaming the streets. Police are well aware of who is on bail and they have an obligation to act. They can't ignore it ad nauseum and I understand that, but there are a lot of police in Bourke."*
>
> Solicitor, Aboriginal Legal Service, Bourke

> *"I am a believer in the concept of curfew and bail. I do agree with it, but in some cases it doesn't work, because their home life it too unsatisfactory. You're setting them up to fail. We need to consider the idea of a Safehouse / bail house."*
>
> Youth Case Manager, NSW Police Force Youth Command, Bourke PCYC

Several people suggested a youth bail house would have the dual benefit of ensuring child safety and cutting down the number of breach bail offences. Some participants went further and suggested a youth hostel or safe house, comprising both long-term and short-term accommodation for children and young people at risk.

4.5 UNDERLYING ISSUES

During the course of our interviews, people raised some clear and common social, cultural, legal and economic issues which underlie the high crime rates in Bourke. Many of the issues can be described as "unfinished business" and are indicative of the powerlessness and ongoing marginalisation of Aboriginal people that was described in Bourke. These underlying issues are complex and interrelated. There was a strongly held belief that unless these issues are addressed in a holistic fashion it is unlikely that there will be a reduction in the rates of Aboriginal crime.

4.5.1 Bourke: a rural town in decline

In terms of long-term viability, Bourke is a community that has faced, and continues to face, many challenges. Many people talked about Bourke as a rural town in decline. The gradual loss of rural industries caused by drought and other factors has led to rising levels of unemployment, loss of income and, as described earlier, the absence of the kind of meaningful activity that builds pride and self-esteem. The local economy is becoming increasingly reliant on services and government investment. As one person put it, "if the government were to pull out its investment, Bourke would just fold".

Nonetheless, allegiance to family and country leaves Aboriginal people reluctant to leave Bourke for educational or employment opportunities, which was viewed in positive and negative terms. On the one hand, maintaining tight knit extended family relationships was viewed as a great attribute of Aboriginal people. On the other hand, by remaining in Bourke people may become trapped in a pervasive cycle of disadvantage that is compounded by the lack of local educational opportunities and declining employment.

There was acknowledgement that, from governments' perspectives, there are questions about whether the level of government investment in the town can be sustained and whether the community is viable long-term. However, these questions are based on the assumption that if governments decide that Bourke is unsustainable, then people will simply move away (presumably to larger regional centres) to pursue employment opportunities. This is not the case. As one Aboriginal person we spoke to pointed out:

> *"Even if that happened and the other people moved away, the Aboriginal community will stay here. That's why I'm always advocating our position with the services."*
>
> Acting Chairperson, Murdi Paaki Regional Assembly

In light of these challenges, several people identified the need for a long-term community plan or "roadmap for a contemporary community" that holistically addresses the issue of long-term viability.

> *"When I say big levers, we definitely have to pull some big levers. If country communities are going to be viable, resilient communities they have to have the resources that make other communities viable, functioning and resilient. There needs to be employment, something meaningful."*
>
> CEO, NSW Outback Division of General Practice

Socioeconomic disadvantage

The Aboriginal community in Bourke experiences extreme hardship, described as being in crisis. Unemployment is high, incomes are low and people frequently live in overcrowded conditions in poor quality housing. The difficulties faced by any person relying predominantly on social security entitlements are compounded by the isolation of the town and the high cost of living:

> *"They talk about terrorism, but I look at the price of things here and that's commercial terrorism, especially with disadvantaged people. People may not have a job and they're expected to pay rent, pay for the upkeep of their homes and send their children to school on nothing."*
>
> Acting Chairperson, Murdi Paaki Regional Assembly

Poverty and dependency on welfare was seen to sap people's self-motivation and make it hard for people to be engaged and activity in the community.

4.5.2 Racism and segregation

Bourke is described as a segregated town with minimal interaction between the Aboriginal and non-Aboriginal communities. While inter-community relations were described as "pleasant" and "polite" on the surface, there was widespread

acknowledgement of the underlying division between Aboriginal and non-Indigenous people: “You have your whitefellas that don’t want to mix with the blackfellas and blackfellas who don’t want to mix with whitefellas.”

Many people – Aboriginal and non-Indigenous – labelled Bourke a racist town, but described the racism as “subtle and hidden”, “not openly racist”, “underlying and not very exposed”, “don’t care racism”, “closet” or “passive”, manifest in the lack of employment and educational opportunities. On the other hand, there was the recognition that non-Indigenous people of goodwill are present in the town and need to be engaged. One person thought that the situation was better described as a “lack of engagement and social opportunity” which manifests in “crime; lack of achievement for individuals; lack of respect for people and property; and a loss of identity”.

While some participants commented that the Bourke community is very supportive and cohesive, others noted that the support can be very uneven. While there might be community-wide support when fundraising to send an Aboriginal boy away to play representative football, there might not be support for an Aboriginal family whose house burned down. The Aboriginal people of Bourke do not have a specific or celebrated role in the Australia Day celebrations for example and non-Indigenous people were perceived to have little interest in NAIDOC events.

Some people referred to non-Aboriginal people not understanding Aboriginal ways of life and being unsupportive of Aboriginal aspirations, whether traditional or contemporary. Numerous examples were given ranging from being unable to get a kangaroo or emu without someone reporting you; failure to support community initiatives like the alcohol management plan or Community Working Party initiatives; or failure to formally acknowledge Aboriginal representative organisations.

There were mixed perspectives about whether racism is worse today than in the past. Some older Aboriginal people felt that there was less racism when they were young and that the community was “all in together”. Other Aboriginal people observed that Bourke has always been a racist and segregated town. Indeed, it was said by one person that “racism is part of the social fabric of the river towns.” The formal equality granted to Aboriginal people after the 1967 referendum was also identified as an event which elicited a racist backlash:

> *“Things just steam rolled after the referendum and there was the right to walk down the street. That right to walk down the street created a lot of other stuff. People would say ‘what’s that black so and so doing in the main street?’”*
>
> Aboriginal Cultural Heritage Officer, NSW Department of Environment, Climate Change and Water

Segregation between the Aboriginal and non-Indigenous communities has arguably also been exacerbated by the high rates of Aboriginal crime in Bourke. Several people alluded to fear of crime and people no longer knowing their neighbours as contributing to segregation – people are reluctant to engage. Distressingly, it was said that Aboriginal kids don’t feel welcome at some sports clubs because “people look at them as though they might steal something.”

Disconnect between Aboriginal and non-Indigenous worlds

Although the western way of life has been forced on Aboriginal people, Aboriginal people continue to live in the Aboriginal domain. Several Aboriginal people we spoke

to described the inherent disconnect between these two domains as an underlying cause of crime in Bourke:

> *"We chase the dollar, that's the road we take. We're tied up in that world. The land's been taken away so we can't use the land anymore. It's been replaced with something else – with the house and the fence. We can't go hunt for kangaroo and emu and wild tucker anymore. It's been replaced by the supermarket. You get to the supermarket and you need this money so then, obviously, you've got to go to Centrelink or go get a job. So now you're right over that [the non-Indigenous] side of the fence. Then, 'Oh well you're not good enough to do this job', so you go to Centrelink. Next minute, 'I'm sick of this', and then you're up there Monday morning at the court house."*
>
> Aboriginal Cultural Heritage Officer, NSW Department of Environment, Climate Change and Water

Several Aboriginal people described the tension of straddling both the non-Aboriginal and Aboriginal worlds and their frustration that Aboriginal people must learn to operate in the non-Indigenous world while non-Indigenous people are not even aware that the Aboriginal world exists. Even if they are aware, they do no understand or acknowledge a parallel way of life:

> *"Back in the old days, under traditional law, … there were all these systems in place, but they were all taken away. But we are expected to comply with the way things are today without any of those traditional systems being acknowledged. It's really difficult when you have a foot in each world".*
>
> Acting Chairperson, Murdi Paaki Regional Assembly

> *"I know all about your lifestyle. I know everything about your world. But you still don't know our world at all. You need to understand that and that's not what is happening at the moment. But there's that invisible line that we move across."*
>
> Aboriginal Cultural Heritage Officer, NSW Department of Environment, Climate Change and Water

Different Aboriginal people had different views about what needs to happen to negotiate this disconnect. One felt that Aboriginal people are within the western system now and must operate entirely within that system. Similarly, another felt that Aboriginal people cannot ignore the western system and need to understand it in order to negotiate the rules and regulations: getting licences to hunt and fish or requiring permission to access significant sites. On the other hand, other senior Aboriginal people argued that the criminal justice system cannot afford to ignore the Aboriginal world and that change will only occur when Aboriginal people are empowered to solve their problems themselves – that non-Indigenous people need to know that there is another legal system in place that has always existed and that operates to different standards:

> *"I believe that outback towns, like the Koori people and like the police, because they are two different laws and our people just struggle right through from when the law was taken off them. I believe now that the police law and the old fellas law, Koori law, should come together and be able to work together to solve our problems. It's been too long now that the police have tried their way, their laws, and it's not working. So what they need to do now is recognise the Elders in the community and work with them and get their law from them and come up with an outcome for sentencing"*.
>
> Community Worker, Bourke

"When the justice system comes along we're invisible. Yet the justice system is full of our people. When you're up at court on Monday morning in Bourke all you see are our people standing out the front, ready to go to court. We're invisible. We're not being a part of it, not being a part of saying, 'Well all right this is your deal. How do you fix it?' They're saying, 'This is your deal. You fix it, but you can only fix it [the way we tell you]'. So it puts us away from that system big time and therefore we end up in place like prisons, juvenile justice centres and women's refuges. You end up with programs – alcohol programs – that just, culturally, don't fit who we are and we are always ending up, on a Monday morning, in the court. It's the system that just doesn't fit. It just doesn't fit culturally.""

Aboriginal Cultural Heritage Officer, NSW Department of Environment, Climate Change and Water

4.5.2 Land justice

Land was frequently spoken of as central to Aboriginal identity, as "who we are and where we come from". Several people passionately argued that access to land, land ownership and land rights are pivotal to addressing the social issues faced by Aboriginal people.

"From a personal perspective as an Aboriginal person, we could sit here all day and talk about the same old rhetoric – health, housing and education – but it really comes back to the core issues of being disconnected to country, no access to country and there is no land ownership. They are the underlying issues that contribute to the social issues."

Acting Chairperson, Murdi Paaki Regional Assembly

"If you really, really want to get to the core of the issue, it's land. It's all about land. Whoever gets the land will get the power and they get the money. For us, it's not about the power or the money, it's just about having that land. Having that access to their country. The only access we had was in the yards and in the stock reserve that we now call Alice Edwards village – that's where we were allowed to go. If we were found outside of that, then we're trespassing on somebody else's land. Fellas have big blocks of land fenced off. They don't use it. They might run a few sheep on it, but they don't use it. But we get people who are screaming just to be on country, just to do their own thing on their own country. On land, near the river, wherever. Just a place where they can go without looking over their shoulder to see the fella in the blue uniform chasing them down the road."

Aboriginal Cultural Heritage Officer, NSW Department of Environment, Climate Change and Water

Aboriginal people expressed a deep sense of injustice that is not historical, over dispossession and the continued denial of access to land:

"I am a traditional owner in this country, sitting in my own country, where everything I do is controlled by other people. At the end of the day this land is ours and we don't have access to it. We have to seek permission to go onto land and seek authorisation to go on the river."

Acting Chairperson, Murdi Paaki Regional Assembly

4.5.4 Lack of autonomy / self-determination

There was widespread frustration at the lack of recognition of Aboriginal authority and autonomy. Some Aboriginal people seemed to describe being constrained by a framework that prevents them from realising their aspirations.

> *"There are times when you just feel like you are up against the world. At the end of the day, we are simple people. We just want to do what we want to do without interfering from others. We'd like somewhere to go where we can really call home. Not just for an individual or dominant group, but for the whole community."*
>
> Acting Chairperson, Murdi Paaki Regional Assembly

The importance of Aboriginal people setting the terms of engagement was stressed. One senior Aboriginal person described the frustration of coming to the negotiation table, only to be told that non-negotiable terms have already been set.

> *"I come to the table to make a decision. I can come to the table and make a decision, but other people come to the table and they can't make a decision, they've got to go back. Someone else makes the decision for them. Well I can make a decision. Who can make the decision? They come to the table with a book, with all these squares, saying we can negotiate, but we can't negotiate on these issues here."*
>
> Aboriginal Cultural Heritage Officer, NSW Department of Environment, Climate Change and Water

Many Aboriginal people described wanting to exert their autonomy – whether by determining solutions to problems or taking ownership of initiatives – but of being thwarted at every turn. Where support is offered for Aboriginal initiatives there is a perception the support is "tokenistic". One Aboriginal person said "we find ourselves in small pockets trying to do everything with nothing". Similarly, the lack of funding for Aboriginal community initiatives was a significant issue. People provided examples of local initiatives that struggle to get off the ground, such as the proposed waste water project. The effect of this continued lack of support cannot be overstated. One Aboriginal person told us: "most of the stuff that happens in Bourke is all talk and never comes to fruition". There was a definite sense that it is pointless to get involved in community initiatives when getting them started requires so much physical and emotional energy or, once started, can't be sustained.

4.5.5 Role of elders and community leaders: the undermining of authority

There was some degree of cynicism around the disconnect that Aboriginal autonomy is not supported but that non-Indigenous people expect that Aboriginal people in Bourke should take responsibility for fixing their social problems and be active in initiatives aimed at solving those problems. There was a clear call from non-Indigenous people for the Aboriginal community in Bourke to "step up" in this regard. Other Aboriginal people we spoke to echoed these calls for more leadership and participation but were mindful of the fact that that these social problems have been "inherited", they were not created by Aboriginal people. One Aboriginal person noted bitterly that non-Indigenous people were always calling for Aboriginal volunteers to run programs and join committees but that Aboriginal people had already 'volunteered' their land and their authority; "What else do they want?"

The important role of elders and respected persons in Aboriginal society and as community leaders was raised by most people. Reference to the tension between the calls for Aboriginal elders and respected persons to take responsibility but that their decisions are ignored if they do not neatly conform with mainstream approaches was raised. One poignant example was given of a public meeting held to deal with a community crisis. Elders and senior Aboriginal people were asked for their direction, only to be immediately told that their suggested solution was not legally possible. It was widely acknowledged that the authority of elders has diminished over time, being undermined on different fronts.

> *"Their role as leaders hasn't been nurtured. When I was growing up there were a number of very outspoken Elders who were instrumental in getting heaps of change delivered for Aboriginal people. They were very engaged. They were outspoken – some would say too outspoken. They had a sense of where they wanted their communities to be. They had a sense of the sorts of things that needed to be made available and achieved by their people if they wanted to be there. I don't know if those leaders as there now the way they were before."*
>
> CEO, NSW Outback Division of General Practice

People described the impact of colonisation, the missions and interventionist government polices as having displaced cultural authority. For example, the division between the different language groups resulting from colonisation policies was described as preventing elders from taking leadership roles in Bourke, where people might say, 'You can't speak for me and I can't speak for you'. It was said by one person that the missions "broke our elder's lives, taking that authority off them."

> *"The missions actually broke our elder's lives, taking that authority off them because they became under government law then. I believe that's where it actually affected Koori people, right back then, and then it just followed through. The Elders weren't involved in decision making anymore."*
>
> Community Worker, Bourke High

Other pressure on the authority of elders and cultural authority more broadly include globalisation forces:

> *"Back then they didn't have mobile phones, we didn't have YouTube, we didn't have the rubbish we watch on telly, music videos. Everything that kids read or see is of such a sexual nature now. It's either sexual or fighting. The elders didn't have that back in their generation at the same level. So the elders are saying, 'What do we do now? They don't listen to us anymore.' I don't know how we turn that around. I believe by taking little steps, coming to places like this and just sitting kids down and reading with them and being seen with kids may be a little step in helping."*
>
> Youth Case Manager, NSW Police Force Youth Command, Bourke PCYC

One very interesting reason given for the dismantling or undermining of authority was the extent to which government bureaucracy is replacing community resilience. It was said that as government policy becomes more and more interventionist, institutional memory and authority are weakened. People lose confidence and turn to government institutions for solutions, rather than being self-reliant.

> *"Perhaps some of the fabric of the Indigenous community – the resilience that was there – has been taken up by state government departments, whether it's juvenile justice, probation, parole or DoCS. There are now layers upon layers*

upon layers that are continuously introduced. Whereas all that would have been done for nothing by some strong families. They would sort themselves out. Layers of bureaucracy are replacing community resilience. You don't even think about it. It's psychological almost. It comes naturally, people are reared in it. It's like women don't learn from a book how to be a good little girl. They learn form their mum and from their aunty about what is acceptable and what is not acceptable. If you lose that, you can't replace that. I think that's what they're trying to do at the moment.."

CEO, NSW Outback Division of General Practice

4.5.6 Local Council

There was a general perception of Bourke Shire Council as having obligations to address Aboriginal disadvantage in Bourke that had not been fulfilled. Unfortunately, there was widespread criticism from a range of people – Aboriginal and non-Indigenous from a number of organisations – who were highly critical of the Council for failing to be proactive in promoting or providing Aboriginal opportunity or responding to perceived need. Criticisms varied from lack of representation to inadequate provision of employment opportunities to lack of support for community initiatives, including the alcohol management plan to failure to provide municipal services to Alice Edwards village.

Although there have been Aboriginal councillors, there was some feeling that the Council was not representative of Aboriginal interests, despite the increasingly large Aboriginal population in the town. One person suggested that the local council should have dedicated positions for Aboriginal counsellors, "unless you have black faces it will never really reach its potential for what it can contribute". It was argued the council should actively support the participation of Aboriginal councillors by investing in their professional development and facilitating access to meetings if necessary. This was also seen to have a particular importance in a town where the non-Indigenous population was declining as the Aboriginal population was increasing.

The Bourke Shire Council is a large employer in the town and employs a number of Aboriginal people, particularly in outdoor maintenance. However, there was some degree of anger that there are no Aboriginal people as the public face of the Council; that you are not greeted by an Aboriginal person sitting behind a desk when you walk through the front door. Given the background of high levels of Aboriginal unemployment and lack of meaningful activity that was so frequently described in Bourke, the Council was seen to have a social and economic responsibility to increase the number of Aboriginal people it employs. The local council was repeatedly identified as a key part of any long-term employment strategy and participants felt strongly that they should be leading the way in this regard.

Boredom and lack of activities for children and young people was seen to be the number one reason for high levels of youth crime in the town, yet, in relation to youth issues, the council was also viewed as being inactive; again by Aboriginal and non-Indigenous interviewees across a range of organisations. One person said the council needs to take responsibility for providing activities for the kids. A number of interviewees unfavourably compared the Council with other local councils in the region who were proactive with the development of youth representation, youth development opportunities and activities for young people including youth groups and skate parks. Several people were frustrated at the Council's lack of support of a community proposal to build a BMX track near the PCYC, which they considered

would provide something for young people to do but could also provide a safe place where they could gather. One person remarked that the Council did little to support young people, "Yet they are the first ones in the Western Herald to say they are bad kids."

Despite the negativity towards the Council, there was hope that a meaningful partnership can be forged between the Council and the Aboriginal community based on being proactive rather than reactive. One positive achievement is the integration of the Community Action Plan and Aboriginal Crime Prevention Plan with Council planning. Murdi Paaki Regional Assembly is also in the process of negotiating partnership plans with local councils, which is also considered to be a positive development.

> *"We really need to develop that meaningful partnership with council. What tends to happen is that when something happens we have always been reactive to it. It is one of our community action plans to develop a statement of commitment and have the TO's and the other language groups that share the community acknowledged."*
>
> Acting Chairperson, Murdi Paaki Regional Assembly

4.5.7 Support services

There was general acknowledgment that there are a large number of support services in Bourke to address Aboriginal social issues, to variable effect. However, given the specific attributes and needs of the town, there are some profound deficiencies. In particular, given the scale of the problem, there are no locally based alcohol and drug treatment facilities and little available counselling. Aside from the deeper systemic issue of such services not being under local Aboriginal community control, people raised many other problems with the method of service delivery that impact on their effectiveness. In addition, several people also observed that, Aboriginal people "don't seem to access" those services that are available. Several people thought that concerns about confidentiality could underlie this.

A common theme was the lack of a holistic approach to providing support to individuals and families in crisis. People were critical of the number of small services that "nibble at the edges", but fail to deal holistically with people in need. It was said that many people in Bourke live in crisis and that they need services that "wrap around them."

> *"The other contributing factor in relation to the issues Aboriginal people have in offending is that the infrastructure just doesn't support them. Huge amounts of money are pushed into these communities that doesn't offer coal face support to Aboriginal people in times of need or crisis. There are all these little agencies who give a little bit of support here and there, but nothing that wraps around the whole group as a whole."*
>
> Community Worker, Bourke

The holistic approach was needed to extend beyond the individual seeking assistance: that it was ineffective to deal with one member of the family without addressing the broader issues. As one person noted, you may spend the day working with someone on dealing with anger issues or strategies for coping with excessive alcohol consumption but, at the end of the day, that person has to return to the same environment that contributed to the problem in the first place. A specific

example of the importance of a holistic approach was provided by one community support worker who observed that while it is important to support victims of domestic violence it is equally important to support the perpetrators.

> *"Where the violence is endemic to the family, you can support the female, but then she'll return to that situation or that environment. She had received assistance here but she'll return home and nothing has changed at home. What we are saying is that to be effective you don't only deal with the female alone, it has to be everyone – male, female, parents."*
>
> Community Service Worker, Bourke

In spite of the comparatively large number of support services in Bourke, almost every person we spoke to said that there is a serious gap in mental health services. In particular, there is no local child and adolescent mental health worker and few drug and alcohol councillors. Mental health services were generally viewed as under resourced and culturally inappropriate. Several people commented that the closest detox / rehab facilities are in Orange and Kempsey and that Aboriginal people are reluctant to seek treatment so far from their home and the support of their family. It was a commonly held view that a local facility would be a great asset.

Many people were critical of the short tenure in these support services, particularly police, health professionals, DoCS workers, teachers and ALS solicitors. Inconsistency caused by high levels of staff turnover in government agencies was viewed as a barrier to effective service delivery and a source of great frustration to people trying to bring about change on the ground.

> *"You have change over of staff all the time, particularly so with government agencies. It's very difficult. Whilst you have to get them to the table, you have no consistency and that's problematic. Some government agencies have people coming in for three months and going. And you cannot, I don't care who it is, you can't move forward when you've got that sort of inconsistency."*
>
> Crime Manager, Darling River Local Area Command

> *"We have the outback division and the AMS, but they really only fly in doctors once a month. The problem with that is that, especially with Aboriginal youth, they need to have a constant. Each month the kid might have a different psychologist."*
>
> Community Worker, Bourke

It was suggested that government needs to rethink the way it delivers services – whether health, education, employment or justice – to better meet the needs and demands of remote communities. One suggestion was to engage and train local case workers to support the fly in/fly out professionals to ensure continuity of service delivery. The importance of long-term support, continuity and ongoing case management was repeatedly emphasised.

> *"It has got to be really long-term support. Not just something where they walk in and say they want to [take out an AVO against their partner] and then we say now you've been told, you've got you're information, see you later. I've worked with one client for 12 months just as a court support and helping them get housing and counselling. Wile they were in and out of the refuge then you've got to go there each time, that sort of thing. You can't walk away because every time you visit you've got to do phone calls and just keep a follow up so they know something's happening and they know they're not alone."*

Community Service Provider, Bourke

Another source of frustration was the lack of education given to workers in these support services before they arrive in the community. The importance of understanding the community that you are coming to and respecting that the community, rather than the professional, may have some worthwhile solutions was frequently identified. There was some degree of wariness of the next new person coming to town, wanting to start something but when they leave it falls apart because they didn't engage the local community to build lasting solutions:

> *"Educate people before they even come here because we are not going anywhere and a new wave of people will come through with the same over the top attitude that they are going to fix Bourke, but they never will."*
>
> Community Worker, Bourke

4.6 RESPONSES TO THE HIGH CRIME RATE

4.6.1 Criminal Justice System

Circle Sentencing

Circle sentencing was generally viewed in positive terms as a successful initiative with noticeable reductions in recidivism in relation to some crimes. However a lack of resources means that only a small proportion of cases can be sent for circle sentencing and there was desire for its dramatic expansion.

> *"You very rarely see them come back for the same crime. They will come back for different crimes, but not the same. Its not blanket block on recidivism but on the particular crime yes."*
>
> Solicitor, Aboriginal Legal Service, Bourke.

While generally viewed in positive terms, some caution in terms of expectations was counselled. One Aboriginal participant felt that circle sentencing was still too embedded in the mainstream criminal justice system where it is limited to advising on available options within the mainstream system, rather than enabling the Aboriginal justice system to operate, which has greater potential to deal with the crime in a broader context, taking into account all of the offender's circumstances:

> *"I do circle sentencing and while we get some say in that process, in the end there are a limited number of things we can say. We don't get to say what we really want to do because it's still being handed to us."*
>
> Aboriginal Cultural Heritage Officer, NSW Department of Environment, Climate Change and Water

The "circle" concept is also being extended into relationship counselling where both partners are committing domestic violence against each other. The partners come together with elders to "address the issues that are leading to violence on both sides".

Failure of juvenile detention and need for alternatives

Many of the people we spoke to in the criminal justice system, especially as they related to young people, identified a number of failures and gaps. For example, the

effectiveness of cautioning under the Young Offenders Act was questioned, as was the effectiveness of youth conferencing and sentencing in court. Some people observed that it can take over six months for the matter to be heard or for the conference to be held and that by that time the kid "can't remember [the crime] or doesn't care". Alternatives for young people were strongly advocated.

A number of people working in the criminal justice system highlighted the failure of detention, particularly the failure of juvenile detention, in terms of deterrence and rehabilitation. . "The kids we are getting back here in Bourke from detention are just doing the same things as soon as they get out." In some cases, incarceration made "people worse": "they're more knowledgeable" and "institutionalised already at 15 or 16." On the other hand, the lack of support on returning home was problematic where young people moved from a structured environment in detention to return to their previous lives.

A common narrative expressed was the need for alternate ways of dealing with crime and punishment. Aboriginal people said that the western system needs to recognise Aboriginal law, for example banishing people from the community, punishing crime more expediently and empowering local Aboriginal elders and respected persons who know their own communities to act. Other people stressed the need for "realistic, hard, tough diversionary destinations" for offenders as well as increased access to psychological support.

A number of people suggested some form of cultural and heritage bush camp as a youth diversionary program, but it was stressed that we should not wait until the kids have come into contact with the criminal justice system before these opportunities are made available. The connection between young people, land, culture and their elders was strongly viewed as a way to prevent crime.

> *"Our elders should be taking the kids out and telling them about respecting our elders and about their culture and how the old people lived off the land before the European people. Why wait until the kid gets into trouble before you take them out? Why not do it so they can keep out of trouble?"*
>
> Community Worker, Bourke

PCYC

The PCYC was generally viewed as an asset to the community, however many felt that its potential has not been fully realised. Several participants felt the opening hours of the PCYC are inappropriate. The PCYC is only open until 8pm and is not open for long on Saturdays and not at all on Sundays. The PCYC case manager was explicitly commended by a range of people for his commitment to working with young people and was seen as a positive role model. He was seen as someone developing plans and initiatives for young people with the potential for success.

Exacerbating sanctions

As in other communities, some available sanctions were considered to be inadequate or potentially exacerbating. Apprehended Violence Orders (AVOs) in particular were raised. While AVOs play an essential role in the protection of the vulnerable – especially women in violent relationships – the number of AVOs issued in Bourke and the circumstances in which they are issued was problematic. We were told stories of friends or family members who drink together having a falling out resulting in the issuing of an AVO but who continue to drink together in breach of its terms. AVOs in response to 'feuding' family members were described as so prevalent

that soon, everyone in town would have one. Also police AVOs, when people did not understand how to have them removed, were described as problematic.

4.6.2 Community Initiatives

The Bourke community is actively addressing crime prevention and several initiatives that are having a positive impact were identified.

Aboriginal Bail Support Project pilot

The Bourke Aboriginal Community Justice Group ('ACJG') identified bail related issues as a major priority in their Aboriginal Community Justice Plan; specifically inequitable access to bail and high number of breaches of bail for Aboriginal defendants. Common barriers to Aboriginal people being granted bail is the lack of a fixed residential address or inability to meet monetary or surety requirements. The bail pilot was designed to include respected Aboriginal people in the bail process to explore alternatives to traditional bail requirements, allowing alternatives to be presented to the court.

ACJG members are asked to provide advice on bail conditions where special conditions are being considered or have been imposed. The ALS or defendant can request that the ACJG report on police bail conditions before review by the Magistrate; or the Magistrate or Registrar can request an ACJG report before imposing bail conditions. Bourke was the first site for the pilot, which is apparently being extended to further towns in NSW.

Bourke Alcohol Working Group

As described above, the community established the Bourke Alcohol Working Group that was responsible for driving the development of a five-year alcohol management plan. The plan emerged from a two day community forum and is viewed as a unique achievement in the region:

> *"What other [river] communities are putting their hand up and saying, geez we've got a problem with alcohol, let's do something a little bit radical and let's get out there and work on it. We don't want any government to come in and start telling us what we can do with our money."*
>
> Crime Manager, Darling River Local Area Command

The Bourke Alcohol Management Plan is a joint initiative of the police, the Bourke Alcohol Working Group and the Outback Division of General Practice. A vital and deliberate aspect of the strategy is that it applies to everyone in Bourke, despite the suggestion by some community members that it should only target 'problem drinkers'. It is a multilayered strategy including restrictions on alcohol sales and a range of community and school education and awareness activities and funding for a new drug and alcohol counsellor who is based at the Outback Division of General Practice. Several proponents of the Plan observed that Bourke is the first community in the western region to introduce an alcohol management plan and expressed pride in the proactive stance they had taken to a community wide problem.

While much of the focus on the Plan has been on restrictions on the sale of alcohol – for example, "heavy" alcohol cannot be sold before 2pm and you must be in a car or taxi to purchase alcohol – the plan's proponent's emphasise that the alcohol restrictions are just one, albeit significant, element:

> *"Legislative change is simple compared to the adaptive challenges of changing people's mindsets, their culture and what they're used to. I would prefer to move away from the restrictions, even though I mention them as being important, they're not the answer. They never will be in these places. You need to change the mindsets and to do that you have to start young."*
>
> Crime Manager, Darling River Local Area Command

There were divergent views about the level of consultation with the community undertaken by proponents of the alcohol management plan. There were also questions raised about community support for the measures. However, the plan's proponents contend quite strongly that an appropriate consultation process was undertaken, especially when the desired health outcomes are taken into account.

Several people commented that alcohol is seen as a "black problem" in Bourke and there was disappointment at a perceived lack of support, particularly from some business representatives (see also Lyford, August 2010). The strategy's proponents noted that there was a tendency from opponents to object to restrictions applying to everyone. The sentiment was summarised as, 'Why don't you just worry about the excessive drinkers and leave us good people alone?' However, the proponents emphasise a community wide approach. If there is a community problem, then it is not appropriate to have one rule for some people and another for others. The reality is, as one person observed, it would be one rule for blacks and another for whites, which would be discriminatory and unacceptable. It would also arguably be less effective.

Anecdotally, health and criminal justice workers reported their perception of a striking impact of the Alcohol Management Plan being, not a large reduction in the *number of incidents*, but in the *severity* of violence:

> *"In terms of crime and alcohol related assaults, domestic violence related assaults, they've kind of remained stable or decreased. Initially sort of decreased in domestic violence and alcohol related violence, but it's kind of evened out a bit now. But six months in it was like a 50 per cent reduction in severity of assault, which was huge."*
>
> Crime Manager, Darling River Local Area Command

A formal evaluation of the Bourke Alcohol Management Plan is currently being undertaken by the George Institute for Global Health. It is still early days, however, an initial progress report has highlighted some positive preliminary findings (Lyford, August 2010). In particular, the majority of people interviewed were said to be supportive of the Alcohol Management Plan, including the takeaway alcohol restrictions. Business representatives were the only main source of criticism. The report also noted:

> *"The overwhelming opinion was that, while further actions are required, the restrictions have nonetheless been an effective mechanism for addressing health and social impacts".*

Bourke is described as being a "better place" since the restrictions and, anecdotally, we heard that people are healthier. At this stage, the George Institute's evaluation has little quantitative data but one promising finding was a 9.6% reduction in non-domestic alcohol related assault (Lyford, August 2010). We look forward to the more detailed evaluation down the track, particularly to see whether there is evidence of a reduction in the severity of violence as reported by interviewees.

Brahminy program

Emerging from the observation that juvenile detention is not having the desired outcomes for many young offenders, a range of people spoke of the need for a bush camp with a strong cultural element as a youth diversionary program. One group of community members have identified a program, run by Allan Brahminy in the Northern Territory, as a successful model that could be established in Bourke. The "Brahminy program" provides a youth residential program for marginalised and at risk young people. Youth from all over Australia are sent to remote camps in the Northern Territory. They are put through an intensive three to six month training program. The program includes non-stop work, training and education and access to counsellors, psychologists and doctors. On proponent of the program felt "it's about taking them out of their community and putting them in a situation where they don't know anyone and they basically have to grow up."

While the program is very resource intensive (it costs approximately $40K per person), it is viewed as a cheaper alternative to detention and reportedly results in low levels of reoffending.

Pit Stop Program

The Pit Stop program is offered by Centacare and is run in conjunction with the Local Offender Program which supports Juvenile Justice clients. The main aims of the program are to use motor mechanics combined with driver awareness to help curb the high rate of youth motor vehicle related crime. The youth work on donated cars under the guidance of a qualified mechanic learning basic mechanics. They also work on cars that have been damaged through crime and return them to the victim. Youth in danger of disengaging from school who attend school are also welcomed at the workshop. As part of the program, participants can get their learner driver permit and be taught to drive, gaining enough log-book hours to obtain their provisional licence. A long-term ambition is that the program will have a pool of cars that are fixed and maintained by the young people that they can borrow for short periods of time.

5. LIGHTNING RIDGE

5.1 BACKGROUND

The word most commonly used by interviewees to describe Lightning Ridge is 'unique'. It is a town full of contradictions where things may be actually quite different to how they first appear.

Lightning Ridge is an opal mining town, described by one interviewee as 'opal centric'. In fact, one interviewee observed that one reason for good relations within the community was that opal was a topic of conversation common to everyone. The town has a relatively recent history for the region. While opal has always been known to the traditional owners, black opal was only discovered by Europeans in the 1880s. It took some time for demand to build but, ultimately, Lightning Ridge became a thriving mining town.

Lighting Ridge was described as being penalised for being too successful. It has areas of great need (particularly mental health and housing), but because it has lower crime statistics than other towns, those needs are not being met.

Aboriginal History
Lightning Ridge is located in the traditional country of the Yuwalaraay (Ualaroi or Ualari) people. The Barriekneal watering hole, located approximately 10 km from the current township of Lightning Ridge, was a significant camping ground for local Aboriginal people.[5] The township of Lightning Ridge on the site as it exists today was established on the discovery of opal.

The occupation by colonists and pastoralists who travelled up the Darling River and its tributaries during the mid 1800s forever changed the lives of the traditional owners of the lands along the inland rivers. The Aboriginal populations were forced into pastoral and town camps and provided a source of labour for the colonists. The harsh life in the camps resulted in a steady decline in the Aboriginal population from 1880 to the mid 1900s. This was due to a number of factors including a reduction in the availability of traditional foods in the early years and then through the on set of diseases, poor nutrition, poverty, environmental health problems, and alcoholism that resulted from the sedentary life experienced in the town camps particularly during the depression years.[6]

In 1882, the Aborigines Protection Act passed through the NSW Parliament, and a Protector of Aborigines was appointed. Soon after, the establishment of reserves and government ration stations for Aboriginal people commenced. Angledool Reserve, about 60 km north of Lightning Ridge near Goodooga, was gazetted as the site of a Government reserve under the Aborigines Protection Act and opened in 1912. It was located on the traditional land of the Yuwalaraay people, close to the boundary of lands traditionally belonging to the Gamilaroi and Kooma language groups and was the only supervised reserve in the Walgett North area. At its peak,

[5] Lightning Ridge Community Working Party, Lightning Ridge Community Action Plan (May 2006), 1.
[6] Ibid.

the mission accommodated up to 180 people who were forcibly relocated, or moved, into the settlement from both Yuwalaraay and Gamilaroi country. Memories of Angledool unite the Aboriginal communities of the area, recalling strong community ties as well as the harsh repression of the 1930s and its restoration and potential development as a site for cultural tourism were mentioned by a number of interviewees.[7]

With the closure of Angeldool Reserve in 1936, the Aboriginal Protection Board destroyed the homes and attempted to forcibly relocate its residents to Brewarrina Mission under a centralisation policy.[8] The decision resulted from a reduced need for pastoral labour on the local stations in the light of the imminent subdivision of a group of the larger properties, including Angledool Station, to smaller holdings. The passing of the need to maintain a ready Aboriginal workforce for the benefit of the pastoral properties lifted the obligation placed upon the Aborigines Protection Board to provide segregated schooling and rations at Angledool during periods of unemployment and the Mission was closed. Approximately 110 people were forcibly relocated but a number of families who had secure work on pastoral stations in the region, and who were safe from the threat of removal of their children, resisted and stayed in Angledool. Other families also escaped, hurriedly packing up during the night and relocated to Lightning Ridge or Collarenebri, among other places.[9]

Conditions at Brewarrina Mission were poor and the promise of "fine houses" never kept. As time passed, many of the Angledool families escaped from the mission to head home. By the late 1930s/early 1940s, some had returned to Angledool, others went to Collarenebri, Lightning Ridge and Walgett where they remain today.

Population estimates

Several people described Lightning Ridge as a great place to live if you want to disappear, whether to enjoy the solitude, an alternative lifestyle or to live under the radar or to hide out. It was also suggested that Lightning Ridge has a large "criminal element" who have chosen it to live so as to escape detection.

> *"People can come here if they want to disappear from the world, maybe. People live on camps, some by choice, others because they have to, but some people like that lifestyle and it's a harder lifestyle for sure, you know, to have live with a generator, no running water, no electricity, or no septic or anything like that. But that's how a lot of people choose to live."*
>
> Manager, Safehouse, Lightning Ridge

The population of Lightning Ridge is unknown but the majority of interviewees observed that the Census data significantly understates the population, given the large number of people living in camps or on mining claims – often in very poor conditions – many of whom, it was claimed, had little contact with the town. Some estimates put the population as high as 6000 based on post office box numbers.

The obvious problem arising from such an underestimation is that it results in inadequate planning for service needs by local, state and federal governments. Many people observed that Lightning Ridge has very few services for the estimated

[7] Ibid.

[8] Ibid.

[9] For a description of the closure of Angledool Mission and forcible relocation to Brewarrina Mission see Heather Goodall, Invasion to Embassy: Land in Aboriginal Politics in New South Wales 1770-1972 2nd ed) (Australia, Sydney University Press, 2008), 243-250.

population, including that the town has no public housing at all, apart from housing provided by Barriekneal Housing and Community Limited.

> *"We estimate that there are 6000-7000 people in Lightning Ridge - nothing like the ABS stats. We have 4 hospital beds, low level of acute care beds, they can admit no children to the hospital. Any procedures you have to go to the base hospital in Dubbo; here they can give you bedrest and a drip. There are 20 aged beds and that's the only reason that we have a 24hour medical service because the Commonwealth weighed in with aged beds but before that happened, we had a 16 hour a day accident and emergency centre. The place is being starved of infrastructure."*
>
> President, Yawarra Meamei Women's Group Inc., Lightning Ridge

Low profile of Aboriginal community

One curious phenomenon in relation to Lightning Ridge is the relative 'invisibility' of Aboriginal people. Numerous people questioned our classification of Lightning Ridge as a town with a significant Aboriginal population and contrasted Lightning Ridge with other townships such as Bourke or Walgett. However, when we observed that ABS statistics put the Aboriginal population at between 21-27%, there was general agreement that this could be accurate for the town itself, excluding the large number of people who live on camps.

It is not clear why the perception of Lightning Ridge as a non-Aboriginal community has prevailed. Similarly, a number of people suggested that the reason for a low crime rate in the Lightning Ridge Aboriginal community was because the population was not large. Again, it is not entirely clear what was meant by this and this is an area that requires further investigation in the next stage of the study.

Multiculturalism

One observation about population that created no dispute was that Lightning Ridge has an extremely multicultural community. People estimated that there are 50-60 different nationalities represented in Lightning Ridge, arguing that it would be second only to Sydney in the range of communities represented. It was suggested that this multiculturalism had resulted in a high degree of mutual respect and tolerance between peoples that created a harmonious community, noting in particular a high degree of intermarriage. This was one of the reasons given for the reported lack of segregation and relatively low levels of racism in the town compared to other towns in the region.

Anomalies

As noted above, Lightning Ridge is a town full of contradictions and certain anomalies were most striking. For example, interviewees reported very high levels of drug and alcohol consumption – said to be primary causes of crime in Bourke – but this did not translate into high crime rates. A further contradiction relates to perceived levels of prosperity in the town. While outsiders described Lightning Ridge as a prosperous town with high levels of individual income, this was not supported by either ABS statistics (noting their claimed inaccuracy) or, more importantly, residents of the town who reported extreme socioeconomic disadvantage among Aboriginal people. Indeed, according to Tony Vinson's mapping of disadvantage in Australia, Lighting Ridge is in the band of most disadvantaged communities in NSW. Finally, Lightning Ridge's description as a frontier type of town, reliant on vigilante, sometimes violent, justice or peace keeping did not correlate with the relatively peaceful town described by its residents.

5.2 TYPES OF CRIME AND PERCEPTIONS OF CRIME

When asked about the type of crime that occurred in Lightning Ridge, most people identified break and enters, alcohol related assault and drug use and distribution. There was general acceptance that the crime rate was low but nonetheless was a concern to residents.

> *"As far as crime is concerned, we're not too bad off here. We do have a bit of petty crime, like break and enters and things like that. And even though I say it's petty, too people who own property that's stolen it's not petty to them. We just get a spate of them every now and then."*
>
> Mayor, Walgett Shire

Solicitors from the Aboriginal Legal Service and others working in the criminal justice system identified that they dealt with large numbers of driving offences – 'unlicensed, unregistered, uninsured'. Most of their dealings were with alcohol related assault matters, although not necessarily domestic related. In particular, one solicitor noted that "there were not a lot of offences of dishonesty at Lightning Ridge, full stop."

Many people referred to periodic crime involving break and enters or car theft. Car theft was firmly linked to people visiting Lightning Ridge from out of town and a number of people contrasted Lightning Ridge with Bourke where the perception is that cars are stolen and burned on a regular basis. People also referred to periods when there would be a number of break and enters – that might involve young people – that would cease when a person was caught. Peaks of break and enters were also attributed to periods of time over summer when residents leave town, leaving their premises vacant.

Alcohol and drug use were identified as factors affecting crime rates, albeit with low public visibility. Alcohol was related to assaults and domestic violence in particular, although there are few other alcohol related crimes. One interviewee observed that Lightning Ridge has "surprisingly negligible alcohol related issues". A local liquor accord has been introduced in Lighting Ridge that, anecdotally, is achieving good results.

One very specific Lightning Ridge phenomenon is crime related to the mining industry, especially stealing machinery or 'ratting' – that is illegal mining on another's claim. When on the rare occasion that people disputed the crime statistics to claim that Lightning Ridge did, in fact, have a high crime rate, it was ratting that they were referring to. However, it was also clear from a number of interviewees that it is not Aboriginal people who are ratting.

In fact, crime involving Aboriginal people in general is very low. Some people attributed this to a small population of Aboriginal people living in Lightning Ridge. It was said that crime in Lightning Ridge does not have the "Aboriginal connotation to it" as it does in neighbouring towns.

Drug use was identified as a serious problem in the Aboriginal community and the broader community, although several people noted that visibility for drug use was low. Others, however, suggested caution, claiming that drug use in Lightning Ridge was no worse than in any other town. There were contrasting views as to the relationship between drug use and property crime. Several people claimed that stealing and break and enters were committed to support the perpetrators' drug use. This was not a view supported by the police however.

A number of people also claimed that Lightning Ridge acted as a drop off point for drug distribution. The rumours are that drugs come to Lightning Ridge from Queensland for distribution to the other states but that there are also sophisticated hydroponic enterprises for growing marijuana. Unsurprisingly, the perception is that whatever drugs are available in the major centres and large cities are also available in Lightning Ridge.

Young People

Crime rates involving young people are low in Lightning Ridge. Nonetheless, as in all communities, there is concern about levels of crime and especially crime involving young people. The biggest "perceived problem" was said to be kids on the street. While acknowledging that the kids should be at home, local police said the kids are usually not doing anything wrong.

Crime involving young people was observed to be 'patchy' or 'sporadic', peaking occasionally and then quietening down. A common narrative was that of crime involving young people being committed by outsider visitors to town. The sense was that when they left town or were caught, the spate of break and enters or car thefts would cease.

> *"I think it is fair to say that at one point here there was lot of havoc with kids but that has slowed down now. Remember there [used to be] a lot of break ins, car stealing, those kinds of things. But in the last 12 months, it has quietened down a hell of a lot. There was a little gang, a little group that got around together. I don't hear anything anymore."*
>
> Member, Wirringah Women's Group, Lightning Ridge

Again, interviewees found it difficult to articulate why crime rates involving young people are low but described an environment where families and the broader community is engaged, where there are activities for kids and a good relationship between the school and the Aboriginal community.

> *"It comes back to the parenting, education, the support of the interagencies, the community as a whole, the business people offering employment to kids. When you do look at it as a holistic picture, the Aboriginal community is functioning well and functioning within the wider community. We just take it for granted."*
>
> Member, Wirringah Women's Group, Lightning Ridge

The Walgett Shire Youth Development Officer identified the existence of role models as important, notably members of the Youth Council and members of the Shire's youth development team. Encouraging the Youth Council and youth workers to act with autonomy encourages ambition, pride and self-respect, which other young people also aspire to. He also identified the Shire's school to work program, which "puts a few dollars in a young person's pocket" but is only available to those students attending school, as also creating positive role models.

5.3 PRIMARY FACTORS AFFECTING CRIME RATES

5.3.1 Prosperity and the black economy

Several people identified the prosperity of the town – both legal and undeclared income – as a significant factor leading to low crime rates. On its face, there would seem to be some truth to the suggestion – Lightning Ridge does have the appearance of a prosperous town with jewellery shops and cafes lining the road into town. The rationale was that in Lightning Ridge, it was possible to obtain employment or be engaged in the cash opal economy so that people did not need to be involved in crime in order to make money.

> *"The simple fact is that people can actually make money here. That's what it boils down to. People thieve for money don't they?"*
>
> Community Service Provider, Lightning RIdge

While it is clear that large numbers of people go 'specking', it does not provide the windfall that outsiders claim. Several outsiders claimed that it was possible to make very large amounts of money – from $200 to $300 a day up to $2000 to $3000 a day – through 'specking' and/or dealing in opal. However, these suggestions must be treated with caution as in each case they were made by people – Aboriginal and non-Aboriginal – who are not resident in the town.

By contrast, Lightning Ridge residents bluntly rejected the notion that Lightning Ridge was as prosperous as outsiders perceived. As one resident put it "because it's a mining town, [outsiders] think people are rich and that certainly isn't the case". Some residents instead referred to the statistics of Lightning Ridge that illustrate its disadvantaged socioeconomic status. As noted above, according to Tony Vinson's mapping of disadvantage in Australia, Lighting Ridge is in the band of most disadvantaged communities in NSW.

> *"For every seven out of ten families the main source of income is welfare. Lightning Ridge is the poverty capital of NSW according to University of Canberra study in 2001. Along with Brewarrina, it is also in the most disadvantaged group in the Tony Vinson study. Tony Vinson has done 3 studies since 1999 and we have been in the top group every time but infrastructure and government funds haven't flowed. People come to this town and see there are no bars on windows and that it is a tourist town – you get a completely different feeling. Volunteerism is quite well developed. They look at Brewarrina and Walgett and Wilcannia and Bourke and they say that's where the money should go, rather than here."*
>
> President, Yawarra Meamei Women's Group Inc, Lighting Ridge

There was the perception that Lightning Ridge had once been a more affluent town but this was no longer the case for a number of reasons. In particular, the downturn in the price of opal was described as having a devastating impact on the town. The recent global economic downturn was also described as impacting on the town so that it had "changed from being an affluent community to a welfare type town."

In relation to Aboriginal residents of Lightning Ridge, in particular, interviewees observed that Aboriginal people "were doing it tough". While there may be some people who potentially picked up the odd opal, the days where anyone, including Aboriginal prospectors, made large amounts of money through prospecting were well

and truly over. One reason was that the industry is now more regulated which prevents people from specking as easily as they had historically. Also, the mining of opal is literally more difficult and requires the use of heavy machinery, which limits Aboriginal people's ability to be involved in the industry.

> *"When we were growing up we'd sort of all get together and even when we got up to 18 and onwards from there we'd still all be together as a group and we'd go out probably for specking, looking for opals and that and we'd find a bit of opal and that, the next minute we were all there partying, all together still. So one day we've got a heap of money the next day we were broke again but we'd go out again. We had that luxury of going out. There was still that industry was here and we could tap into it and it cost us nothing."*
>
> Community Worker, Lightning Ridge

5.3.2 Employment/meaningful activity

Several people raised the availability of meaningful activity as having a positive impact on crime rates in Lightning Ridge. Although there are few employment opportunities, the opal industry is central to life in Lightning Ridge for all residents. Although it seems that there are few Aboriginal people who lodge mining claims, the importance of specking was described by nearly all interviewees. Its importance is in giving people additional income but also in providing them with purposeful activity.

> *"A lot of our people do a thing what they call specking and it's after the people who own the claims and work after they have finished their process they're just going through the leftovers and usually pick up a little bit here and a little bit there but it all adds up to opal."*
>
> Community Worker, Lightning Ridge

Barriekneal Housing and Community Ltd was frequently cited as a major employer within the Aboriginal community, particularly through the CDEP program. In addition, Barriekneal owns a service station, a number of shops and a cattle station. Barriekneal was described by one person as the "centre of the community". However, there has been a significant reduction in the scale of CDEP since the Commonwealth Government's downsizing. Whereas once the program employed up to 140-160 participants or more, it now provides employment for many fewer.

As with many rural towns, Lightning Ridge was described by some as a town experiencing decline. Whereas once there were opportunities for Aboriginal stockmen and shearers, with the advent of new technology, employment in those areas is virtually non-existent.

> *"There are no jobs out here, [including in] all the rural area outside of Lightning Ridge. Go back 40 years and you probably have five or ten Aboriginal stockmen working on each property. Now it's all taken over by tractors and stuff like that. But a long time ago every single property around this area would have had one or two or three Aboriginal people working as farm hands on those properties and now there's not one and that was our main source of employment."*
>
> Former Acting CEO, Lightning Ridge Local Aboriginal Land Council

Nonetheless, there is a reluctance to leave the town to pursue employment opportunities elsewhere.

"Employment is limited. Outside the CDEP, you've got to go away really to get employment but a lot of people are just quite happy where they are."
Community Service Provider, Lightning Ridge

Lightning Ridge provides few opportunities to Aboriginal people for employment in the private sector. As one person stated, 'You would be looking a long time to see an Aboriginal worker' in the retail sector. A second area of underrepresentation related to the Walgett Shire Council, where Aboriginal people are predominantly employed outdoors. The Shire has acknowledged its inadequacy in the area and is attempting to rectify the situation and develop positive relationships with Aboriginal people across the local towns. The Shire have developed a school to work program with Lighting Ridge, Collarenebri and Walgett High Schools. Students complete a six-week placement at the Shire working one afternoon or morning each week. If the student is suitable, they continue with the Shire and are paid for their work. The aim of the program is to increase the number of Aboriginal people working in white collar positions in the Shire and to give students the opportunity to "see that there is a career possibility".

Apart from Barriekneal, there seem to be few existing Aboriginal enterprises in Lightning Ridge, although certain areas were identified as providing potential, namely construction and tourism. One missed opportunity raised by several people was for an Aboriginal run building company in Lightning Ridge. Several people were frustrated that local Aboriginal people had been trained as carpenters, electricians and bricklayers through apprenticeships with the CDEP program but this had not translated into employment. Disappointingly, it was stated that some of those people who gained construction qualifications had dispersed.

Tourism was described as another missed opportunity which the Lightning Ridge Local Aboriginal Land Council (LALC) plans to take advantage of. The Lightning Ridge LALC hopes to develop cultural tourism opportunities in Lightning Ridge and Angledool.

5.3.3 Under reporting

There was a strong perception that under reporting might account for the low crime rate in Lightning Ridge. However, this perception needs to be treated with some caution as it was generally held by people who do not live there.

Under reporting was said to occur for a number of different reasons. First, some people claimed that victims of crime would not go to the police – especially in relation to break and enters or ratting – because the police are not likely to be at the station or are unresponsive. Second, reflecting the idea that there are people in Lightning Ridge who wish to avoid the criminal justice system, it was said that, "People are not going to draw attention to others when they are hiding things themselves." Third, there was also a suggestion that victims of crime may deal with the matter themselves discussed in more detail below. This suggestion emerged from a narrative of Lightning Ridge being a frontier town with vigilante style justice. Finally, it was suggested that with few police in Lightning Ridge but with responsibility for a large area, it was more likely that minor crime would not be noticed or ignored.

"I'll tell you another thing that's got a lot to do with it too. You have got 30 odd coppers in Bourke and you've got six at Lightning Ridge. Six coppers, the

police in a town the size of Lightning Ridge and they turn a blind eye to a lot of stuff."

Community Worker, Walgett Shire

The possibility of under reporting of crime committed by Aboriginal people in particular was raised by two people who suggested that perhaps Aboriginal offenders not identifying themselves as Aboriginal, which would reduce the statistics. It is, of course, impossible to determine whether this is true.

However, with the exception of under reporting of ratting, the police did not support a view that under reporting was unusual in Lightning Ridge. Police officers noted that under reporting of family violence was an issue in every community – Aboriginal and non-Indigenous – so it would be safe to assume that under reporting of family violence would be an issue in Lightning Ridge but there is no evidence of under reporting in other areas.

5.3.4 Outsider offenders

There was a strong narrative of particular types of crime – particularly break and enters and car theft – being caused by offenders from out of town.

"Every now and then we have a spate of [break and enters] here, but it's usually when we get some of the boys visit us. They might decide to come up from surrounding areas and stay for a couple of weeks. It's usually when that happens that we have a lot of break and enters. And then either they get caught or decide to move one and then everything will go very quiet."

Mayor, Walgett Shire

5.3.5 Frontier, vigilante style justice

One very unusual suggestion for low crime rates in Lightning Ridge – which emphasises its unique status – was the narrative from a small number of people of Lightning Ridge as a frontier style town where people do not want to have attention drawn to them and deal with problems themselves: "People keep themselves nice".

"When there are problems, people usually sort it out themselves. A lot of it probably is taken into their own hands. That's why we probably don't see a lot of it going through the police station, people getting charged and people reporting – dobbing people in. A lot of it is dealt with. 'Cause you've got all the other mobs here too, like all different nationalities. They deal with it that way too. They'll go confront the person. That's where a lot of it gets done.

Community Service Provider, Lightning Ridge

At the extreme level, interviewees alluded to threats and intimidation – even disappearances or people carrying guns. One person told a story of one young ratter who received a bullet in the mail.

Given the nature of the allegations, it is of course, not possible to determine to what extent they may be true. However, even if the suggestion of a criminal element wanting to keep a low profile, or people with guns taking things into their own hands is valid, it appears to be limited to the theft of opal or mining equipment or drug distribution. It seems unlikely to provide an explanation for low levels of crime in the

town more broadly but is a fascinating story about the town. Furthermore, there was broad agreement that it is generally not Aboriginal people who are ratting and so it is not clear to what extent Aboriginal people would be coming into contact with these people.

5.3.6 Things for kids to do/structure

As in many country towns, a number of interviewees noted that young people in Lightning Ridge would benefit from having more to do after school and on weekends. Nonetheless, Lightning Ridge has a range of sports for young people, including junior rugby league, soccer, netball, basketball and swimming, although sporting programs are not available for high school students. The Central School employs an activities officer who organises structured activities at lunchtime and recess.

Walgett Shire Council was commended for building a skate park (although it is uncovered which makes it unusable in hot weather) and for its youth programs. The Youth Development Officer and his team of youth workers were spoken of in very positive terms, especially the youth centre, youth holiday programs and Shire Youth Council. Activities include painting murals, conducting a competition to design a bike helmet, cooking and encouraging healthy food choices, information sessions with local service providers who talk to the kids about relevant issues such as sexual health, discos and visits from touring theatre companies. One program – the cultural connections program – engages young people with Aboriginal Elders in Lightning Ridge who talk to them about women's and men's business and dreaming stories.

The Youth Development Officer attributes the success of the youth programs to the fact that young people have input into the centres and know that the youth workers are "happy to have them there and happy to listen to what they want to do." Youth team leaders are encouraged to respond to young people's suggestions and use their own initiative to facilitate activities that fall within the Shire's youth strategy. Young people are encouraged to design and run activities, which encourages a sense of responsibility and promotes them as role models.

One source of frustration, however, was the limited access to the impressive sport centre and pool complex. While it was appreciated that they are private enterprises, there was some degree of bitterness that community support had contributed so heavily to the construction of the pool complex – both in fundraising and actual construction – but the entry fee was prohibitive for some families. It was also rumoured that the Department of Families, Housing, Community Services and Indigenous Affairs had contributed a significant amount to the building of the diving complex, which caused some resentment that "Indigenous funds" would be diverted in that way. Several people contrasted the facilities used to conduct the youth group – the Ella Nagy Hall, which is in need of constant maintenance – with the new large sports centre, which was difficult for Aboriginal and other disadvantaged kids to access.

There were different views as to why youth activities were more successful in Lightning Ridge than in other nearby towns. On the one hand, there was the view that Lightning Ridge is more prosperous than neighbouring towns and can afford to provide programs such as rugby league. On the other hand, it was contended that the major difference is the level of support from parents and other adults, who act as officials and coaches and are active in fundraising. Lightning Ridge is in New South

Wales but plays in the Queensland junior rugby league competition and must raise funds to play.

> *"We get no funding from New South Wales and we get no funding from Queensland. So we have to raise $10,000 - our little local club - every year to keep busses available to our kids. Everyone said to us, you'll never get kids on a bus at 5.30 in the morning to travel three hours for a game of football. That bus is full every Saturday. And we've got mothers down there and fathers hopping on the bus. There's great support you know."*
>
> Community Service Provider, Lightning Ridge

Importantly, it was claimed that it is not the existence of activities alone that is sufficient to occupy kids and reduce crime. Rather, there has to be support for the activities from parents and adults. Some people observed that other towns also have activities for kids but that, unlike Lightning Ridge, it was difficult to engage parental support, which reduced their chance of success.

5.3.7 Good relationship between school and community

Approximately 40% of Lightning Ridge Central School's population is Aboriginal and there appears to be a strong and positive relationship between the school and the Aboriginal community. The school has obviously gone through a period of turmoil with four principals in four years, and was described by one person as having previously been "dysfunctional". Nonetheless, the general impression seemed to be of a positive and respectful learning environment. Academic achievement is celebrated – in 2008, everyone who wanted a tertiary place got their first choice – but there is also recognition that not all students have academic aspirations and their needs must be catered for.

It was claimed that Aboriginal perspectives are welcome and sought by the school. There is a visible Aboriginal presence including a now active and engaged Aboriginal Education Consultative Group (AECG), a large number of Aboriginal employees and local Aboriginal Elders hold a respected position in the school. The school hosted an extremely popular Aboriginal cultural day for staff hosted by local Elders to increase knowledge and engender mutual respect. A Language other than English program (supported by Barriekneal) teaches Kamillaroi and Yuwalaraay and will undergo significant expansion with the building of a dedicated language centre under the Commonwealth's Building the Education Revolution program. The School Board consists of four Aboriginal members and four non-Indigenous members and is chaired by the Principal.

In addition to two Aboriginal Education Officers, the school employs three Aboriginal Education Workers and a number of Aboriginal in class tutors who had been employed under the Schools in Partnership (SIP) program. Importantly, the Aboriginal Education Workers and in class tutors work with all the kids in the school. There was frustration with the all too familiar story of successful programs ending resulting in the constant battle to source funding to sustain them and to retain valued staff.

> *"The school's one of the biggest employers in this town, but every three years or so one scheme finishes and another starts."*
>
> Principal, Lightning Ridge Central School

For example, numeracy and literacy rates of Aboriginal children in Lightning Ridge are lower than their non-Indigenous counterparts but there are phenomenal rates of improvement through the 'Reading to Learn' program. The improvement was attributed to the program being supported by the in-class tutors, who initially had been funded to assist Aboriginal students but, recognising their worth, the school was ultimately able to supplement the program to assist all low achieving students. Unfortunately, with the end of the SIP program, the school is left searching for alternative funding to employ excellent workers who do not have job security.

The school is constantly looking for means to engage parents with the school, including formal programs such as the Commonwealth Government's Parental and Community Engagement Program, which is designed to improve the educational outcomes of Indigenous school students. It is a challenge, however, to encourage Aboriginal parents to feel comfortable in visiting the school.

> *"Before the [SIP] money came in and now I don't see new community members coming into the school. One of the criteria was to form effective partnerships with the community. We have done a lot of stuff with the money but I suppose it's the same old thing where people are not feeling comfortable coming into the school. Or they have had bad experiences when they were at school or they feel that if they are coming into the class they will be stepping on the teacher's feet. They don't want to cause any conflict there."*
>
> Education Worker, Lightning Ridge

At the local level, the school has developed some innovative ideas such as Local Blokes day, designed to encourage fathers, brothers, uncles and grandfathers to visit the school.

> *"Last year we bought a kite for every kid in the school and when the blokes came in they flew the kites. It happened to be a really windy day and down on the oval there were all these kites and the look of joy on the kids', fathers', uncles' and grandfathers' faces was just lovely. This year we just had a barbeque and they went and visited classes and next year we're going to do tree planting. The [men visited the school] because that's what you do in Lightning Ridge, you visit the school on Local Blokes' Day. You might never go any other time, but on Local Blokes' Day you've got to do the right thing by your kids and go to the school. Some of them were very shy. Some of them were inarticulate, but they were there. They went with their sons or daughters or grandsons or granddaughters, because we have kids from all sorts of blended families, but it was really lovely."*
>
> Principal, Lightning Ridge Central School

The introduction of a simplified discipline program that seeks to engage parents has had prompt results with suspensions falling dramatically. The school worked with students and parents to devise four or five simple rules that encompass what is expected of the students. Aboriginal community members devised visual representations of the rules using the tortoise and these diagrams are displayed throughout the school. The program's introduction was accompanied by intensive outreach with families.

Challenges facing the school

Two particular challenges facing the school are the profound shortage of adolescent mental health services and the challenge of engaging teenage boys who are no longer interested in school.

The Central School's Principal identified the need for a paediatric psychologist and a paediatric psychiatrist, at least on a visiting basis, and several child and adolescent counsellors in Lightning Ridge alone, observing that adolescent mental health is an area inadequately addressed by society. Not only is there a shortage of specialists to treat children and adolescents with a diagnosed condition, but children and young people who may benefit from assistance are not able to receive that assistance because they cannot be diagnosed due to the lack of professionals to make the diagnosis.

> *"We've got two special education classes here that we can't allocate kids to because they don't have a diagnosed condition. The reason they don't have a diagnosed condition is we haven't been able to get them to someone to diagnose it, even though we know full well they have it, so it's a Catch-22. Starve your town of people who can do the diagnosis and then you don't get clients for your special-ed room and they tried to close one of the special-ed classes this year."*
>
> Principal, Lightning Ridge Central School

A second area of specific need identified by those working within the education system and others is a strategy to deal with teenagers – especially boys – who have lost interest in school. The availability of reasonably well paid, unskilled work in Lightning Ridge and surrounds also provides a challenge to educators to encourage students to finish their education. A strong relationship with TAFE goes some way to providing options but more is needed.

> *"I think there is an issue of - and it's not just in Lightning Ridge but I think it's probably particularly noticeable here - 14-year-old boys are just over school. School is very meaningless to them and we need some alternative structure in place to meet their vocational and interest needs where they can thrive. I've seen it. We have a work experience placement out in one of the shearing sheds at shearing time. I've seen those boys transformed, out there working knowledgably, efficiently, effectively and capably."*
>
> Principal, Lightning Ridge Central School

> *"It's hard for our older boys in years 9,10,11 and12. They don't know what's going to happen. … They are all sort of manual boys. They are not finding the importance of an education. It's hard to say to them that they need a yr 12 certificates to even get a job interview anywhere these days. The kids say ' I will go work on the opal mine and work in the shearing sheds'… You have to say that's good to fall back on but you're a young bloke now, you want to finish school, you will be 18 years of age, now is the time to go and see what's out there. The opal mining industry is not going anywhere, Lightning Ridge is not going anywhere, shearing sheep is still going to be here. You are not going to miss out if you don't do it for the next 4 or 5 years. Put your hand up to do something, don't be afraid to fail if it doesn't work out, you done it, you tried it, you attempted to do something. Whatever it will be it will make you wiser whichever way you go, if you do succeed or you don't."*
>
> Education Worker, Lightning Ridge

5.3.9 The importance of family

The importance of family is fundamental to Aboriginal people and this was reinforced in both Bourke and Lightning Ridge.

> *"[The Aboriginal community] is based around family, kinship – everyone are aunties and uncles, you have your parents and grandparents. You even welcome in other people as your kin – you refer to them as aunt and unc. If we see kids down town, you hunt them home. When alcohol and drugs are involved, the drinking and fighting starts and the kids are subject to it. They grow up and it is all repeated and you have no family. You have a house full of drunks, drug addicts, kids not going to school, young kids are out in the street, they break and enter for money to feed younger brothers and sisters. If Aboriginal people maintain their family, things will be alright. We always say that Aboriginal people are very family orientated, they always lived in their little family groups."*
>
> Member, Wirringah Women's Group, Lightning Ridge

Indeed, some people described the existence of "good families" in town and positive parenting as a specific reason for low crime rates in Lightning Ridge among young people.

> *"I think a loving family is important. I think that kids sort of go off and do things when their family home is not right... So it comes back again to the parent of that child, stepping in and putting them on the right track, or the parent, aunty, uncle, grandparents, whoever helps look after those kids."*
>
> Member, Wirringah Women's Group, Lightning Ridge

One person claimed that if he could bottle Lightning Ridge's people's parenting skills he could sell them.

> *"You can see it in [other towns] - it's quite out there when you see kids walking around at two in the morning you know. Admittedly they're older kids, but even like 10 and 11 year olds, they're still out running around the park out here till 10 o'clock at night. … You don't see that much at Lightning Ridge. You've got your little crew, but we know them. Something with the parenting is amiss. The parents in Lightning Ridge are supportive."*
>
> Community Worker, Walgett Shire

The Principal of the Central School described parents as "incredibly cooperative, incredibly helpful", citing support for the school's discipline program and illustrated by support of events like Local Blokes Day. Others referred to support for local sport and parents on the bus on Saturday mornings.

> *"But to compare this with Bourke, like here, you don't see the mothers and fathers in the streets drunk and the kids hanging around; you don't see any of that, like you do down in Bree and Bourke. There's a difference there. The parents go to the clubs and go home. Is it because people came here, as we said, back in the 60s to try and better their lives? Trying to better themselves; they wanted a different life. There was opal; there was good living here then. Not so much of late, the big machinery has come in. Then they set up a housing company here and got homes for the Aboriginal people and those people have looked after these homes, where down in Brewarrina and Bourke they've re-built those homes three and four times for them. So what's gone wrong?"*
>
> Community Worker, Lightning Ridge.

Nonetheless, support for parents and especially support for young mothers was clearly identified as an area of crucial need.

> *"At the crucial time teenage mums have no support and no parenting skills. If you could just intervene at the right moment, you would make the hugest difference to their lives."*
>
> President, Yawarra Meamei Women's Group Inc, Lighting Ridge.

5.4 UNDERLYING ISSUES

5.4.1 Cohesive community

There was a strong and consistent narrative of Lightning Ridge being a cohesive community; where "everyone gets on with everyone else", "people pull together" and are "not divided". Indeed, some interviewees described good relations and interconnectedness within the community as a primary cause of low crime rates. One word that was used by different people to describe Lightning Ridge was "equality". Notwithstanding real poverty in the community, the suggestion was of a community striving for similar things.

> *"A sense of community as a whole I think is stronger in Lightning Ridge and it always has been in my time. That can be identified with the sport and the parents involved in the sport and the building of the pool and community drive. That is a difference."*
>
> Community Worker, Walgett Shire

A range of examples were given of community members volunteering or local businesses acting to support community initiatives. These range from volunteer support for junior rugby league or the AECG; to Elders providing cultural education and engagement with school groups and young people; to community lobbying for needed services such as public housing or counselling; to the Wallangulla motel donating the food for the school's breakfast program; to the school never having difficulty in finding work experience placements for students. Barriekneal Housing & Community Ltd maintains the Ella Nagy hall, sponsors membership of the swimming club, funds the Aboriginal language program at the school and even sponsors an Indigenous golf tournament.

Lightning Ridge is unique in many respects but perhaps the most striking example is in its enormously diverse population, described by one person as "astoundingly cosmopolitan". Every interviewee referred to the 50-60 different nationalities represented in the town. Interestingly, a number of people referred to that fact that such a multicultural environment seemed to contribute to a tolerant, "live and let live" approach to life. As one person said "it is the colour of the opal that matters, not the colour of your skin".

> *"All the other towns like Bourke, Brewarrina, Walgett, Goodooga, they're mainly non-Aboriginal and Aboriginal populations, whereas Lightning Ridge is a multicultural community. So I think everyone gets on with everyone, you know. I think that's what it makes it different to other communities."*
>
> Manager, Safehouse, Lightning Ridge.

"It's unique, for a start. It's unique in its diversity I believe. I mean the multiculturalism in that town. So there's not a high population of one individual group if you know what I mean. There's quite a lot of Indigenous people. There's quite a lot of non Indigenous people. You've got ethnics. You've got a bit of everything. So these kids are growing up with a little Yugoslavian boy or a Japanese girl in the same class. It's less of an 'us' and 'you' thing, it's a we. You know what I mean. There's a community spirit in Lightning Ridge and it's a live and kicking."

Community Worker, Walgett Shire

"It's quite astounding, there are people from all over. I think they share very much a kind of battler mentality. I think they share very much a we're all in this together mentality. It's quite lovely, you know."

Principal, Lightning Ridge Central School

5.4.2 Aboriginal/non-Indigenous relations

Relations between Aboriginal and non-Indigenous people appear to be relatively harmonious. Some people attributed this to hard working people – whether Aboriginal or non-Indigenous – coming to Lightning Ridge with the common purpose of making money.

"People living here in Lightning Ridge perhaps haven't got as high a crime rate as it is in Bourke and we feel that it's through opal that these people have lived here to try to better themselves."

Community Worker, Lightning Ridge.

Other reasons given include the presence of so many different cultures leading to greater awareness and respect for other people, high levels of intermarriage between Aboriginal and non-Indigenous people and that racism – while existing in the town – was not the issue that it is in other towns

"[You don't find divisions in Lightning Ridge between black and white] because we are all battling for housing and we are all battling to be a part of society and to be equal. Lightning Ridge offered that as a mining town. Our parents could come here from the missions, get a little bit of land, build a little tin shack on it, pay the $20 a year mining fee and live in harmony. It made us equal; the same as the neighbour next door or down the road. Other people still called us coloured but we felt good about ourselves as kids. Racism was still there not to the extent of other communities. My father was a shearer and he went shearing with white people in town. They were all shearers and miners; that's all the town had to offer."

Member, Wirringah Women's Group, Lightning Ridge

"Aboriginal people travel from properties from all over to come to Aboriginal people's funerals – Goodooga, Dubbo, Toowoomba. They come because of the relationship they had with the families over the years. It still happens."

Member, Wirringah Women's Group, Lightning Ridge

Many people noted that racism was inevitably going to exist and does exist in Lightning Ridge. However, the common theme was that it was not as serious a problem as in other towns.

"Racism is here, don't worry about that. It's not as bad as any other town. Not as bad as most other towns. It's not too bad but it's everywhere you go."

Community Worker, Lightning Ridge

"You know I've heard one racist remark since I've been here and it was made by a visitor to the town. It's very interesting, people here don't think in racial stereotypes at all."

Principal, Lightning Ridge Central School

When asked how racism is manifest in Lightning Ridge, one person pointed to the lack of Aboriginal employees in the private sector and, in particular, in the retail sector.

Physical segregation between Aboriginal and non-Indigenous people is apparently not an issue in Lightning Ridge in contrast to its neighbouring towns. From this early stage of the research, it is not clear whether people are socially or economically divided but, on its face, there appear to be many connections. While people noted that different racial groups largely "stick together" it was also said "you can mingle with them".

Lightning Ridge has a relatively recent history of permanent occupation and does not have an Aboriginal reserve or town camp history, such that there is not the historical segregation that some interviewees referred to as occurring in other towns.

"The other thing also I think is another thing that breeds discontent and breeds crime in communities too are these reserves. Now you go to Lightning Ridge, no one lives in an Aboriginal reserve, but you go out to Bourke, you go to Brewarrina and that they are all living on reserves, which automatically brings them together."

Community Worker, Walgett Shire

In addition, Barriekneal, which was established in the 1970s as a vehicle for Indigenous self-determination, has adopted a policy of spreading Aboriginal housing throughout the town. As one person observed, the disadvantage is that Aboriginal people are very family oriented and would prefer to live closer to family. On the other hand, others pointed to the fact that Aboriginal housing being spread throughout the town means that there is no separation between different sectors of the community.

"It is hard for people to get out of this mould that people get put in. 'Cause they've got to get off the mission first, you know what I mean? This mentality of it, which is silly. It's only just the thought of mind basically or an excuse. So that's what they've done here, they've tried to stop that. The local Aboriginal housing company tries to buy blocks of land around the town. They are aiming to avoid that mission type feel, or being classified as mission just because there's a group of Aboriginal people living there."

Community Service Provider, Lightning Ridge

"I'll tell you the advantage that Lightning Ridge has – it hasn't got the high concentration of Aboriginal housing in one spot like the Walgett's and the Bourke's where they concentrated all these Department of Housing estates. We haven't got that here which could be another reason why the lower crime rate as well because they're spread from one side of the town to the other."

Former Acting CEO, Lightning Ridge Local Aboriginal Land Council

"So you drive up the street and there will be Aboriginal housing then private housing, then teachers' housing. I think that's why we are a bit successful too. Because its not us blackfellas and everybody else, because they are not all in the one area. Like a mission or a reserve, I think that's what makes us a unique little community too."

Education Worker, Lightning Ridge

5.4.3 Aboriginal community relations

In addition to reasonably harmonious Aboriginal/non-Indigenous relations, within the Aboriginal community itself, there was also the sense that people were generally united. Unlike other towns in the region, one person described the Lightning Ridge Aboriginal families as generally "uniform with each other" and as able to "work together, on most things". Although there are disputes from time to time, "it's not to a point where there's a full on feud, like a 20 year feud and stuff like that".

A couple of people noted that one of the reasons that Aboriginal people in Lightning Ridge had good relationships with each other was because their parents and grandparents had formed bonds of kinship when they lived together on Brewarrina Mission – "we all call each other cousins or aunts and uncles because our parents formed the bonds of that relationship."

"You ask most people who are in the Ridge and [they will tell you] that they have come from Brewarrina. When they closed down Angledool mission, they took them all to Brewarrina mission. Those friendships and family all bonded back in the mission days when our parents were all together. I have a relationship through Christianity, through nan and pop, and that's from the mission days – going to church and travelling around to the different towns. It's those things that sort of make us."

Member, Wirringah Women's Group, Lightning Ridge

One example given of the Lightning Ridge Aboriginal community being a unified community was that of people looking out for each other. One person described the importance of greeting kids by name and said that when you see kids down town, you know who they are and automatically pick them up and take them home. On the other hand, some people were disappointed that the community is not as tight as it once was, describing an earlier time when "people had good memories of everything" and "were expected to look after each other". The change was put down to the death of important Elders and generally, that society had changed for everyone.

Interestingly, there was recognition that the majority of Aboriginal people in Lightning Ridge were not on their own traditional country. It appears to be a contemporary community developing a unique identity while acknowledging the specific rights of the traditional custodians.

"We have different tribal groups in Lightning Ridge. A lot of Aboriginal communities were formed and based on water settlements – a river, a creek, a lake, you need water to survive of course. As far as my knowledge goes there has never been a permanent settlement of Aboriginal people here in Lightning Ridge where it stands today. Looking at some of the names of Aboriginal people here in town, they are all from around the area – Brewarrina, Goodooga, Walgett, Moree. So it's good that we are getting all these traditional descendants of those lands that they are coming here to

form this new community. I think that's important because there are going to be different ideas coming in from everybody and I think that's going to make us unique. And everyone here recognises the traditional custodians of this land, which is the Eurayl/Kamilaroi people. We know that these fellas lived on this land."

Education Worker, Lightning Ridge

Of course, conflict arises and division occurs such as that caused over native title but there did not appear to be entrenched divisions. There had been dispute arising about the operation of Barriekneal Housing & Community Ltd but some people claimed that this had settled down and was in the past.

5.4.4 Respect

Respect was a word used by different people in different contexts and in a positive and negative sense – respect for property, respect for environment and respect for others or lack of it.

Lightning Ridge was described as a town where Aboriginal and non-Indigenous people have respect for each other. As described above, the multicultural nature of the town was described as having an impact - where children and young people attend school together and learn to respect each other's cultures and each other.

Respect for authority or institutions, and the fact that it seems to be declining, is an issue discussed in most communities and Lightning Ridge is no exception. As in other localities, it is a contentious issue and different views were raised. On the one hand, a couple of people described their disappointment that respect for "school, police, teachers and people in general" appeared to be in decline. However, it was also acknowledged that this was not limited to the Aboriginal community of Lightning Ridge but was being seen among all young people. It was said that one factor impacting on respect might be the undermining of parental authority by the legal system but this was not widely raised.

The role of elders in the community and respect for elders was specifically raised. It was noted that there are not a large number of Aboriginal Elders in town but two were mentioned by name by a number of people. They were praised for their contribution to fostering Aboriginal heritage and for never hesitating to speak to young people and educate them about Aboriginal culture. They were said to be intimately involved in every function that the school conducts and are involved in a number of youth programs. It seems that they are held in high esteem in the community. Tellingly, they noted the two way street of respect – that if you respect young people, then they will respect you back.

Aboriginal history, culture and language appear to be important to self-respect.

"I have noticed that in communities where you have a strong Indigenous community and where there is an emphasis on health and living clean through things such as mens/womens groups and Elders groups, I think that plays an important role in Aboriginal society. Nobody wants to shame their family or to put any shame on their family. From my personal experience that's what a lot of this comes down to, the shame factor has always been a big part within Aboriginal communities, you always want to respect your

Elders and you want to walk in the footsteps that they walked in before you I suppose and you don't want to bring a bad name to your family name."

Education Worker, Lightning Ridge

Interestingly, the impact of the physical environment on self-respect was also raised.

"I don't care what anybody says, that's one of the main reasons why there is no crime in Lightning Ridge because they haven't got the bars and that on the windows. People respect the community."

Community Worker, Walgett Shire

Similarly, one factor that was raised by a couple of people was the impact of an Aboriginal housing company providing "nice homes" that people wanted to look after. The contrast was made with other towns where homes were considered not to be of the same quality and "have been rebuilt several times".

5.4.5 People are resourceful, self-reliant and ambitious

You cannot visit Lightning Ridge or speak to people about Lightning Ridge without hearing about the resourcefulness of Lightning Ridge people and the "can do" attitude, described variously as people having "get up and go" or as "having a strong reputation for just getting on with it and doing things for themselves".

"That's the reason why the crime rate is low – it's because things get done in the community. There is nothing in Bourke. There is nothing in Walgett."

Community Worker, Walgett Shire

Young people were described as having the same resourceful attitude as adults.

"They're not from particularly well-off families but they're very resourceful, practical kids who just get on with stuff. They don't go, 'Oh woe is me and what a terrible lot I've been served up and everything's hopeless'. They just go, 'Oh yes I work here there and everywhere and I do a bit of this and a bit of that. Last week a couple of them weren't working at the café and that's because they were working at the wheat silos getting the harvest in, or weighing or grain testing. I said, how do you know how to do that? They said, oh they taught us, we learn. So they're very doer kids and I find that about the town as a whole, people just do stuff."

Principal, Lightning Ridge Central School

Ironically, while some people raised concerns that the admission price prevented use by some families, the construction of the pool complex was perhaps the most frequent story that we heard during our visits – told by Aboriginal and non-Indigenous people. It is almost a symbol of a town pulling together, even though some people had concerns about accessibility.

The story of the pool complex, as told to us by several people, was that in the 1970s, six girls, four of whom were Aboriginal, were members of the local swimming squad but had to train in Walgett. Having to travel every day for training was quite a grind and provided the impetus for a local pool. The Shire Council was not able to assist and told the local community that if they wanted a pool, then they would have to build it themselves. The State Government at the time agreed to match funding raised by the local community. The local community moved into action – people raised funds,

they provided machinery, they worked on the site without payment. The result is a FINA accredited Olympic sized swimming pool. Surrounding it is an incredible children's water park. More recently, the community has built a diving tower and FINA accredited short course pool.

This approach to the local community acting together to achieve outcomes extends to responding to local need, including service provision and advocacy. Lighting Ridge has few locally based services and residents often have to leave to access services, such as medical treatment. A number of services such as the Aboriginal Medical Service and the Aboriginal Legal Service cover Lightning Ridge but are based in Walgett. The Aboriginal Community Liaison Officer and the Local Court Aboriginal Client Service Specialist are also based in Walgett. The shortage of services requires a proactive and flexible approach from local service providers.

> *"In order to cope with community demand, you call in the community resources. Yawarra Meamei does a range of things. We decided that we would be flexible enough to deal with whatever is thrown at us and we would find a way to deal with it. But we were not going to send people away saying we can't help you sorry, if we couldn't then we would find someone that could."*
>
> President, Yawarra Meamei Women's Group Inc, Lighting Ridge

> *"Years ago we never had anything, we didn't even have an ambulance or a hospital or a school. There are a lot of good services here now. All those have come through the community raising money and volunteering or a lot of hard lobbying to get the hospital, the ambulance, the pool."*
>
> Member, Wirringah Women's Group, Lightning Ridge

Problems arising in the community elicit a prompt response. For example, there was significant concern at the revelation that many children had been removed from their families by DoCS and put in placements a long way from Lightning Ridge or separated from their siblings. Without making any judgement as to whether any or all removals were justified – that is not an issue that we have any expertise to deal with – a number of local women were concerned that DoCS was potentially being over zealous and that children were being removed from poor but loving families. As noted above, the living conditions for many in Lightning Ridge is very basic and some people were concerned that allegations of neglect were not justified. Importantly, local women were concerned that DoCS had made insufficient effort to tap into the local Aboriginal community to find suitable carers. Wirringah Women's Group was formed to advocate on behalf of the families to reunite the families and to negotiate with DoCS to establish better procedures to increase the possibility of placement with Aboriginal families. Partly in response to the advocacy of the Wirringah Women's Group, the Safe Families Program has been introduced to Lightning Ridge. It provides community education about child sexual assault and supports frank discussion. The Safe Families team also works with vulnerable children, young people and their families.

A strong theme from people living and working in Lightning Ridge and outsiders was of people who sort issues out for themselves. As described above, some people stated that this had a negative side, claiming that some people used fear and intimidation to keep the peace and prevent crime. However, a range of people also referred to the positive side where people solve issues themselves "rather than letting it go too far". Some people referred to the role of the Community Working Party in acting as a forum where issues can be discussed.

Being self-reliant and resilient is not necessarily easy and a couple of people referred to the very difficult conditions in which some people live – especially those living on claims. While some have seemingly chosen to live on claims, others have had no choice. Apart from Aboriginal housing provided by Barriekneal Housing and Community Ltd, there is no public housing in Lightning Ridge. Years of lobbying various NSW governments have been unsuccessful. Thus, many people live without the most basic of services. One person described people having to shower in bore water that at times could be scalding hot.

'Self-employment' seems to be one important factor in people exercising self-reliance. In other mining towns, large mining companies harness the resources and people are reliant on those companies for employment. However, that is not the case in Lightning Ridge. People are able to stake a claim or go specking to generate income and are not necessarily dependent on others for income.

Several people referred to the Aboriginal cultural centre, Goondee, established by Roy and June Barker, as an important asset to the town. The Goondee provides the opportunity to meet with Roy and June and learn about Aboriginal culture, heritage and history. This cultural centre was built of their own initiative and without financial or other assistance.

5.4.6 Aboriginal enterprise and ownership

One aspect of the type of resourcefulness and self-reliance referred to above is manifest in the establishment of Aboriginal organisations and enterprises. Notwithstanding that there has been recent conflict about its operation, Barriekneal was cited by many people as an example of Aboriginal people exercising rights to self-determination. Barriekneal has been operating for approximately 30 years and started with the sole mandate of providing housing for Aboriginal people. It has currently has about 75 houses, run by the Barriekneal office in Lightning Ridge. Importantly the organisation is independent from the Aboriginal Housing Office and the Department of Housing. Barriekneal also owns several businesses and provides some employment to the Aboriginal community.

> *"Barriekneal has always been the centre of it all for the community here. So everyone had got employment from them one way or the other, either through CDEP or office work or through the Shell. They own a service station here down in Main Street. They own a property about 20 Ks out the road, it's about 27,000 acres. So yeah, there's always been a job for the indigenous people here through Barriekneal."*
>
> Community Service Provider, Lightning Ridge

The Community Working Party was also mentioned by some people as having an important role in liaising between the community and government and non-government organisations.

The concept of Lightning Ridge as one of many rural communities in decline requires long term planning that recognises the changing demographics. Both Aboriginal people and Shire representatives acknowledged the need to facilitate Aboriginal people gaining adequate skills to run the municipality.

> *"We have a decreasing population out here and an increasing Aboriginal population. That's true for all of the western region. So that means local*

government has an obligation to ensure that Aboriginal people out here know how to run local government, know how to staff local government and make decisions. The local government has undertaken an introduction to local government with the community. Students come through the council through the school to work program. They can stop and talk to staff members who can tell the students a bit about what they do."

Community Service Provider, Walgett Shire

6. Ideas for reducing crime

Everybody that we spoke to had ideas about particular community characteristics or strategies that may have a positive impact on crime rates. Some of these ideas were big picture measures aimed at addressing systemic issues and others were more reactive, designed to address specific community problems and needs. There were important lessons from both Bourke and Lightning Ridge for this study.

6.1 WHAT HAS WORKED

There were three programs that were specifically identified as having had a positive impact on crime rates in the region:

- **New Work Opportunities program**
  "New Work Opportunities" was a work skills program introduced in Wilcannia by the Keating government that provided additional funding for employers and employment programs to provide work and training for Aboriginal people. Everyone that could work was given four days of work a week, The jobs included working in the canteen, fixing the cemetery, building gardens, sweeping streets, cleaning out the river and building houses. The New Work Opportunities program had a number of significant impacts. The local Magistrate in Wilcannia at the time observed a dramatic reduction in the number of Aboriginal people coming before the court. Police incidents and call outs were also significantly reduced.

- **Alcohol Management Plan**
  The Bourke Alcohol Management Plan is a joint initiative of the police, the Bourke Alcohol Working Group and the Outback Division of General Practice. It is a multilayered strategy including restrictions on alcohol sales and a range of community and school education and awareness activities and funding for a new drug and alcohol counsellor who is based at the Outback Division of General Practice. Several proponents of the Plan observed that Bourke is the first community in the western region to introduce an alcohol management plan and expressed pride in the proactive stance they had taken to a community wide problem. The strategy is being assessed by the George Institute for Global Health and a preliminary evaluation noted the 'overwhelming opinion' that restrictions had been an 'effective mechanism for addressing health and social impacts' and that the majority of interviewees supported its continuation. It reported a significant decrease in non-domestic alcohol related assault, while other categories of crime were reported as stable or no change and recommended the plan's continuation. Anecdotally, workers in the health and criminal justice systems observed that while there may not have been a dramatic decrease in the number of alcohol related assaults, there has been notable improvement in the severity of assaults.

- **Walgett Shire Council's youth development strategies**
  The Walgett Shire Council's youth development strategies were repeatedly identified in terms of their benefit to young people in the Shire. Successful elements include:

Youth Council, which consists of six representatives from Walgett, Lightning Ridge and Collarenebri. Among other things, the Council plans and implements community activities, advises the Shire on policy relating to youth affairs, encourages debate and discussion on matters affecting young people; and advances the interests of young people within the Shire boundaries.

Youth team leaders who are encouraged to respond to young people's suggestions and use their own initiative to facilitate activities that fall within the Shire's youth strategy.

School to work program – work experience program.

Cultural connections program – program that engages young people with Aboriginal Elders in Lightning Ridge who talk to them about women's and men's business and dreaming stories.

Wellbeing and development activities.

6.2 BIG PICTURE SOLUTIONS

What was striking about this study was the clear assertion that the dismantling of Aboriginal authority through interventionist government policy, undermining of community resilience and the tyranny of bureaucracy had resulted in a fractured and conflicted community in Bourke. Racism and segregation compound poor self-esteem and stifled ambition. Almost the opposite was said of Lightning Ridge, which notwithstanding its genuine problems, is a respectful and generally positive community.

Given the factors that were identified as contributing to undermining community resilience and community cohesion, it is unsurprising that the measures that were identified – in both communities – as necessary to combat crime are measures designed to build community capacity, strengthen relationships and foster self-esteem. There was a forceful narrative around needing to restore authority to and recognise the legitimacy of Aboriginal institutions and solutions. As one person identified, "we have tried your way and it hasn't worked."

In particular, the emphasis – in a range of suggestions – was on long term approaches that embodied a vision for the community and that was not simply promoting short term fixes. On the other hand, the urgent need for some immediate strategies to deal with specific problems – and in particular, strategies to deal with the needs of young people – was also acknowledged.

6.2.1 Recognition/self-Determination/Autonomy

One theme – perhaps the central theme – emerging from the interviews and how communities might become more cohesive or resilient was the need for Aboriginal self-determination and autonomy. That Aboriginal people have a voice that is heard and respected and that their institutions have formal recognition in the community. Aboriginal people constitute large proportions of the community, especially in Bourke, but there was a perception that they were not given due recognition in either community. As one person noted, "Australia does really well with multicultural issues and that should be celebrated but we have still not got it right when it comes to

Aboriginal people. There is every reason why we should be doing more – look at our history."

Many people felt that formal recognition of history to redress past injustices are critical to moving forward. The historical legacy of a town like Bourke was stated as a reason for high crime rates. It was said that you could go into every prison or juvenile detention centre in NSW and you would find someone from Bourke there; that the legacy of Bourke's history is in prisons and the juvenile justice system and women's refuges. Programs, no matter how well meaning, will not succeed until the historical legacy is dealt with. While the intent of the Government's "Closing the Gap" policy may be based on the admirable aspiration of reducing Aboriginal disadvantage, some Aboriginal people observed that it is doomed to fail because it does not address underlying historical issues.

> *"Just tell the truth, straight up, and then we move on. You'll find that there's still a little bit of mist there and you can't move forward. That is a reflection of history. Justice, education and all the values that non-Aboriginal people have to close the gap misses the point, because the issues are still back here in our history."*
>
> Aboriginal Cultural Heritage Officer, NSW Department of Environment, Climate Change and Water

Autonomy

Greater autonomy was described as the solution in that it allows people the opportunity to accept responsibility, instead of relying on others to do it on their behalf. Being in control of your own destiny changes everything – "being accepted equally and not being undermined and all these things that go on behind the scenes. It's having the opportunity to say we own this and not be controlled or supervised." Crucially, exercising self-determination and autonomy also requires room to learn, including from mistakes. Transparency and accountability are necessary but do not require suffocating levels of scrutiny. It was acknowledged that mistakes will be made but that the response should be support not condemnation.

Recognition of the Aboriginal justice system

Circle sentencing was praised as a positive initiative but there was the suggestion that it doesn't go far enough. The proposals for expansion revolved around moving beyond involvement in sentencing to utilising local knowledge about offenders, the nature of local crime and local circumstances to deal with the offender holistically. The current system was described as much too slow and not in keeping with Aboriginal conceptions of restorative justice.

6.2.2 Land and culture

Connection to country was repeatedly emphasised as fundamental to a thriving Aboriginal community, especially in Bourke. Land rights, access to land and water and support to re-establish connection to country were highlighted. In particular, there was strong support for cultural programs to teach kids about culture, heritage and local history including through bush camps.

6.2.3 Expansive, long-term employment strategies

In the context of rural towns experiencing the pressure of declining industry and fewer employment opportunities, the need for a long-term, community wide

employment strategy was identified. Flexibility is the key – it may not be the case that there can ever be full time "real jobs" for everyone but that the economics of subsidised employment opportunities may have long-term benefits. Given that Aboriginal people are committed to family and country and are not likely to leave town, the need to rethink what is meant by employment is crucial.

Traineeships in identified areas, with flexible training delivery and adaptation of policies relating to minimum numbers of students were considered essential. It was observed that there was no point in imposing a minimum class size for essential skills and qualifications if there weren't sufficient employment opportunities at the end. Traineeships were described as wonderful opportunities to gain self-confidence and skills to build upon.

Flexibility and lateral thinking were also highlighted in dealing with the shortage and difficulties in recruiting professionals. The role of Aboriginal liaison officers as support to professional service providers and as essential cross-cultural communicators was heavily emphasised.

Finally, the local councils were highlighted as key employers in both towns with the responsibility of addressing Aboriginal disadvantage, including through employment opportunities. Importantly, it was suggested that employment levels should reflect that of the proportion of the population and, crucially, should be reflected in the array of jobs available – that is professional, office and outdoor jobs.

6.2.4 Education and training

Genuine engagement between schools and other education providers and the Aboriginal community was seen to be a key element of building positive relationships in communities. High quality and nurturing mainstream and cultural education are fundamental to developing self-esteem and self-assurance needed to navigate contemporary life. Interviewees emphasised the importance of culturally appropriate education that focused on local history, in particular as it related to Aboriginal people and the place of Aboriginal people in building the prosperity of communities.

Recruitment of teachers was frequently spoken about. There was a preference for longer tenure for teachers and a preference for more experienced teachers. If recruitment would be aided by principals having more flexibility in offering conditions, then that flexibility should be granted. Cultural awareness is of course necessary, but interviewees also reflected on the importance of teachers becoming aware of the circumstances of the children that they teach, which may explain lack of concentration or misbehaviour in class.

Opportunities for young Aboriginal people to learn more about their culture and heritage were described as vital and numerous people recommended the establishment of a bush camp where young people could meet with elders and respected persons in a relaxed atmosphere. Importantly, they shouldn't have to wait until they got into trouble before they had the opportunity.

Appropriate discipline policies that were not punitive and that encouraged school students to respect others and understand their own behaviour were preferred.

6.2.5 Housing and environment

Addressing overcrowding and inadequate housing was repeatedly raised as a priority. The need for appropriate housing able to accommodate extended family was identified. Importantly, it was said that pleasant homes – the sort of homes that people can be proud of – was significant to encouraging well-being. The design should be developed through engagement with the Aboriginal residents and construction should provide employment and training opportunities. The maintenance budget should be a component from the outset.

The broader physical environment was also raised as significant in its impact on well being. Overall community design and how the town's physical environment can be improved to foster healthy lifestyles are important considerations in community development strategies. Such planning must be long-term, taking into account changing environmental factors. Parks, gardens, walking tracks, sports grounds and other public spaces need to be included in this planning.

6.2.6 Reconciliation and community building

One message that was delivered loud and clear in both communities was that the starting point for any meaningful relationship is formal recognition of the Aboriginal community; its institutions and history; both traditional owners and those with historical connections to country. There needs to be an understanding that these towns are on Aboriginal land, where local people have suffered injustice. Non-Indigenous people need to understand the sacrifices of the past and ongoing sacrifices. The challenges of the communities need to be faced as communities in their entirety; there is nothing to be gained from the 'not my problem' mentality.

6.3 REACTIVE MEASURES

6.3.1 Health

Unsurprisingly, considering the dangerous levels of alcohol consumption in Bourke, many of the suggestions related to better health outcomes related to the continuation of the Alcohol Management Plan and counselling services to support those with alcohol dependency issues. More locally based drug and alcohol counsellors are needed.

The lack of consistency was highlighted as a problem. The difficulty in recruiting local health professionals was acknowledged and the need for flexible solutions highlighted. One suggestion was to recruit and train local case managers to support the fly in/fly out health professionals to ensure consistent treatment plans.

- **Ongoing funding for Bourke Alcohol Management Plan**
  There was general support for the Alcohol Management Plan to continue, incorporating alcohol restrictions at one end and school and community education activities at the other. The need for secure funding to employ a coordinator of the program was emphasised.

- **Increased local mental health services in Bourke and Lightning Ridge**

Youth mental health was a significant issue in both towns and there was said to be urgent need for adolescent mental health workers who are locally based and who understand the cultural and social nuances of the town. It was noted that young people need consistency, yet a different adolescent mental health professional may arrive each month. Recruiting and training local case managers to carry out treatment plans was recommended. However confidentiality remains a significant concern, particularly for young people, who may not access local services if they are known to the service provider.

- **Local drug and alcohol treatment facilities in Bourke**
  Given the scale of alcohol related health and social problems in Bourke, local treatment facilities were seen as of paramount importance. It was said that Aboriginal people are reluctant to leave their families and country and local facilities would be an asset, providing a realistic referral option for magistrates.

6.3.2 Youth

The primary cause for youth crime identified by most interviewees was boredom. There are approximately 1000 young people in Bourke and few facilities or activities to engage them. When linked with the fact that home is not necessarily a safe or pleasant place for some children and young people, suggested proposals involved structured and safe activities – sporting activities, cultural engagement and somewhere safe to hang out such as the suggested BMX bike track or PCYC. A youth Safehouse and/or bail house was identified as essential for Bourke. The need for a youth Safehouse was also identified in Lightning Ridge, particularly for boys aged between 14 and 18 years.

- **Youth forum in Bourke**
  One of elements of success of the Walgett Shire youth development strategy is that young people have a voice and their suggestions responded to. This kind of strategy is missing in Bourke. One suggestion was to hold a two day forum for young people, run by young people to develop initiatives that can be implemented by young people.

- **Alternatives to juvenile detention**
  There was a widespread perception that juvenile detention was not achieving its intended outcomes and that it may in fact be worsening outcomes for young offenders. Alternatives are being sought and there is hope that the Brahminy program may prove to be successful.

- **Bourke PCYC**
  The Bourke PCYC was generally spoken of in positive terms, although people would prefer longer opening hours, especially in the evenings and on weekends. Dissemination of information around the cost and available facilities would also potentially increase its use. A female PCYC case worker was also identified as being beneficial.

- **Safe house/hostel and/or bail house for adolescents – short and long term accommodation**
  Crisis accommodation for young people in Bourke is very limited. Children under the age of 12 may accompany their mother to the Safehouse but there is no facility for unaccompanied children or young people who need safe short-term accommodation. Separately, long-term hostel style accommodation was also identified as beneficial for young people who may need to leave home, which

perhaps could be associated with the school. As described in the report, a specific bail address is not always realistic for some young people and a suitably supervised bail house is needed.

- **Driving programs**
  Car related crime is a major issue and means of facilitating young people getting their licence and – importantly – providing access to road worthy cars were raised as promising initiatives. The Pit Stop program was referred to by a number of people with hope for positive outcomes.

- **Cultural bush camp**
  As described above, there was strong support for education for young people in culture, heritage and history. There was frequent reference to establishing a cultural bush camp that would provide an opportunity for young people to have time away from town with senior Aboriginal people.

6.3.3 Reforms to service delivery

As in many other rural towns, there was a very forceful message that service delivery to rural and remote communities must change. Difficulties in recruitment are not going to lessen and innovative approaches are essential.

Considering the level of need in the community and the proportion of people said to be in crisis, holistic, long-term services that deal with all aspects of a person's need rather than compartmentalised service delivery was emphasised – services that 'wrap around' the whole person.

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ACKNOWLEDGEMENTS

As one person observed, 'Kempsey has been more investigated than the pyramids.' Therefore, we were especially appreciative that so many people agreed to participate in this research. We feel privileged to have met with a range of people who were prepared to reflect carefully and honestly – sometimes brutally honestly – on the circumstances of their own community.

People generously gave of their time to be interviewed, but also to check and amend quotes we selected from their interviews that we considered as reflective of common views and important elements arising from the research.

We respect the decision of some people we spoke with to not be identified in the report. Given the nature of the research with its investigation of community dynamics and dealing with the sensitive issue of crime, anonymity for some people was preferred, especially for the performance of their jobs or in the interests of avoiding disharmony. However, it is important to note that the themes that we have identified emerge from the conversations with ALL participants and although not all are quoted, they all made a significant contribution.

We would like to acknowledge and thank everyone who generously gave their time and shared their experience and expertise with our research team.

1 INTRODUCTION

This report outlines the findings of qualitative research undertaken in Kempsey and Gunnedah by a team of researchers from Jumbunna Indigenous House of Learning at the University of Technology, Sydney. This report is the third and final in a series of reports emerging from fieldwork exploring factors that impact on rates of crime in six communities in NSW with significant Aboriginal populations. An initial pilot study was conducted in Wilcannia and Menindee funded by a UTS Partnership Grant, followed by further fieldwork in Bourke and Lightning Ridge funded by an Australian Institute of Aboriginal and Torres Strait Islander Studies Grant. Professor Larissa Behrendt, Director of the Jumbunna IHL Research Unit was awarded an Australian Research Council Linkage grant in partnership with the Department of Attorney-General and Justice which has made this project possible. Australian Bureau of Statistics (ABS) and Bureau of Crime Statistics and Research (BOCSAR) data were used to identify suitable case studies for this research.

The main aim of this research was to identify, and better understand, factors that may contribute to variations in rates of offending between two Aboriginal populations that are demographically comparable but have markedly different crime rates. Kempsey has a higher crime rate and Gunnedah the lower crime rate.

Although the term 'community' is often used as though groups of Aboriginal people should have a single identity, Aboriginal communities are complex webs of associations and relationships, cultural and political connections and identities that may vary depending on the issue at hand.[1] This is true of Kempsey and Gunnedah. Thus, we do not claim to represent a single 'community view'. Nor is the report an analytical document. Instead, we attempt to reflect the views and experiences of interviewees with whom we met during visits to Kempsey and Gunnedah in March and April 2011.

The next stage of the research will be to analyse the data collected from the six communities that we have visited to identify common factors impacting on crime rates.

2 METHODOLOGY AND APPROACH

The study's focus was on trying to understand some of the broad social, cultural and economic factors that might affect rates of crime. Therefore, we attempted to engage with key community and organisational representatives and others working in relevant criminal justice and service delivery roles to gain an understanding of the dynamics and experiences of the community as a whole. Representative and service delivery organisations were key points of contact in identifying with whom to conduct interviews. Not all the organisations we approached agreed to be represented.

In-depth, semi-structured interviews with interviewees were undertaken to gather information and to explain issues, circumstances and attitudes in the two towns. Rather than conduct survey style interviews, we tried to be flexible in approach. We deliberately did not lead people to particular topics that might relate to causes of crime but instead tried to give people the opportunity to reflect on their own experiences and express their views. Therefore, different issues arose in different interviews and

[1] We are guided by the definition of Aboriginal 'community' from the Indigenous Community Governance Project conducted by the Centre for Aboriginal Economic Policy Research. See Janet Hunt and Diane Smith, 'Indigenous Community Governance Project: Year Two Research Findings' (Working Paper No 36, Centre for Aboriginal Economic Policy Research, Australian National University, 2007), 4.

different factors that may impact on rates of crime or social cohesion — either positively or negatively — arose in relation to the two towns.

We interviewed 63 people across both towns, 30 of whom are Aboriginal. We also attended a number of community meetings. Because of the potentially sensitive nature of discussing issues of crime, the criminal justice system, community dynamics and different approaches to leadership and service delivery in small communities, interviewees were given the opportunity to speak with the research team confidentially. It is important to note that, although we spoke with people on the basis of their experiences and expertise, and their role in an organisation or representative body, some people emphasised that they were expressing their own views and not that of the organisation in a formal way.

Interviews were recorded with permission, with six interviewees choosing not to be recorded. The recordings were transcribed, and then coded for key themes and common narratives. We then tried to choose quotes that represented the themes that emerged. All participants signed a consent form and all quotes used in this report were checked and approved for publication by individual participants. Not everyone agreed to be quoted and some who did chose anonymity. We were not able to contact all interviewees, and while those people's views are reflected in the report in general terms, we have not quoted them.

Due to confidentiality we have not listed the organisations represented in this research though we went to great lengths to meet with a diversity of people and managed to conduct interviews with representatives from a wide range of organisations.

The findings in this report are reflective of the stories we heard, rather than on other research that has been undertaken in these towns.

3 DATA

Please note that the Australian Bureau of Statistics (ABS) 2006 Census data used throughout this report will be superseded by 2011 Census data that will be released later this year. Therefore, the ABS data that we are relying on is out dated but is the only data presently available.

Unpublished BOCSAR crime data is included in Appendix 1 for Kempsey and Gunnedah to allow general observations about the main types of crime in each town and trends over the four years. Data is shown for Indigenous persons of interest resident in Kempsey and Gunnedah who were proceeded against in 2007-2010. Data is also included for Indigenous persons of interest across NSW for that same time period to provide a benchmark for comparison.

However, **extreme care should be taken when interpreting the data**. The crime data is calculated as the rate per 100,000 population and because the Indigenous populations of Kempsey and Gunnedah are small, the rate calculations are very sensitive to small changes. In fact, the usual policy of the Bureau of Crime Statistics and Research is to exclude rate calculations for populations lower than 3000.

Thus, for example, very small numbers of incidents when converted to the rate per 100,000 might produce a rate much higher than that of the NSW figure, giving the impression of a higher crime rate than can actually be justified. Small changes in numbers from one year to the next might also give the impression of large changes.

4 RECOMMENDATIONS

At the end of each interview, we asked people what their aspirations are for their town. Most responses fell into two categories, with some interviewees reflecting on and expressing aspirations for ways that they would like their own communities to operate both internally and with the wider community. Others concentrated on service delivery issues or opportunities that are lacking in their towns.

4.1 Interviewees' reflections, expectations and aspirations

A significant number of interviewees expressed the view that greater cooperation among different sectors of their communities would be beneficial, enabling more effective planning for the future. They were not suggesting that unanimity could or should be expected – as often seems to be the expectation by outsiders – but that looking for common interests upon which to expend energy might generate positive outcomes.

Many noted the historical circumstances that have led to tension between some groups and competition for resources. A large number of Aboriginal interviewees and, some non-Indigenous interviewees, emphasised the extent to which historical legacies and the continuing experience of inequality and racism affects community dynamics. People described in vivid terms a sense of grief, loss, bitterness and anger at a history of racism, violence and systemic attempts to destroy Aboriginal culture that is acknowledged to have contemporary resonance. Some interviewees resisted the view sometimes expressed that Aboriginal people should put history behind them and just 'get on with it'. They considered that an honest acknowledgment of history was a necessary starting point for better relations between the Aboriginal and non-Indigenous people of the two communities. Others considered that concentration needed to be given to developing workable and authentic partnerships with non-Indigenous people.

Some interviewees focussed on equity. The disparity between the haves and have-nots was argued as a significant cause of conflict in both towns. Perhaps the flip side, however, was that 'jealousy' can only worsen inequality and poison relationships, and stands in the way of people identifying their dreams and reaching their ambitions.

4.2 Interviewees' recommendations to governments

There is a broad acknowledgment that governments can enable or disable community aspirations in the way in which they 'support' Aboriginal communities and organisations. Thus, it is unsurprising that interviewees had strong views about the way they wanted governments, NGOs and other outsiders to deal with them and communicate with them.

In particular, interviewees wanted local, high quality services that were well coordinated and not overlapping. Cultural competency in service provision was considered to be vital, supporting Aboriginal people to access them. People were frustrated with a short-term focus and argued for long term programs with transparent evaluation. Genuine input into government decision-making and not sham consultation was considered to be crucial to developing effective policies and programs appropriate for these communities, rather than a 'one size fits all' response. In that sense, responses emerging from this fieldwork, and fieldwork in the previous two studies, supports Australian and international evidence that community control is an essential pre-

condition to Indigenous communities reaching their social, cultural, economic and political goals.

In relation to specific services, the greatest number of responses related to programs and opportunities for young people; employment opportunities for Aboriginal people; local drug and alcohol rehabilitation and treatment services; crisis accommodation for young people and women, and high quality education for all students regardless of academic ability or inclination. Alternatives for students who are not academic or who are not coping was identified as an area of urgent need, especially given people's concerns about the inadequacy of disciplinary procedures that may worsen rather than improve situations. Early intervention was a term that was frequently used, in terms of support for struggling families or young mothers, again with the emphasis on cultural appropriateness. The lack of early childhood support was highlighted with 'kids behind the eight ball before they even start.' Mental heath services, and indeed heath services in general, were argued to be inadequate to deal with problems faced by both towns with a drastic shortage of counselling described.

Specifically in relation to crime, the focus was more on crime prevention rather than responses to crime. Few interviewees suggested a greater police presence, although some did emphasise the need for a more *positive* police presence. Instead, interviewees advocated for preventative services that identified and supported offenders at an early stage. More Police Aboriginal Community Liaison Officers and Aboriginal police were also argued to be desirable.

Specific recommendations made by interviewees include:

Recommendation 1

That all government policies, programs and procedures relating to Aboriginal or Torres Strait Islander people be developed after genuine engagement with affected communities to ensure that strategies and initiatives are tailored to specific community needs. In accordance with the evidence of 'what works', a one size fits all approach should be firmly rejected.

Recommendation 2

That successful locally based program models – particularly community owned models – that are meeting community expectations be funded with adequate resources to maintain and expand programs, avoiding community cynicism and disillusionment.

Recommendation 3

That government services at all levels and NGOs evaluate their funding models and accountability and acquittal processes. The need for pooled, streamlined funding to Indigenous communities has been recommended in countless government reviews and inquiries. Funding should be appropriate to the needs of the service, not piecemeal and have a realistic timeframe for delivery. Recipients should not be hampered by unrealistic funding criteria or unnecessary acquittal and accountability requirements that take key personnel from core business.

Recommendation 4

That community needs audits be undertaken to identify gaps, prevent duplication, or reinvention, of programs and ensure that services are not overburdened. This requires communication and collaboration, the establishment of genuine partnerships and networks, and the notion of shared leadership.

Recommendation 5

That governments commit to regional and remote recruitment strategies that provide financial and other incentives to support long term employment. Where relevant, governments should look to the private sector for innovative employment models.

Recommendation 6

That ongoing and locally based training be provided to all employees on cultural issues which give context to the community within which they are working.

Recommendation 7

That program and service criteria be determined through community engagement, against which the programs and services are evaluated as a measure of success for ongoing funding and commitment by external bodies. Assessment should include evaluation of how programs and services might be monitored to suit the changing needs of the community and not be limited to financial acquittals or governmental department requirements.

Recommendation 8

That cultural competency be expected from police and those working in the criminal justice system and that such training or exposure to Indigenous cultural norms and values be specific to the local region and not generic.

Recommendation 9

That sufficient resources be provided to ensure the same range of sentencing options across NSW regardless of geographical location to reinforce the principle of incarceration as genuinely an option of last resort. In particular greater access to diversionary programs and 'second chance' facilities is urgently needed.

Recommendation 10

That police adopt a community policing approach to develop positive and cooperative relationships with Aboriginal communities. Specific suggestions include longer tenure – preferably three years – in Aboriginal communities, more effective education and training to ensure cultural competency and greater encouragement to interact with Aboriginal people in positive ways.

Recommendation 11

That sufficient resources be provided to ensure a balance of male and female Police Aboriginal Community Liaison Officers ('ACLOs') across NSW in sufficient numbers to cover all shifts, recognising their vital role in fostering positive relationships and effective communication between Aboriginal communities and the police.

Recommendation 12

That supervised accommodation be established, especially for young people who may currently breach bail conditions due to an inappropriate bail address because of factors such as lack of structure and discipline at home, substance abuse and violence.

Recommendation 13

That urgent action be taken to intervene at an early stage with young offenders through education and training and coordinated and holistic programs and services that engage their families, role models and other relevant people.

KEMPSEY

5 GEOGRAPHY, DEMOGRAPHICS AND HISTORY

The town of Kempsey, on the Mid North Coast of NSW approximately 428 kilometres from Sydney, is the largest urban centre in the rural Macleay Valley and is divided by both the Pacific Highway and the Macleay River.

Many interviewees told us that it was important to understand the geographic layout of Kempsey to understand the community better. South Kempsey, incorporating 'Old Burnt Bridge' and 'New Burnt Bridge', with its high density public housing, and West Kempsey were both described as having predominantly Aboriginal residents. The outlying 'missions' of Greenhill just outside of Kempsey, South West Rocks 35km north east of Kempsey and Bellbrook 60km west, were also areas that were discussed in terms of large Aboriginal populations and their isolation from town.

According to Australian Bureau of Statistics ('ABS') 2006 census data, the urban centre of Kempsey has a population of 8 137 of whom 1 394 (17.1 per cent)[2] are Indigenous. Kempsey Shire was often described as having the largest Aboriginal population outside of the Sydney metropolitan region at approximately 10 per cent (2 540) of a total population of 27 387.[3] A large number of the Shire's Indigenous population lives outside of the town, with just over half living in the urban centre. It should be noted, however, that some interviewees claimed that the ABS data severely under-represents the Aboriginal population in Kempsey.

The Aboriginal population of Kempsey is significantly younger than that of the general population[4] with a median age of 17,[5] while the median age of the town is 39.[6] While 23.1 per cent of Kempsey's population is aged 14 and under,[7] almost half of Kempsey's

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[2] Australian Bureau of Statistics, *2006 Census QuickStats : Kempsey (Urban Centre/Locality)* (25 October 2010) <http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ProductSelect?newproducttype=QuickStats&btnSelectProduct=View+QuickStats+%3E&collection=Census&period=2006&areacode=UCL143000&geography=&method=&productlabel=&producttype=&topic=&navmapdisplayed=true&javascript=true&breadcrumb=LP&topholder=0&leftholder=0&currentaction=201&action=401&textversion=false>.

[3] Australian Bureau of Statistics, *2006 Census QuickStats: Kempsey (A) (Local Government Area)* (25 October 2010) <http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ProductSelect?newproducttype=QuickStats&btnSelectProduct=View+QuickStats+%3E&collection=Census&period=2006&areacode=LGA14350&geography=&method=&productlabel=&producttype=&topic=&navmapdisplayed=true&javascript=true&breadcrumb=LP&topholder=0&leftholder=0&currentaction=201&action=401&textversion=false>.

[4] Unfortunately, there is no Indigenous specific ABS data for an area that exactly maps that of the Kempsey Urban Centre, which has a population of 8 137, 17.1 per cent (1 394) of whom are Indigenous. The ABS's Indigenous Location is a slightly smaller area with a population of 7 553, 15.7 per cent (1 189) of whom are Indigenous. However, given the small discrepancy, data will be used for the Kempsey urban centre and the Indigenous Location for general comparison.

[5] Australian Bureau of Statistics, *2006 Census QuickStats : Kempsey (Indigenous Location)* (25 October 2010) <http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ProductSelect?newproducttype=QuickStats&btnSelectProduct=View+QuickStats+%3E&collection=Census&period=2006&areacode=ILOC0302905&geography=&method=&productlabel=&producttype=&topic=&navmapdisplayed=true&javascript=true&breadcrumb=LP&topholder=0&leftholder=0&currentaction=201&action=401&textversion=false>.

[6] ABS, 2006 Census QuickStats: Kempsey (Urban Centre/Locality), above n 2.

[7] Ibid.

Aboriginal population (44.1 per cent) is within that age bracket.[8] The proportions are entirely reversed later in life where 31.3 per cent of the total population is aged 55 years or older,[9] while only 7 per cent of the Aboriginal population is of that age.[10]

The Aboriginal people of Kempsey are predominantly members of the Dunghutti People, of which there are four tribes: Dangaddi, Dainggati, Thungutti and Djunghatti,[11] but some of the people we spoke with felt that the impact of colonisation has had a profound effect on identity and relationship with country.

> *We're still trying to define boundaries and correct family DNA, bloodlines as it's supposed to be in our Dunghutti Goori culture, but the government won't even assist us to meet.*
>
> Nathan Moran, CEO Birpai Local Aboriginal Land Council

The Aboriginal population of Kempsey is fluid and can increase dramatically when certain events are held or when families move into town.

> *We've got a transient population of family members that come, stay and go, so that population can swell around activities and events. It might swell by an extra 1 000 – 2 000 people.*
>
> Wendy Yarnold, DALMA Close the Gap Report Consultant

5.1 History of the region

The following is by no means a comprehensive account but is intended to provide some context to the narrative emerging from interviews and illustrate the complexity of the Macleay region, in particular Kempsey and its 'mission' history.

There were 'six distinct tribes' living along the banks of the Macleay River in 1840 with an estimated population of 'some 480-600 men and women'.[12] The Macleay River Valley is the traditional country of the Dunghutti Aboriginal language speakers, with the Gumbaingirr speakers to the north, the Anewan to the west, Birripai to the south and the Ngaku and Ngumbar speakers to the east.[13]

Initially, Europeans sought to inhabit the Macleay River Valley because of the cedar and rosewood trees found in the rain forest areas, with up to 39 licences issued to traders in 1839. This trade was short lived however, as by 1942 most accessible cedar had gone and cutters moved further north.[14]

This activity, said by some to have limited impact on the Aboriginal population, stands in contrast to the effects that the advent of pastoralism had on the environment and people in the region. Pastoral activities required extensive land for cattle after initial attempts to introduce sheep had failed. Along with the acquisition of Dunghutti land came permanent European 'settlement'. Although Morris states that there was little conflict or resistance at the outset, from the mid-1840s direct resistance to the pastoral

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[8] ABS, 2006 Census QuickStats: Kempsey (Indigenous Location), above n 5.
[9] ABS, 2006 Census QuickStats: Kempsey (Urban Centre/Locality), above n 2.
[10] ABS, 2006 Census QuickStats: Kempsey (Indigenous Location), above n 5.
[11] http://www.atns.net.au/agreement.asp?EntityID=3636
[12] Barry Morris, *Domesticating Resistance: The Dhan-gadi Aborigines and the Australian State* (Berg Publishers Limited, 1989) 19.
[13] Ibid 55.
[14] Ibid 16.

encroachment increased in intensity as the demand for Aboriginal land grew, characterised by 'sporadic attacks on isolated squatter stations, the more remote outstations of such squatters' runs, and the spearing of livestock' which caused considerable loss of stock for the local squatters.[15] Based on 1857 statistics there were 33 pastoral stations in the Macleay Valley by 1855.[16]

Others claim the conflicts started earlier with the cedar cutters, with evidence of up to 15 massacres and other isolated violent incidents occurring against Aboriginal people from as early as 1831 to 1851.[17]

The Aboriginal Protection Board (APB) was established in 1883 to administer 'Aboriginal Reserves' as part of a system of state-wide control and 'custodianship' of Aboriginal people, [18] to 'protect' the 'full bloods' from the 'effects of contamination' from the wider society and secure land for farming. Although the reserves were on Crown Land for use by Aboriginal people, the property could be, and was taken away at the discretion of the State as demand for land by non-Indigenous people grew.[19] Life was heavily regulated and managers of the reserves subjected Aboriginal people to an intrusive level level of surveillance and interference in their lives, keeping detailed records of their movements and activities.[20] The establishment of these reserves play a significant role in the history of the Macleay and bear particular relevance to the dynamics of the Kempsey community today.

Between 1883-1908 there were 16 Aboriginal reserves established in the Macleay and Bellinger River Valleys, including reserves at Bellbrook, Greenhill and Burnt Bridge [21], still referred to as 'missions' in Kempsey today. Both Bellbrook and Burnt Bridge Reserves remained under the control of missionaries until the 1930s when they were replaced by government appointed managers.[22]

State control was first demonstrated in the upper Macleay region with the establishment of the Nulla Nulla Reserve in 1885, later to become Bellbrook. Aboriginal people at Bellbrook 'Mission', an unsupervised reserve later managed by APB, were under intrusive surveillance with records showing that if inspections showed homes did not accord with some arbitrary standard, parents would be threatened with the removal of their children. People were forced to sign in and out, with men told they had to work away from the reserve or lose their rations leaving women vulnerable to authoritative control.[23]

Greenhill, on the outskirts of Kempsey, was an 'unofficial' or 'fringe' camp for those Aboriginal people who were expelled or avoided other government stations, surviving a number of attempts by the APB to forcibly relocate its residents. However, although

[15]Ibid 22.
[16]Ibid 20.
[17] Rodney Harrison, *Shared Landscapes: Archaeologies of Attachment and Pastoral Industry in New South Wales*, (UNSW Press, 2004) 106.
[18] Morris, above n12, 57.
[19] Ibid 95.
[20] Harrison, above n 17, 97.
[21] Ibid 91.
[22] Ibid.
[23] Ibid 99.

seen as an 'alternative', the movement to one of these camps however could often mean moving from family and personal relationships which was not seen as desirable.[24]

Kempsey itself was first proclaimed in 1886 and this name remained until the Municipality of Kempsey was established in 1907 with the formation of the Macleay Shire.[25]

In the Macleay region, by the late 1930s and the phasing out of 'reserves', the majority of the Aboriginal population in the region was living on government 'stations'. At this time, existing reserves such as Burnt Bridge which was established in 1893, came under a new APB policy of 'centralisation' to become 'model' stations with 'new improved housing' which in reality were two rooms without electricity and a back verandah, with a communal laundry and bathroom. This change saw Burnt Bridge become 'Old' and 'New' Burnt Bridge with the latter including about 50 families brought from Urunga station by truck when it was closed down. [26]

The Australian Welfare Board (AWB) also had a profound impact with their child removal policies that still resonates in Kempsey today. An example of this is the Kinchela Boys Home, where from 1924 until 1970, up to 600 Aboriginal boys, as well as a number of girls, were forcibly removed from their families. These children lived under brutal conditions, which were documented in *Bringing Them Home*, the report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families.[27]

Policies of exclusion and segregation were also widespread at this time with 20 Aboriginal children from the farms at Burnt Bridge turned away from the local school at Eurokora and separate accommodation for Aboriginal people becoming compulsory in the Kempsey District Hospital as two examples.[28]

The inevitable loss of autonomy and the co-existence of the tribes of the Macleay due to the spread of pastoralism, European settlement and the establishment of reserves, boards and welfare agencies that controlled the lives and movements of Aboriginal people has been described as resulting in:

> the destruction of the existing Dhan-ghadi society and the marginalisation of its remaining members. The Indigenous population was reduced to a landless minority and these Aborigines increasingly relocated on government settlements scattered throughout the state. As such they acquired the liminal status of colonial wards, in other words they were non-citizens.[29]

6 COMMUNITY DYNAMICS, LEADERSHIP AND GOVERNANCE

Strong opinions were expressed about community dynamics in Kempsey and the town is viewed through quite different lenses. Many residents described a genuine love of the town and spoke about its physical, cultural and spiritual beauty, while others –

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[24] Morris, above n 12, 95.
[25] Kempsey Shire Council, *Kempsey* <http://www.kempsey.nsw.gov.au/kempsey.htm>.
[26] Morris, above n12, 122.
[27] Women for Wik, *Kinchela Boys Home* <http://www.whatsworking.com.au/what-could-work/kinchela-boys-home-strategic-plan/>.
[28] Morris, above n 12, 95.
[29] Ibid 116.

especially non-local service providers – were quite frank about the fact they would never live in the town and chose to commute from other areas.

6.1 Relations between Aboriginal and non-Indigenous people of Kempsey

One intriguing aspect of our conversations about Kempsey was the extent to which the history of Kempsey and its surrounds has a contemporary effect on the dynamics of the community. Approximately half of interviewees – Aboriginal and non-Indigenous – specifically raised the well-documented history of racism and violence, which they argued is central to understanding the contemporary dynamics of the town. Of those interviewees, seven people raised this as their first issue.

> *…there's that sense of ownership from the non-Aboriginal community [claiming] it's our land and we came here and made it. Yet to me it's an Aboriginal community, and the land belonged to the Aboriginal people, and we're allowed to be here. I don't think its ever been discussed in this community.*
>
> Manager, Kempsey Women's Refuge

Numerous examples were given of dislocation, violence, segregation and racism that were vividly recounted. People spoke of a massacre in the Macleay Valley and forcible removal from their traditional country and that later, the region was used as a 'dumping ground' for Aboriginal people from all over Australia, joined by many Dunghutti, who were rounded up in cattle trucks and concentrated on reserves and missions.

One example given by most interviewees was that of Kempsey having the highest 'no vote' of any other place in NSW in the 1967 referendum. Another example of a toxic legacy for Kempsey was Kinchella Boys home. Policies of segregation that existed in the not so distant past in venues such as swimming pools, cinemas and essential services, including the hospital, were still fresh in people's minds.

> *The hospital used to have its own ward [for Aboriginal people] and all the utensils and the linen was marked 'Abo' so it wouldn't get mixed up with the white stuff. Buses, you couldn't access, the pictures… We've still got a lot of historical issues that aren't being dealt with.*
>
> Community worker

These are not distant events and many people gave personal examples of policies or practices that directly affected them or their families.

> *I'm the youngest of 11 kids. When I was born, my seven older brothers and sisters were born into this world as flora and fauna and the youngest four were born as citizens of Australia. That in itself is a big thing for our family. You just don't think of it in that context and when people say, just get over it, it's not a matter of getting over it when your parents were denied education, your parents were denied a whole lot of things.*
>
> Community worker

Grief, loss, bitterness, anger and hostility were described as legacies of Kempsey's past and there was significant frustration and outright rejection of the attitude that suggests that Aboriginal people need to 'get over it' and look to the future. Instead, it was argued that Kempsey needed to understand and appreciate its own history and its continuing impact such as the pervasive influence of continuing power imbalance that stifles ambition and aspiration, especially of young Aboriginal people.

Respect for your family, respect for your community and then respect for the authority [that's what's been missing] ... with the displacement of families and the stolen generation and the colonial history that's happened here. It's still very fresh, fresh in the minds of the people that live here and there's still a lot of racist attitudes. So much so that during a Close the Gap meeting someone put up their hand and said that they thought that local government should implement an anti-racism strategy. Which, in 2011, is a real sore point for someone to say that.

Wendy Yarnold, DALMA Close the Gap Report Consultant

If you understand how this town came about, it was only in the '50s that they were moving Aboriginal people in cattle trucks. There's that grief from the Aboriginal community…

Manager, Kempsey Women's Refuge

On the other hand, it was also said that obvious segregation in the town was lessening as kids are starting to mix with each other.

6.2 Relations within the Aboriginal community of Kempsey

Historical factionalism within the Aboriginal community and conflict between families were also strong themes raised by Aboriginal and non-Indigenous interviewees alike.

When you look at a community like ours, it has the richness to be able to offer a myriad of wonderful opportunities. We live in what I call paradise; this is a beautiful place to live. It's physically, culturally and spiritually beautiful as well. It harbours a huge potential but yet I see some elements within, that will not collaborate with one another; won't allow other elements to move on their journey - to get going. Maybe this mischief does happen in other communities but I don't think other communities are as fractured as this one at times, appears to be.

Jann Eason, Former Principal, Macleay Vocational College Kempsey

Many people we spoke with felt that appropriate cultural values were not being upheld in Kempsey and it is hard to ascertain who exercises authority on behalf of the community because of this fractured past. By contrast, there were other positive stories about collective community initiatives aiming to improve the lives of Aboriginal people in the area.

One such attempt to create some cohesion was the formation of the Dunghutti Aboriginal Leadership Management Alliance (DALMA) in 2009, which incorporates local Aboriginal organisations, the Elders Council and two youth representatives, with the group working together to produce the *Close the Gap Report* in 2010 to address the key areas of focus for improving quality of life for Aboriginal people. It has established a formal protocol with Kempsey Shire Council.

6.3 Respect for Elders and cultural practice

There were different views about the role of Elders in Kempsey and whether they wield cultural authority, or indeed authority of any description. It is our experience that there is a perception in many Aboriginal communities that respect for Elders is waning for a range of reasons. It appears that this is also the case in Kempsey.

In particular, it was said by Aboriginal and non-Indigenous interviewees alike that respect for Elders by young people was diminishing due to the breakdown of community. Others emphasised the important role that Elders should play and emphasised that there should be more weight given to their views and decisions and

that more people should go to them for their insights, especially in relation to issues with crime, domestic violence and giving guidance to youth about drugs and alcohol. It must be said, however, that this did not seem to be the prevailing view.

> *Elders just never get asked enough.*
> Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

The perception that there is a breakdown of community cohesion is unlikely to be assisted by disputes between Elders and litigation involving the Dunghutti Elders Council.

It was hard to gauge the significance of cultural practice in Kempsey as very few people we spoke with raised it as a major issue, but those who did were passionate about the importance of trying to give the youth some insight into culture and lifeways they could be proud of. That many young people do not know what it is to be Dunghutti was raised as a matter for concern.

7 SOCIOECONOMIC CIRCUMSTANCES AND ECONOMIC PARTICIPATION

During our interviews, Kempsey was sometimes described as having two economies. One being the government funding that finances service provision and provides social security entitlements, and the crime economy, including the alleged dependency of some people on the sale of illegal drugs and stolen goods, discussed below.

Financial pressure, poverty and unemployment were frequently referred to as causes of community distress in Kempsey and ABS Census data indicates that incomes are low and unemployment particularly high for Aboriginal people in the region but also generally. Unemployment levels for people living in Kempsey is significantly higher than the national average at 15.3 per cent[30] but this represents only half the unemployment rate for Aboriginal people in Kempsey, 30.1 per cent of whom are unemployed.[31]

Incomes are low in Kempsey for Aboriginal and non-Indigenous people alike, with the median weekly income for Aboriginal people in Kempsey being $252,[32] which is only marginally lower than that of the general population ($309)[33] but significantly lower than the national average ($466).[34] Similarly, median household weekly incomes in Kempsey are approximately equal ($555 for Aboriginal people;[35] $582 for the general population[36]) but strikingly low compared to the national average ($1027).[37]

According to ABS 2006 Census data the largest industry employers in the Kempsey Shire was the Retail Trade Sector, followed by Health and Community Services, Education then Manufacturing. Accommodation and the hospitality industry were also significant employers.

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[30] ABS, 2006 Census QuickStats: Kempsey (Urban Centre/Locality), above n 2.
[31] ABS, 2006 Census QuickStats: Kempsey (Indigenous Location), above n 5.
[32] Ibid.
[33] ABS, 2006 Census QuickStats: Kempsey (Urban Centre/Locality), above n 2.
[34] Ibid.
[35] ABS, 2006 Census QuickStats: Kempsey (Indigenous Location), above n 5.
[36] ABS, 2006 Census QuickStats: Kempsey (Urban Centre/Locality), above n 2.
[37] Ibid.

The lack of employment opportunities and low socioeconomic status of many community members are confirmed by the ABS[38] 'Index of Relative Socioeconomic Advantage and Disadvantage' which ranks Kempsey as the sixth most disadvantaged LGA in NSW. This disadvantage has many consequences and Aboriginal youth were often described as missing out on opportunities such as weekend sport or professional driving lessons due to financial stress, which in turn leads to boredom and disengagement.

> *If they haven't got any money to travel then they don't go, they don't participate.*
> Fred Kelly, President, Macleay Valley Local Aboriginal Education Consultative Group

With many families and individuals living on social security entitlements and with the average household income well below the NSW average[39], dire economic circumstances were described as commonplace with families in 'spiralling debt'.

> *I find it hard to use that word in 2011, but poverty is rife. We often have women who will just come because they've got no food, for whatever reasons … most women are at risk of getting their power turned off. It's exorbitant. You know, $1 500, $1 600 power bills. All of this fits with the poverty stuff I hear*
>
> Manager, Kempsey Women's Refuge

The 'Learn or Earn' legislation introduced in 2009 was not viewed positively and was viewed by some as contributing to youth poverty.

> *The Government's Earn or Learn Policy has made it really difficult. The youth sector calls that Earn, Learn or Burn because if you're not in education or if you're not trying to get a job, you've got [nothing]. You're not going to be getting any money of any kind and how are you meant to then survive in a community where you can't be at home because it's not safe and you're jumping from place to place to place*
>
> Community Youth Worker

7.1 Local incentives for economic development

The Booroongen Djugun Aboriginal Corporation, established in 1990, was often cited as a positive example of Aboriginal enterprise. Initially providing community based services, it has since grown into a fully Aboriginal owned purpose built aged care facility and an accredited training provider from 1995. Also offering services such as disability support, social housing and food and transport, their philosophy has been to fill gaps in services and to provide training for their own people.

The Local Land Council at the time of our visit was also operating a flower farm at Stuarts Point that was exporting to Japan.

Even with successful local enterprise such as Booroongen and initiatives of the Land Council, it is apparent that there is very little prosperity for Aboriginal people in Kempsey and general lack of community assets. One Aboriginal interviewee expressed their frustration that it had not been able to harness an Aboriginal economy. It was

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[38] Australian Bureau of Statistics, 'ABS releases measures of socio-economic advantage and disadvantage' (Media release, March 26, 2008) <http://www.abs.gov.au/ausstats/abs@.nsf/mediareleasesbytitle/87E66027D6856FD6CA257417001A550A?OpenDocument>.

[39] Source: ABS 2006 Census Data: NSW Average household income ($/Weekly)$1 246.81

observed that if Aboriginal organisations combined forces, they would have considerable purchasing power but this had not been capitalised upon.

8 CRIME IN KEMPSEY[40]

The BOCSAR crime statistics demonstrate that the most common crime seen within the Aboriginal community in Kempsey across the four years from 2007-2010, was domestic violence related assault, with non-domestic violence related assault also a major crime. Both occurred at a significantly higher rate than the NSW average, which accords with the observations of interviewees.

Again, as interviewees suggested, break and enters on average over the four years were markedly greater than the NSW average, break and enter non-dwelling being especially high. The average for break and enter dwelling was elevated by a spike in 2009.

Motor vehicle theft varied across the four years with extremely high number of incidents in 2008 and 2009, greatly higher than rates across NSW for the same years but other stealing offences are either generally similar to the NSW rate or lower.

On its face, sexual assault incidents on average over that time period appear to be much higher than the state average. However, as noted above, caution must be taken when reviewing data related to small populations, where one or two incidents results in a rate per 100,000 that is much higher than the rate for NSW and may give the impression of many more incidents than in reality.

Public order offences in Kempsey on average over the four years are roughly equivalent or lower than rates for NSW. Of the justice related offences, breach Apprehended Violence Order ('AVO') is consistently higher than the NSW rate each year. Finally, there were few drug offences over the four years with rates consistent with the NSW average.

8.1 Perceptions of crime

At the time of our visits to Kempsey, there was a particular sensitivity about crime due to a series of home invasions, one of which resulted in a death. All of the participants we spoke with were aware of Kempsey's high crime rate and were also familiar with the types of crimes occurring, with participants emphasising the prevalence of violent crime.

During our visits in March and April 2011, there was considerable discussion about Kempsey experiencing a spike in crime, particularly with break and enters and motor vehicle theft. This spike was described by some as cyclical, caused by only a handful of people known to be in and out of the juvenile justice system and correctional facilities.

> *There has been a number of serious crimes committed in Kempsey which relate directly to the Aboriginal population. The town's people aren't really happy at the moment. Maybe a little misguided, but it only takes a small percentage of people to cause a lot of crime. That's what we've got at the moment, only a small percentage causing a number of issues for us.*
>
> Inspector Sullivan NSWPF

[40] See Appendix 1 for a breakdown of the 17 major offences and other selected offences.

Rates of assault, both domestic and non-domestic are very high and are reported as a key contributing factor to the breakdown of families and placing huge pressure on services in Kempsey. Sexual assault was also raised as a growing concern though statistics indicate that sexual assault is in decline. A likely explanation for the disparity between the statistics and perception is that sexual assault is frequently under-reported.

These high crime rates inform many of the stories that run in the local newspaper and the local media report regularly on persons of interest and local crime matters. There was suggestion from a number of people that there appeared to be a misguided media campaign promoted by groups in the community that ultimately portrays Kempsey as an unsafe place to be.

8.2 Under-reporting

Even though the family violence rates are very high there was concern that these figures were not truly reflective and that many incidents of family violence go unreported. It should be noted, however, that under-reporting of family violence is a widespread phenomenon, applying to all communities across Australia. The motivation for, or pressure on, people to not report crime was not clear from our interviews, although it was suggested that the importance of keeping families intact and fear of retribution were possible factors.

9 KEY FACTORS CONTRIBUTING TO ADULT CRIME

Kempsey was described as a town where criminal activity is widely accepted and not acted upon, much to the frustration of police and some community members. There are two striking features of criminal activity in Kempsey as described by interviewees. First, the factor raised by the overwhelming majority of interviewees was the impact of dangerous levels of alcohol use, such that 80-90 per cent of crime is alcohol related. The second feature was the existence of extreme levels of violence, which to a large extent was normalised. While recorded violent crimes are largely domestic violence or family violence assaults, the term 'community violence' was used by a number of people to express their increasing concern over random acts of violence.

One striking point of discussion from a large number of interviewees and, in particular, Aboriginal interviewees, was the extent to which historical legacies and the continuing experience of inequality and racism affects community dynamics. People described a sense of grief, loss, bitterness and anger at a history of racism, violence and systemic attempts to destroy Aboriginal culture that is recalled with great clarity. The result suggested by some was of the diminishment of Aboriginal Elders' authority and responsibility, and loss of confidence in authority generally. Crime as resistance and perhaps attempts to reclaim cultural strength or Aboriginal manhood manifest in 'deviant behaviours' were also themes that emerged.

Other factors argued to be underlying high crime rates – or contributing to an environment in the town that might nurture high levels of crime – include the impact of dire socioeconomic circumstances underpinned by high levels of unemployment and the existence of a crime economy. In such circumstances, practical matters such as the inability to pay fines or lack of available transport also play a part.

9.1 High risk alcohol use

Undoubtedly, the most prominent factor identified as contributing to adult crime was high risk alcohol use, some describing a toxic mix of alcohol, boredom and financial pressure. There was a strong correlation between alcohol use and acts of violence within families, between families and in the broader community. One person working in the criminal justice system noted that they could not remember a single domestic violence matter that wasn't alcohol related.

> *Alcohol is a big problem and of course they live in that environment and to them it is acceptable. A lot of it is to do with boredom as well and that's where your crime fits in. They have to have the money to buy the alcohol and the drugs. Marijuana is another big one but alcohol is the major one. You know they're drinking as young as nine.*
>
> Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

> *I tried identifying things I thought contributed to offending and the first one's alcohol. The police were doing an alcohol linking project where every time a crime was reported a question was asked if it's related to alcohol, and I think something like 85 per cent of our offences relate to alcohol.*
>
> Legal Professional

People on limited budgets have developed an innovative solution to scarce resources by creating what was described by one participant as an 'alcohol economy' to ensure that they can drink alcohol every day.

Given the extent to which alcohol was identified as the major contributor to crime by Aboriginal and non-Indigenous interviewees across the broad range of services, organisations and those involved in the criminal justice system, there was a mix of bewilderment and/or anger at the 'lack of resources to aid rehabilitation' or provide locally based treatment. One of the few services available, and the only residential service available, is that of Benelong's Haven with mixed views as to its effectiveness.

> *Nothing is being done about the underlying issues which is for example, alcohol. Do you know how many applications the councillors have given to them for proposed liquor outlets? The area is saturated with it. They're opening up in the early hours of the morning. These people are already intoxicated because they never had a sleep. Of course, they're going to go and do silly things. Of course, they are going to go and break and enter the liquor outlet because it's got what they want, grog. It's a reviver. So those issues need to be addressed also.*
>
> Community Justice Group Member

In particular, there was frustration that the underlying reasons for dangerous levels of alcohol consumption are not being addressed. That is, the common narrative from non-Indigenous people around 'problems' facing Aboriginal people, or descriptions of 'dysfunction', fail to appreciate the complexity of Aboriginal people's experience in Kempsey. As one person observed, 'alcoholism may be an outcome but it may also be a symptom as well.'

For example, a connection between grief and loss and dangerous levels of alcohol consumption was made by several people who identified the need to address these issues before the actual consumption of alcohol can be dealt with.

[There is] a lot of grief and loss in the community as well. I think [people are] not dealing with the grief; so they bury themselves with the alcohol or with the grog. The little ones tend to get left behind. … I think the way forward would be learning to deal with the grief. Lots of grief, past historical stuff, but also when they're losing their loved ones and their family members they're not learning how to deal with that stuff because it's better not to talk about it. It's shame to talk about it and shame to talk about your feelings.

Community Engagement Manager, PCYC

Although drugs were generally not seen as a key factor contributing to crime at present, it was argued that drug use was increasing with easy availability, especially for young people. Where there was an alleged correlation between drug use and crime, it tended to relate to crimes such as break and enters and home invasions to fund drug use.

With very few alcohol and drug services in Kempsey there is little opportunity to address the cycle of addiction until people have offended and come into contact with the criminal justice system. Similarly, in relation to young people, Juvenile Justice drug and alcohol workers are some of the few who provide services but are overstretched, having to provide services over very large areas.

A lot of these blokes that are getting back into using and they start stealing and robbing and thieving again just to pay for their dope. Whereas if they could have stayed on that program that they were on in jail – you'd think it could be replicated in community – they wouldn't have that issue.

Community Offender Services Worker

Restricting alcohol sales is one tool many communities have adopted to deal with alcohol consumption and related issues. There were some discussions around the effectiveness of a Kempsey Alcohol Accord but with approximately 20 licensed premises in Kempsey, it has been difficult to develop a united approach. For example, implementing uniform opening times has not been possible, with some hotels said to be opening from 9am and some bottle shops from 7.30am.

9.2 Crime as an accepted part of life in Kempsey

A large number of interviewees discussed the fact that high levels of crime are accepted in Kempsey and described by one person as a 'fait accompli'. The notion of protecting those within the community was also raised, with one worker saying that this was dependant on who you were and your role in the community.

That's a huge issue within this community as well; there's a lot of hidden stuff that people know but aren't prepared to say for a whole range of different reasons. But you could walk down the street and ask someone, who do you think did that? They'd probably pretty much give you the name right there and then if they're okay with you.

Community Youth Worker

The acceptance of crime is said to be transferred from generation to generation. Numerous interviewees spoke of young people following in the footsteps of their parents or older siblings where, as one worker in the criminal justice system observed, 'going into custody is a badge of honour.' Interviewees highlighted the inevitability of young people, who feel helpless to change their circumstances, modelling other family members. One person noted that many young people are not afraid of the concept of incarceration and do not consider it a deterrent.

You've got your parents, most of them have been through the criminal justice system so their kids see it like a homecoming. Some young blokes, they're not frightened to go to jail. They've got 10 of their uncles down here at Kempsey. Oh uncle Norm and uncle Steve, they're in there, I'm not worried about going in there. They've got no goal. What life is that? We'll be right. So they're seeing it as a challenge in life to actually go through and do a six month stint which is terrible

Community Offender Services Worker

It was widely acknowledged by a broad range of people – police and Aboriginal and non-Indigenous interviewees – that there is a high degree of non-cooperation with police investigations. Interestingly, most Aboriginal people who referred to it simply observed this reality rather than criticising it. However, certain recent events led some people to wonder whether non-cooperation with police is, in a sense, harming the community by failing to put a stop to serious crime.

There's knowledge around about who is doing it but nobody is actually taking it any further. So they're happy to know who it is but they won't follow it through ... The conversations just continue to grow outside in a social environment rather than saying, we're not putting a stop to it by doing what needs to be done. That's that issue, you've got the ones who know, that won't act on it and you've got the ones who would like to act but don't know. It's about bringing it all into perspective because at the end of the day we've got to try and address this as an issue.

Community worker

The police also expressed their frustration with the Aboriginal community allegedly hiding persons of interest from them. The reluctance to cooperate with police may be a reflection of the poor relationship between police and the Aboriginal community that was said to exist but it was also said that the community is becoming 'absolutely fed up'. One Aboriginal person described their frustration that the prevailing acceptance of crime means that there is not a sense that crime affects the Aboriginal community itself and that the lack of accountability harms the most vulnerable. An example was given of malicious damage done to a local community centre that prevents critical services from being offered.

This is a centre that's been built for the community up there. It's the kids that are damaging it and it's not little kids, it's the ones who are old enough to know better. The young people up to mid-twenties who are doing silly little things like smashing windows which means that [someone has to go] up there to clean it and remove the glass because it then becomes an OH&S issue. It can't be used for playgroups because of their lack of understanding of how critical the centre is. So it has to be closed down which means that services that would normally operate can't be delivered.

Community worker

Finally, but vitally, perhaps due to the high level of crime in Kempsey or the racism that is said to exist or perhaps a combination of factors, a number of people commented on the expectation by non-Indigenous people of criminal behaviour from Aboriginal people. In particular, it was observed that the broad community's attitude to young people, including by the police, is noticeably negative. The impact on self-esteem and sense of self – and subsequent impact on hopes and aspirations – should not be underestimated.

9.3 Violence is normalised

Not only is it perceived that crime is accepted in Kempsey but violence was spoken about as 'normalised' and intergenerational, where children learn that aggression and violent behaviour is acceptable. The normalisation of violence is applicable to the Aboriginal community and the wider community and may be one factor in the perceived under reporting of family violence.

> *Community violence is the norm. It's okay for you to beat the hell out of your partner because that's just the way it happens. You get up and you go, okay let's go again. It's just normal. It's not seen remotely as something that's not okay. ... I would say that in Indigenous communities it is perceived as more normal. But there are a lot of people within the wider community that also just see that violence as normal. I mean it's been something that has been going on in this community for a very long time. So it's not questioned. You can be driving down the street and you'll see someone beating ... their partner in the middle of the road and everyone just keeps on driving. It's - whatever. It seems like the community has just become so desensitised to it.*
>
> Community Youth Worker

> *Also there's an acceptance that I don't quite understand. I think it's probably because they've been here and seen it, so the physical violence is very much a component of this world. Then you see that reflected in the children that we support, because the children are often aggressive with the other children. It's often a key indicator, because the children are witness to that physical violence.*
>
> Manager, Kempsey Women's Refuge

Several people noted that violence in Kempsey is of an extreme nature. One domestic violence worker noted the serious nature of injuries sustained by victims of domestic violence that, in her experience, appeared to be much more severe than in other towns. Further, it was argued by one worker in the criminal justice system that many victims are 'just accepting that this is their lot, that there's nothing better.' Given the reportedly severe nature of these violent acts, the fact that there are few perpetrator services was described as a source of need.

> *There's very little funding for programs for domestic violence perpetrators because it's considered to be helping a perpetrator. But if we're to stop domestic violence, to stop offending we've got to look beyond what the ideal is and look at the reality on the way people live their lives and their attitudes.*
>
> Kevin Henshaw, Solicitor Aboriginal Legal Service

Violence is not limited to domestic or family violence but there is apparently an element of random attack that was discussed by interviewees. A spate of home invasions characterised by severe beatings was raised by many interviewees as a particular cause for alarm.

9.4 Historical legacies having contemporary impact

As described above, the extent to which racism and violence have shaped the dynamics of Kempsey cannot be ignored. It was argued that Kempsey's history has diminished respect or has brought about an outright antagonism for authority, which has had a direct impact on Aboriginal people. In particular, the State's failure to protect vulnerable children was noted, resulting in children who, at the very least – grow into adults cynical about the legal system's ability to protect them.

Most [Aboriginal people] have an antagonism towards authority. … The Kinchella Boys' Home. It had a horrendous reputation and many of the lads who were tortured and victimised there have come back into this community and they have no respect for the law. They have no belief that anything in the system is going to look after them. That's a strong element in the males in this community. There are many other factors but this forms a real barrier.

Magistrate Wayne Evans[41]

Deliberate and systematic strategies of undermining of Aboriginal culture through disallowing cultural practice and preventing people from speaking their language for example, was said to have disempowered Aboriginal Elders and undermined authority, which now can be observed in the crime statistics.

They disempowered our old people from the ability to provide for ourselves and then to adapt to the new society and work within its confines.

Nathan Moran, CEO Birpai Local Aboriginal land Council

But that's what happens when yourself, people and culture gets bastardised and you're denied your identity and in fact denied equity with other comparable first nations people such as NZ, Canada or USA. The outcomes are picked up in the crime stats, that's why our mob get locked up more than any other mob on the planet.

Nathan Moran, CEO Birpai Local Aboriginal land Council

The antagonism to Aboriginal cultural practice and values has, according to some interviewees, left Aboriginal men unsure of their role. It was said to be the biggest issue dealt with in men's groups. It was suggested that this search for an understanding of an Aboriginal man's role in contemporary society, may have resulted in behaviour that would not have been tolerated 'under our old lore'.

All the policies of the government through that time broke up families, communities and broke them up and moved people all around. The lack of culture amongst these young blokes is such that you've got this - I call it a drinking circle - culture today that getting a record is being one of the men. They see that as their initiation unfortunately. If you're not one of the boys and you haven't done time then you're not one of the men. This is how they refer to themselves and that's the stuff you've got to really sort of address with them.

Community Offender Services Worker

In a similar way, it was also suggested that crime may actually represent a form of resistance to the imposition of foreign law and to injustice. The characterisation of any action as criminal behaviour is entirely within the purview of the 'settler' sovereign and may mischaracterise action that is a necessary response to injustice or particular circumstances, such as hardship.

I would say to you the last parliament before this one you had Senator Ross Lightfoot Liberal member of the Australian Senate from 1997 to 2008, representing the state of Western Australia being rebuked by former Prime Minister John Howard for telling the Senate that Aborigines in their native state were the lowest colour on the civilisation spectrum, inferring that Australia's first nations don't deserve to be treated as equal human beings. That's why we're getting locked up the way we are. That's why kids have got no problem at all in going down the street and smashing the town to bits and feeling

[41] Please note the views expressed throughout the report by Magistrate Wayne Evans are his own and do not reflect the views of the Chief Magistrate or Department of the Attorney General

not one bit of empathy or sympathy but actually feeling justified, when we are treated as inferior human beings.

Nathan Moran, CEO Birpai Aboriginal land Council

9.5 Poverty – there's nothing to lose

Dire socioeconomic circumstances in Kempsey were identified by Aboriginal and non-Indigenous interviewees alike as a key factor impacting on crime, whether because of the stress that being under financial pressure causes, hunger or becoming part of the crime economy. Numerous people described people in Kempsey living in poverty.

These guys have six, seven, eight kids. You know, you've got a few with the financial pressures, there's alcohol. It just snaps and one party ends up being flogged. It's generally the woman who ends up being flogged.

Legal Professional

As noted above, Kempsey was described as existing with a dual economy consisting of the crime economy and government funding with few employment opportunities for Aboriginal people. The 'crime economy' was described as having two facets. First, there is the economy of the offender, including drug dealing or stealing, whether for survival or to support drug use or addiction. The second facet is that of government responses to crime. It was noted that the most significant investment in Kempsey in the last ten years was in corrections and policing, which were needed for survival of the economy.

People living in such difficult circumstances were said to have 'nothing to lose' and may 'behave in ways that many of us consider to be abhorrent or don't understand.'

In time these people begin to lose faith in the community, faith in the education system, faith in the justice system. It can foster an, 'I don't care attitude' which is not good for any community. I believe that many of the issues faced by our community have a great deal to do with the fact that we have a significant percentage of the population with few physical and economic resources and consequently feel that they have nothing to lose. So after a prolonged period of time these people lose confidence in themselves and in their community. They don't harbour the high aspirations that the mainstream value, and this is well supported by the Vinson report 2007. These issues have long been recognised, researched, documented and criticised. It is long past time to take into account the cause and effect for these circumstance, recognition of the dislocation of the 'stolen generations' and address these issues in a systematic, co-ordinated and socially inclusive manner.

Jann Eason, Former Principal, Macleay Vocational College Kempsey

Tragically, many people described young people stealing because they are 'starving', and that 'a lot of our young people start with crime because it's survival. There's no money at home.'

We've found that a lot of people were talking about the couch surfing, the young people that go from house to house. First of all, looking for a feed to share or looking for a bed because their house might be full of visitors or they mightn't have any money that week no one's home, there's no food, there's nothing in the house. So they go looking for some action and the action has turned into more, it's not just those main survival needs that the kids are looking for…they find trouble.

Wendy Yarnold, DALMA Close the Gap Report Consultant

I'm sad to tell you most Aboriginal kids at some stage in their life, given our appalling socioeconomic status at least nine out of 10 are going to face the reality. They're going to have to mungi or take some food, some tucker from somewhere, just to get by during the day.

Nathan Moran, CEO Birpai Local Aboriginal land Council

Poverty was also described as an exacerbating factor in various forms. For example, many young people cannot afford to get their driver's licence. It was said that even if they could get their learner's permit, many Aboriginal young people cannot afford the lessons or do not have access to a car to obtain the required hours to take their test for a provisional licence. This may lead some into the temptation to unlicensed driving.

Licences – you've heard the old one before, what puts people into custody, particularly Aboriginal people? Unlicensed, the second time disqualified. Then drive and the Court start to look at prison alternatives.

Magistrate Wayne Evans

Poor socioeconomic circumstances can also prevent young people from participating in healthy and positive activities. Poor public transport was raised by numerous people, the result being that, unless young people are able to access a car, they may be unable to attend sporting events or participate in activities. It has an additional impact in that, young people in particular, if unable to travel home may find themselves in unsafe circumstances or become caught up in offending.

9.6 Factionalism

Factionalism within the Aboriginal community was noted by both Aboriginal and non-Indigenous interviewees as impacting on crime rates in Kempsey. Interviewees described different people vying for 'power' or to control resources; deep seated animosity between families, sometimes going back generations; or disputes between people from different nations who had been forced onto the same country.

Specific crimes were associated with conflict between factions including home invasions and violence or pay back crimes, which were said to be often fuelled by alcohol. Many people referred to an occasional flurry of AVOs being sought as particular incidents escalate and create a ripple effect, capturing several generations of family members.

… there's an enormous amount of generational family violence, but also more recently quite an escalation in community violence. That can be like a community targeting a woman because her partner is in gaol, and the family is outraged about that, because he's in gaol for family violence. Then the community, and or family will target her.

Manager, Kempsey Women's Refuge

The impractical nature of AVOs in some circumstances was also noted, especially in relation to young people who may go to the same school, people who live across the road from each other or belong to the same social group or family. When so many are in existence, they may lose their effectiveness.

You can breach them and breach them but I don't know how well and effective a breach of an AVO is as well. So that's an issue.

Community worker

Government policy was argued to have entrenched and worsened factionalism by creating 'haves and have-nots', through its methods of allocating resources to particular organisations.

> *The factional issue is very, very important because it means that the governments, state and federal, have created another strata namely the 'haves and have nots' in the Aboriginal community as opposed to those 'haves and have nots' that we usually recognise by virtue of their position and socioeconomic situation. This is an echelon and it's causing a real problem in the community because if you're not in the team or your family's not part of the team - the jobs go to the mob, and if you're not in that group your family member could well be disadvantaged.*
>
> Magistrate Wayne Evans

9.7 Unemployment

The boredom, poverty, and low self-esteem that correlates with intergenerational unemployment was also linked to high crime rates, with concern that the situation would only worsen on completion of the bypass. Unemployment was described as a chronic problem in Kempsey, where most Aboriginal people would be in receipt of 'welfare payments of one description or another'.

Interviewees attributed the particularly high rate of unemployment for Aboriginal people in Kempsey (31.3 per cent) to two main factors. First, that businesses in the town tend to be family businesses that employ family members, providing few opportunities. Second, that opportunities were not forthcoming because of the racist character of the town. Several interviewees noted that it was unlikely that you would see Aboriginal people employed in local businesses.

Furthermore, unemployment for Aboriginal people in Kempsey was said to be affected by the large number of people who might have criminal records and are prevented from taking up government jobs.

There was also disillusionment about identified positions when they were unlikely to lead to career advancement or opportunities for promotion. Training for job opportunities that do not exist was perceived as demoralising.

> *I mean there's so many young Aboriginal men and women that have got certificates. They've been to every training course going but they've never, ever gained employment and never likely to because there's just not the work or the jobs in their community.*
>
> Community Offender Services Worker

The phasing out of CDEP was felt to have has a negative impact on the town as the program had kept people connected, gave meaning and purpose to peoples lives and kept them in contact with services they may not have had access otherwise.

10 KEY FACTORS CONTRIBUTING TO YOUTH CRIME

The story told by many interviewees of the life of Aboriginal young people in Kempsey is one of hardship and lack of support, where ambition is stifled and where role modelling is frequently negative. Interviewees working with young people observed that the perception of young people was generally negative and that there were many negative stereotypes. As noted previously, Kempsey has a large youth population and there was a great deal of concern expressed about youth crime, especially in relation to

young males but with recognition that young females were increasingly becoming involved as perpetrators, especially when involving family feuds.

> *For most young blokes on missions and that they've all had trouble with the law since they've been 12, 14. Very few ever come through to be 18 year old and have not had some sort of contact with the police and been picked up for something or other. So most of them have got a record*
>
> Community Offender Services Worker

The strongest theme that emerged from our discussions was that of young people having little hope or ambition, such that criminal or 'deviant' behaviour appears to be a relevant option, particularly when the system might fail them or they feel they have been let down by significant people in their lives.

The related factors most commonly raised as impacting on youth crime were that of the impact of family and parenting. In a similar vein, a large number of interviewees spoke about the lack of positive role models and a perceived lack of alternatives, such that crime is a rite of passage. Many people discussed the role of education and schools as places that can either nurture or stifle ambition. Lack of serious consequences for youth was also raised as an issue that contributed to youth re-offending.

Other factors that were repeatedly raised and in no particular order were poverty and hunger, lack of structured and safe activities, drug and alcohol use, and unsafe and overcrowded homes.

10.1 Role of family and parenting

The most frequent response from interviewees relating to the causes of youth crime was to reflect on the role of family and parenting. It was said that inadequate supervision leads to boredom, which leads to vulnerability around other young offenders, which ultimately leads to crime.

Home as an unsafe environment was raised by many who work with young people. Several people spoke about the SAY (Save Aboriginal Youth) Program that involves volunteers patrolling the town in a bus on Friday and Saturday nights to take kids home or back to the Police-Citizens Youth Club ('PCYC') if they so choose for activities and a meal. A number of people observed that, all too frequently, it is not possible to drop kids at home because children feel unsafe and refuse to go there or no one is at home. If they cannot go to an aunty's or nan's or a friend's house, then there is likely to be police involvement as a last resort, which is hardly desirable.

> *It would break my heart when I'd talk to kids that were saying well we've got to sit outside. You know, they go to an activity and they come home, but they can't go inside because they've got to wait until the people in the house go to bed. Until it's safe for them to come in because everyone's partying or playing, or drinking or whatever. So they'd be sitting out on the street or wandering around, waiting to go to bed and in mainstream it's the reverse, you know? The kids are trying to stay up and stay out and have a good time and hope that mum and dad will go to bed so that they can sneak out or whatever. But it's actually the reverse that's happening with a lot of families.*
>
> Wendy Yarnold, DALMA Close the Gap Report Consultant

The cyclic nature of young parenthood, disengagement with the education system and long term unemployment was raised by a number of interviewees. Many people

described a progression from parents being unwilling or unable to supervise their children, to disengagement with the education system that their parents also had not embraced, to young parenthood themselves. The challenges faced by young people coming to terms with adulthood and parenthood at the same time were emphasised.

> *Each time they become disengaged [from the education system] it's harder to pull them back in, and keeping in mind that … – it's more than likely they're going to a young parent but some of the boys are trying to work out what it's like to be a man and a father at the same time and it's a catastrophe.*
>
> Fred Kelly, President, Macleay Valley Local Aboriginal Education Consultative Group

> *They haven't got the skills. A lot of young parents, not employed, obviously left school early, haven't got the skills to help their children that are going to primary school. So, yeah, it's likely to be trans-generational unless something's done.*
>
> Fred Kelly, President, Macleay Valley Local Aboriginal Education Consultative Group

As one person observed, delaying the onset of parenthood is critical, allowing young people to potentially realise their dreams. However, breaking the cycle of young parenthood, however, is a particular challenge where becoming a parent and having your own family is what you understand to be 'normal' or healthy, or provides you with a sense of belonging.

> *It's a big need. If young girls had an opportunity to better understand themselves and what they're getting themselves in for. Getting tapped up every fortnight or whatever is just not good for you, but they think that's okay and that's normal in any kind of relationship. Again that goes back to the role-modelling of other adults around them because that's probably what their parents did as well. It's that inter-generational stuff. How do you deal with that inter-generational thing? You can try. You break the cycle in one family but it continues in another and you get one person speak up, who do you think you are telling us what to do?*
>
> Community worker

The normalisation of young parenthood may also be affected by the extent to which young people have a parenting role pressed upon them. Interviewees also observed that teenagers frequently have responsibility for raising their brothers and sisters and so are de-facto parents at an early age.

The 'breakdown of family' was described by some interviewees as being a direct result of government policies of 'dumping people' in the Kempsey region, thereby separating them from their own families and from policies of child removal which, said to still be heavily applied to the region. Several people described the 'Stolen Generations era' as having a profound impact on people's ability to parent effectively, noting that they were left without the kind of support required. The fear of child removal has resulted in a degree of distrust for Community Services (formerly DoCS). Aligned with that distrust was a perception that the authority to discipline children has been removed and that children are threatening to report their parents to Community Services when faced with punishment.

10.2 Crime as a rite of passage and older offenders as role models

As noted previously, there was a strong perception in Kempsey of young people experiencing stifled ambition and helplessness, and of crime being accepted and violence normalised, that is intergenerational. Therefore, it is unsurprising that many

interviewees spoke about paths to offending, with a kind of inevitability and a 'right of passage'.

> *Unfortunately going to Juvenile Justice is like their initiation. They're up there with the rest of the mob, they're getting fed - they've got three meals - they're getting education, they get looked after. But you've got to give them the self-esteem that they can't [maintain]. They all want to change but when they come back and then they're in the same environment it's not as easy. Then the shame factor; if they don't get re-involved in it then you're a do-gooder, you think you're better than us. So it's all that sort of stuff that goes on.*
>
> Community Engagement Manager, PCYC

The lack of positive role modelling was repeatedly raised and several people spoke about young children being 'groomed' by older, more experienced offenders.

> *The five, six and seven year olds who are being enticed into the crimes because they're little, we can put them through smaller windows. So they're being born into it from that age and its just normal. They've seen brothers, sisters, aunties, uncles, dads, mums being engaged in that system. They just don't know any different. As horrible as that sounds, they really just don't know any different. It's just the culture of their community.*
>
> Community Youth Worker

However, there are initiatives that seek to focus on positive outcomes for young people, attempting to break the nexus between aberrant behaviour that has you held in high esteem. Mission Australia runs a program seeking to reward youth leadership that works with the two local high schools who refer students who they have identified as having leadership potential to the program which provides after school activities, holiday programs, and in 2009 a visit to Sydney to attend the Deadly Awards. The program also includes culture camps with Elders involved.

10.3 Boredom

The lack of structured and safe activities for young people was identified as a key factor contributing to youth crime.

> *The stuff around young people and their crimes is basic. It is around the fact that there's minimal things to do in Kempsey for young people. There's hardly anything structured and organised for them to be involved in and it's the Thursday night, Friday night, Saturday night when their parents are off and out living their own lives and forgetting that they have kids at home.*
>
> Community worker

The success of midnight basketball hosted by the PCYC seems to demonstrate that young people will take advantage of safe structured activities when they are available. A number of people referred to a dramatic drop in juvenile offending when the program started.

> *It's funny how silly little program where you're picking the kids up, to drop them home, feed them, play basketball affects crime rates. It's affected juvenile offending because they've got something positive to do.*
>
> Legal Professional

10.4 Alcohol and drug use

Many interviewees, particularly those working in the criminal justice system, observed the young age at which offenders and other young people start to drink alcohol and, in some cases, take drugs. This early onset drinking is often not officially acknowledged until a young person offends. An all too familiar story was that there was very little support for youth who may wish to address drug and alcohol issues.

> *A lot of children that get into trouble start – it's common – they start drinking and bonging at 13, 14, 15 years of age. There's no specialist drug and alcohol workers for children. No projects targeting Youth and Drug & Alcohol issues. Juvenile Justice has one worker that covers the Mid North Coast but to get his involvement, you're too far down the track. There needs to be more intensive intervention targeting the youth in Kempsey*
>
> Kevin Henshaw, Solicitor Aboriginal Legal Service

> *…self-medicating is huge for our young people because they've got so much trauma from their past they're just staying out of it all the time or drinking or - so they don't have to deal with that stuff. It just becomes the way of life as well.*
>
> Community Youth Worker

Numerous people described children as young as nine years of age as experienced drinkers with alcohol often supplied to them by their parents or others responsible for their welfare.

> *We can't get the proof of it until they're committing offences and that usually isn't until they're 12 or 14 when we start to ask for reports unless they've got a dual diagnosis, and at 14 we learn that at nine years of age they were using alcohol which in itself is a worry, but presumably to a degree that makes them dependent upon alcohol or other drugs. It is not unusual for it to be supplied by family members including their parents.*
>
> Magistrate Wayne Evans

10.5 Unrealised hopes and dreams

One theme that strongly emerged from discussions on a range of issues – whether relating to the role of family or school, or lack of activities for young people or why young people might be accessing alcohol or drugs – was the incapacity of young people in Kempsey to be able to achieve their dreams.

> *They don't have that projection of hope, I suppose. Without hope where are you going to go, and what are your plans? I see all these beautiful children come through this refuge, and you think what's their future? If we don't make changes, there is no future that is profitable … for that young person.*
>
> Manager, Kempsey Women's Refuge

People seemed to describe a life for young people lacking in self-esteem, devoid of rewards for positive behaviour and with little sense of being valued. Misplaced expectations or perhaps, lack of positive expectations of young people from powerful people in their lives was said to 'set them on a predetermined course.'

Some people working with young people described Kempsey as a town with negative attitudes towards young people and where negative stereotypes prevail. In particular, the perception that, in general, police have little respect for young people and are reluctant to support their initiatives. Aprilla, an initiative of several youth agencies, was a major youth festival that 500 young people attended without incident. In our

conversations, there was considerable frustration that the organisers 'had to jump through hoops' with a perception that the police had tried to 'squash the event.'

10.6 Mental health issues

Whether related to reasons for offending, it was reported that a large proportion of criminal offenders have behavioural or mental health issues that are often not diagnosed until that offender comes into contact with the criminal justice system. The frustration that people seem unable to obtain an earlier diagnosis and assistance was widespread among interviewees.

> *The court doesn't have a court clinician to deal with mental health issues. … The common thread as I mentioned was mental health. A lot of these children are diagnosed with different ADD, ADHDs and other disorders but there's no support, no backup to work with them and hence, the combination with cannabis, alcohol, their exposure to violence means they're not getting the support and hence their recidivism.*
>
> Kevin Henshaw, Solicitor Aboriginal Legal Service

> *Juveniles. Mental health issues aren't usually identified in offenders until they're in prison at about 30 odd years of age. Those mental health issues are a big contributor to recidivism and ongoing issues as well as the trauma they have faced – kids – from abuse and whatever. When they first go into custody, as part of the assessment done by juvenile justice there should be a psychological assessment. So if there are any mental health issues or grieving issues or issues that need addressing, or even alcohol and drug issues, they can be identified and addressed to try and get on top of the issue early.*
>
> Kevin Henshaw, Solicitor Aboriginal Legal Service

The inadequacy of services for supporting those with mental health issues was referred to by a range of interviewees working in the criminal justice system.

> *Why drug and alcohol and mental health services were never the same service has got me beat. When 80, 90 percent of all clients in there have all got drug and alcohol issues to go with their mental drug induced psychosis. Not very much of it is actually inherited. It's all drug induced. Still today they're fighting over whether* we *should see them or* you *should see them instead of hey let's both see them, let's see if we can sort out a good care plan here.*
>
> Community Offender Services Worker

> *All because [services] won't act early enough and this law about police can't intervene till they commit a chargeable offence, well straight away what happens? They get charged with something, they go to court, they go to jail. Instead of scheduling them, putting them in hospital and building some more mental health units where people can get the care they need. Instead of that they get locked up out here at Kempsey*
>
> Community Offender Services Worker

11 CRIME PREVENTION AND RESPONSES TO THE CRIME RATE

Kempsey appears to lack any coordinated, community initiated and community wider response to crime prevention. Although there are some initiatives, we did not get a sense of there being a long term, community based vision for dealing with crime.

There is an Aboriginal Community Justice Group and Crime Prevention meetings are hosted by the local council, but their effectiveness is hard to gauge. It was also noted by a community member that there were very few grass roots responses to crime. Therefore, responses to the crime rate and crime prevention strategies tend to be

mainstream responses. Most interviewees when asked about strategies referred to policing and associated issues.

11.1 Police and policing

Tension exists between local police and the local Aboriginal community in Kempsey and the overwhelming perception from those we spoke with was that of a lack of respect, support and cooperation from both parties. It is apparent that this is a complex relationship that had been created over a long period of time that would require a significant change in attitude for resolution. The fact that a number of people referred to an intergenerational lack of respect suggests that resolution is not likely in the short term. Several people reported that the community was 'fed up' with the current situation and levels of crime but there was little sign of potential cooperation.

The lack of respect is demonstrated in a variety of ways. On the one hand, numerous people complained that there are certain areas of town – especially areas with high proportions of Aboriginal people – that the police are reluctant to attend. On the other hand, there were also frequent references to police being attacked and abused. One person noted that the reluctance of police to patrol certain areas can lead to the escalation of problems.

> *We have parties happening all over the place to the stage where police just don't go there because it's too scary for them and if one gets caught up then that'll be a big riot. So police tend to stay away from areas where they should really be [patrolling] streets and making sure they're safe for the residents. If you've got a party of 30 or 40 just spilling out onto the street, they just don't go there. Then that causes a whole lot of other assaults. The follow up is there after all that but if they would have been able to close it down sooner, it might not have got to that stage at all.*
>
> Community worker

When asked about the allegation that police were not responsive in particular areas, police explained that having to prioritise responses sometimes results in a slower response time than people would consider ideal. The explanation given by police was that as 24 hour stations, Kempsey and Port Macquarie are required by legislation to have a specific number of staff for each shift. If they are unable to meet these numbers within the town, then police will be recruited from within the Local Area Command, which may impact on staffing and in turn, slow down response times.

Interviewees demonstrated a strong preference for community policing, focused on developing positive and cooperative relationships, and disappointment that this approach was not being forged. There are apparently a number of forums that are designed to facilitate discussion between Aboriginal people and the police and the broader community such as the Aboriginal Community Justice Group and liaison officers in the hospital and jail that assist police where needed. However, concerns expressed about the relationship suggest that communication can be improved.

The relationship between police and the Aboriginal community is also inevitably harmed by a lack of cooperation with police investigations (discussed above). Much to the frustration of police officers and some community members, investigations into crime, including violent crime, are often impeded. In particular, the suggestion that the alleged perpetrators of a serious crime may have been hidden caused some disquiet.

One worker in an Aboriginal organisation noted that interaction is minimal. Others complained that they had repeatedly attempted to have police attend fun days or NAIDOC events so that community members could interact with police in a different way but were unsuccessful.

> *You know, you don't often hear from the police. There's none of that positive community relationship. The only time I've ever heard of them, and I've been in this position for nearly 12 months now, is when they want us to donate towards their police newspaper or police calendar type thing.*
>
> Community worker

There appears to be a fundamental mismatch between the early intervention and preventative role that community members desire from the police and the actual role of the police. One police officer observed that, to some extent, people have unrealistic expectations of the police, whose role it is to respond to crime that has been committed. While it is vital that offenders or potential offenders have the support to deal with any issues that may contribute to their offending, this is not what the police do.

Many suggested that their dealings with the community would benefit with having police live locally. Education about working with Aboriginal communities to ensure cultural competency, and improved communication generally were also suggested improvements. There is a perception that police only come to Kempsey to get 'their points up and then they move somewhere nicer' and so have little interest in engaging. On the other hand, one police officer asked why police officers would live in the town when they would be subject to the abuse in their private lives that they experience during the work day.

> *The police need education, serious education on how to deal with Aboriginal communities. Communication and active listening is a key skill to have when you're communicating with any Aboriginal community. You get police officers who just get real angry because they can't understand what [Aboriginal people] want or what they need and they can't interpret.*
>
> Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

One particularly concerning suggestion made by several people working with victims of domestic violence that police officers 'don't always take it seriously.' Specific concerns ranged from police not acting on allegations that a perpetrator of domestic violence had breached an AVO, to challenging victims' accounts of violence, to failing to refer women to appropriate services. One person even noted from her observations, that the Domestic Violence Liaison Officer (DVLO) was treated like the 'tea and cake lady' by her colleagues in the Police Force.

> *Again, a woman's experience of violence comes down to the police response. If you've got someone on who doesn't have an understanding, or the experience, or even an ability to comprehend the complexities, it's just a very negative experience.*
>
> Manager, Kempsey Women's Refuge

> *So that's a big issue. We have is the women who come here and they go look we called the police you know 60 times and they're still not acting on it. They're 000 so they're recorded so the police have to act on them anyway but I mean they go out a couple of days later and take a statement. Usually they say well you don't have enough evidence to be able to prove the breach so it's little things like that. It's hard.*

Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

> *Women have been told that they'll come to the desk to make a complaint, finally, with a support worker, and they'll be asked where are your bruises? It's the same old, same old. Where are your injuries? Or the police won't come into certain areas of town. Women are told we can't come in there, get over it, go home. All the things I heard 10 years ago. I find it quite shocking that that's often a woman's experience when she finally gets to the police.*
>
> Manager, Kempsey Women's Refuge

It was also said that the failure to fully understand the issues can result in a waste of limited resources. For example, the police often remove women from the home rather than the perpetrator, which can result in women staying at the safe house to the exclusion of women with more complicated problems. In that sense, a program entitled Staying Home, Leaving the Violence, which removes the alleged offender from the premises and refers them to emergency accommodation, was considered to be underutilised.

> *We don't have them understanding that it's a far better option to exclude the male, if that's the perpetrator in that instance, to exclude him and allow the women and children to stay, then that frees up us to bring in complex women, rather than women who should really be able to stay in their home.*
>
> Manager, Kempsey Women's Refuge

It was said that the police cannot leave domestic violence as an issue to be dealt with by the DVLO but that all police officers need the training and commitment to treat domestic violence as the crime that it is.

> *But they actually need to get trained as well; identify the factors; know how to approach Aboriginal community; how to approach DV in Aboriginal communities more successfully; and to know how they can be more approachable, because once they see men in blue turn up, well it turns violent. You know Aboriginal people don't want to listen to them.*
>
> Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

11.2 Aboriginal Community Liaison Officers

The nature of policing and an extensive police presence in rural, regional and remote communities are often vexed issues, although the importance of having Aboriginal Community Liaison Officers (ACLOs) to alleviate some tension was acknowledged by almost everyone we spoke with. However, what is apparent from our conversations is the markedly different perceptions of the role. While police officers spoke about ACLOs being able to 'get information from people of what's happening in the community', to Aboriginal interviewees, the role was to 'promote better relationships with the Koori community'.

What was also acknowledged was the difficult challenges faced by ACLOs and, in fact, all those in liaison positions in having to balance competing expectations, while being treated with suspicion by other community members. It is well known that stress and burn out are occur frequently for Aboriginal people in liaison roles and at the time of our visits, the two ACLO positions in Kempsey had been vacant for 18 months.

It follows that appropriate recruitment of ACLOs and other liaison officers is crucial and difficult. Different opinions were expressed with some suggesting that it is better to recruit from within the community, while others considered that recruitment was best from outside. However, as one person noted, success in the role probably comes down to the individual and the level of support they receive.

There was support for the expansion of the role both in terms of increased presence in the community to provide a 24 hour service and a balance of male and female ACLOs. Some women expressed frustration that requests for the appointment of a female ACLO have not been heeded.

> *Liaison positions just don't work that good if they're nine to five, Monday to Friday jobs. It's that after hours stuff that's more critical. That's when the community's likely to get caught up in situations.*
>
> Community worker

11.3 Police and young people

Perhaps unsurprisingly, given the depth of anti-police sentiment that was reported, a number of people also described a difficult relationship between the police and young people in Kempsey. Examples ranged from the lack of police support for youth activities such as Aprilla, to the suggestion of an intergenerational lack of respect for police, to the allegation that police are unreasonably targeting Aboriginal youth. Other workers alleged that they were accused of being hostile to police by teaching young people their rights in relation to their interactions with police.

> *[Young people] don't even have respect for the police. So it's the youth stepping up now and following [the lead] of their parents. [They adopt] their parents opinion of the police, that's the interpretation they've taken..*
>
> Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

> *PCYC Police – the young people feel okay with them. The other Police – I would have to say they really don't give a toss about them. They don't see them as anything other than people who drive around in blue. They have no level of fear of them. They really don't care. That authority means nothing to them in reality.*
>
> Community Youth Worker

11.4 Profiling/targeting Aboriginal people

Several Aboriginal interviewees noted that Aboriginal people in Kempsey are readily observable or known to police and therefore, may come to the attention of the police more readily than non-Indigenous people.

A number of interviewees wondered why the front page of the local paper included pictures of several Aboriginal people with outstanding warrants and no pictures of non-Indigenous people. Other interviewees referred to young people being followed on release from detention.

The police, however, firmly reject that Aboriginal people are being targeted in any way. Instead, it was argued that police target offenders – Aboriginal and non-Indigenous – on the basis of the intelligence that they receive and their investigations into individual crimes.

11.5 PCYC

The PCYC deserves special mention as an entity described by numerous interviewees as highly successful. In particular, it was claimed that it had an important role in crime prevention for young people and in assisting young offenders to avoid recidivism. Crucially, those running the PCYC provide positive activities that are entertaining but also educate, focusing on leadership, aspirational thinking and self-esteem. For example, midnight basketball, hosted by the PCYC, was raised as the most positive initiative for reducing youth crime. Midnight basketball was initially aimed at Aboriginal young people and over time non-Indigenous young people commenced attending.

While the PCYC provides a number of government funded programs, it is itself not government funded and relies on fundraising and community support, such as food donations so that it can provide free nutritious meals. Midnight Basketball – which was only spoken about in positive terms – and the SAY Program are predominantly run by volunteers. Unfortunately, despite the degree of perceived success, the PCYC cannot cater for the demand for activities that they currently provide and the range of new activities that they would like to provide due to funding restraints.

One key to the success of the PCYC was claimed by several people to be in providing a safe place for young people in Kempsey to go. Unfortunately, it was the initiative spoken about with such broad appeal. Safe, positive activities, by and large, lacking.

> *The PCYC is doing some fantastic stuff for that young group in terms of diversion therapies; they've got Midnight Basketball and Safe Aboriginal Youth Program. They're doing some great work. But it's like anywhere; you can put something on and they're going to come but the minute it's over, what do I do now? Where do I go now? So - the crime rates on Friday nights when Midnight Basketball is on has dramatically reduced. But Saturday, Sunday, Monday, Tuesday, Wednesday, it's just going straight back up because they don't have anywhere to be. It's just part and parcel of living in this community.*
>
> Community Youth Worker

11.6 Dunghutti Aboriginal Community Justice Centre

The Dunghutti Aboriginal Community Justice Centre has emerged as an initiative of the Kempsey Aboriginal community to provide a culturally appropriate, central hub to support Aboriginal people and their families, in their dealings with the criminal justice system and crime prevention. It will exist as a venue for Dunghutti Aboriginal Community Justice Group meetings, a referral centre for Aboriginal people in their negotiations with the criminal justice system, a venue for workshops and meetings such as the recent Legal Aid workshop on dealing with fines and negotiating with SDRO, and will house a range of services.

At the time of writing it houses three specific services, namely the Aboriginal Family Development Justice Worker, the Macleay Valley Community Safety Collaboration Coordinator and a Job Services Australia agency, and will soon be hosting a lawyer one day per week to provide advice on civil matters. It is also in negotiations with several other government departments who would like to have a 'kiosk' presence in the Centre. The Centre has no recurring funding but has come into existence through a one off establishment phase grant and donations of office equipment and volunteer time.

11.7 Kempsey Against Crime

At the time of our visits to Kempsey, a community group had formed, titled Kempsey Against Crime, largely using Facebook as a means of communication. A number of Aboriginal interviewees were particularly concerned about the group's potential for vigilantism. There was also frustration that this group had been able to succeed in attracting very senior police to one of their meetings when invitations to the Aboriginal Justice Group had not been accepted.

12 CRIMINAL JUSTICE ISSUES

12.1 Failure of juvenile detention and jail

A strong theme emerging from the interviews – and especially from those who we spoke to who work in the criminal justice system – related to the failure of juvenile detention and jail to deter criminal activity or to teach offenders the life skills they need on release. In fact, it was suggested by a number of people that the effect of incarceration was to teach offenders 'new techniques'.

It was forcefully argued that incarceration needs to be genuinely an option of last resort and that people should be assisted to address any issues – whether drug or alcohol dependence, literacy, numeracy, lack of skills – that may have contributed to their offending. In particular, it was argued that attempting to address the over-representation of Aboriginal people who are incarcerated by, for example, instituting early release was pointless if that person had not received active support for rehabilitation and was, in a sense, 'setting them up to fail'.

Of great concern, is the suggestion that some community services have previously taken the view that certain young people are safer in custody and so do not oppose their incarceration when it could be avoided. Of further concern was the suggestion that some community services do not have the resources to support young people so that they might avoid detention, or extremely worryingly, will not oppose detention because Juvenile Justice is seen to have more resources than other services. If it is true that the welfare system is forced to rely on the criminal justice system because of its lack of resources, then this is tremendously alarming.

> *That's why we've got up to 70 per cent incarceration rates in our youth today. Since Royal Commission into Aboriginal Deaths in Custody things are just getting worse and worse. The system itself won't take a break from itself and have a good assessment and take a break and realise that reconciliation was the only one recommendation government followed up on, they ignored the treaty recommendation. It continues today where we're sending all the black kids to juvenile detention centres at 12 and 13 years old at unprecedented levels- you're keeping them there until we get them a carer, but then at best the carer only keeps them for two years and the cycle goes on. It's the system that has got to pull up. It's not. It just feeds itself. Australia seems to have continued its penal colony mentality towards its first nations. It's a very sad reality, no one seems to want to assess policies or programs that are not achieving any positive change but are in fact entrenching our status quo*
>
> Nathan Moran, CEO Birpai Local Aboriginal Land Council

> *They're quite happy to let the kids go to a detention centre because the kid can't get bailed because he hasn't got an address. It's too much effort for them to assess an address for him or to even pay for him to go to the refuge. They can't afford it so they're happy to let a child go to custody who shouldn't be there.*

Kevin Henshaw, Solicitor Aboriginal Legal Service

Kids have to be given a chance. Not just lock them up because no parent will want to look after them. You can't just refuse them bail because they haven't got a home to go to. That happens too often. They have to sit in jail because they haven't got a home. Kids. You've got to try and rehabilitate

Community Service Provider

12.2 Lack of alternatives and options for magistrates

As we have heard repeatedly in a number of rural and remote communities, magistrates in Kempsey do not have an appropriate range of sentencing options, the net result being greater numbers of people ending up in custody.

So this is an area with a lot of problems and yet we don't have the appropriate sentencing options, and as case law says, you don't go down a notch for sentence. You've got to look at going up.

Kevin Henshaw, Solicitor Aboriginal Legal Service

I've got a feeling that too many of our young – well our Aboriginal youth are fast tracked into the Juvenile Justice system. Discretionary powers that can be used aren't used like the cautionary system – three cautions and that. I don't think that that's happening in a good way. So they're fast tracked into court because we haven't got any diversionary programs really. So for a first offender, there's really nowhere for the magistrate or Juvenile Justice to refer them to try and straighten them out.

Fred Kelly, President, Macleay Valley Local Aboriginal Education Consultative Group

For example, due to the unavailability of appropriate supervision, offenders are frequently given a suspended sentence instead of being given a Community Service Order. This has serious implications because if that person commits any offence during the period of the suspended sentence, it is revoked and they could be jailed. Thus, it was argued that Aboriginal people in rural and remote areas were more likely to be put into custody than their regional centre or city counterparts.

You can't fine them the appropriate amount of money because they can't pay it. So not only me – and I try to avoid it but it happens with me – and other magistrates tend to put them on Section 9 bonds [Good behaviour bonds] so there's some element of supervision. The problem with that is, if they break that you go up to the next rung of sentencing, and in the meantime there's no community service [available]. Now a lot of these sentencing options which are available in Sydney are just not available here. That accounts for a large proportion of the people we have that go into custody early because we give them a chance, we try, they don't acknowledge it, they break the law and the only punishment is up the next rung and it's despicable and we don't have the options.

Magistrate Wayne Evans

We were also informed that there are a number of Aboriginal organisations that would like to provide activities for community service orders but that adequate supervision may not be possible and so these opportunities are lost.

Attempts by the courts to manage available sentencing options to provide equitable outcomes with other regions might explain why some people consider them to be too lenient.

The specific issue of fines and penalty notices as being an inappropriate sanction for people who cannot afford to pay was emphasised. The progression from fines that cannot be paid to loss of licence to driving without a licence to jail was said to be commonplace. On the other hand, issuing fines needs to have a deterrent effect and so must be meaningful. An alternative system whereby people can work or study to pay their fines was considered to be a better approach.

> *Fines: you've got to look at their capacity to pay as a factor in sentencing. Well you can't keep fining them $50. That becomes ridiculous because it's no deterrent to other people in their community. You can't fine them the appropriate amount of money because they can't pay it.*
>
> Magistrate Wayne Evans

A second area of marked deficiency in options for magistrates identified by a number of interviewees was that of diversionary programs and 'second chance' facilities. One diversionary program identified as being successful is the Magistrates Early Referral Into Treatment (MERIT) program that enables defendants to enter into a voluntary treatment program as part of the bail process. Participation and successful treatment can then be taken into account by the Magistrate when sentencing. On the other hand, difficulties in accessing treatment appears to be a question of resources.

Second chance facilities, such as that of Balund-a at Tabulam provide a residential diversionary program for offenders. 'Its aim is to reduce re-offending and enhance skills within a cultural and supportive community environment.'[42] Magistrates are able to sentence offenders to Balund-a after conviction, or accept offenders subject to community-based orders, or refer defendants as a condition of bail.

Cultural legitimacy appears to be one of the aims of the program as most residents are from the Bundjalung Nation, resident in a facility on Bundjalung country, being mentored by Bundjalung Elders. 'Local Elders provide support and assist residents to recognise, restore and value cultural links with their land and history.'[43] A range of programs are offered, 'most from the local community, delivered in a culturally sensitive environment.'[44] Crucially, 'it aims to develop partnerships with community organisations in order to support resettlement, allowing continuing support after the resident leaves.'[45]

In addition, it was observed, especially by workers in the criminal justice system, that a dramatic incapacity to deal with mental health issues for offenders or potential offenders might be a factor in increased levels of incarceration, especially for young people. Mental health issues that go undiagnosed or untreated combined with alcohol or drug use are, unfortunately, a common combination leading to recidivism.

> *This court doesn't have a court clinician to deal with mental health issues. The Nambucca Valley definitely doesn't have any sort of assistance. … The common thread as I mentioned was mental health. A lot of these children are diagnosed with the different ADD, ADHDs and other disorders but there's no support, no backup to work with them and hence say the*

[42] Corrective Services NSW, *Balund-a (Tabulam)* <http://www.correctiveservices.nsw.gov.au/offender-management/correctional-centres/balund-a_tabulam>.
[43] Ibid.
[44] Ibid.
[45] Ibid.

combination with cannabis, alcohol, their exposure to violence means they're not getting the support and hence their recidivism.

Kevin Henshaw, Solicitor Aboriginal Legal Service

In an emergency, the defendant with the mental health concerns is often put into custody until they can receive the appropriate referral and assessment.

So what happens if I get an emergency, I either put the person in custody and send them to Port Macquarie or adjourn them in custody till the next hearing – and this is a person with a mental health issue – so that if the court clinician from Port Macquarie can fit in the time he will come here and assess them. If I get them at Macksville I've got to leave them in custody probably for a week, and similarly with Bellingen.

Magistrate Wayne Evans

Finally, the need to focus on early intervention or preventative measures before people enter into the criminal justice system was emphasised. For example greater use of community justice mediators to help resolve issues could be used to great effect. As one person noted, in relation to the number of people who breach AVOs, perhaps the better course is to avoid needing to take them out in the first place.

So it's total madness. ... Whether you get someone into - a mediator in before it gets to that [taking out an AVO] but I don't know how. If they're just taking the AVO as an AVO or they're trying to do some kind of mediation before it gets to that point by saying okay, this is an issue, let's send out some people so that you actually become proactive and deal with the issue rather than putting a legal label on it, saying I got an AVO out against you without trying to resolve what the issue is. That's going to be an ongoing issue.

Community worker

12.3 Circle Sentencing

Circle sentencing, an alternative sentencing court for adult Aboriginal offenders, was referred to by a number of people as a successful initiative that has, anecdotally at least, noticeably reduced reoffending. Unfortunately, it was also noted to be less successful in Kempsey where crime is an accepted part of life, than in some other towns with different attitudes to law and order and where Elders emphasise what an embarrassment the offender is to the community. It was introduced in Kempsey in 2005 and after raising awareness through community meetings the first Circle Court began in 2006 with 71 offences heard up until 2010.

There was said to be resistance to its introduction from non-Indigenous people – and some Aboriginal people – and it was necessary at the time of its proposed introduction to convince the broader community that circle sentencing was not a lenient option. By contrast, some Aboriginal interviewees noted that 'facing the music' before your community was always going to be a more difficult option, to the point that some eligible offenders refuse to go to Circle, preferring instead to go through the mainstream system.

It's not like a local court where you come in here and sit up there and all you see is the back of your solicitor who is talking a lot to a man that's sitting up there in a black dress. It is all about you in the Circle Court. You're responsible for your actions and the like and the camera's on you. I think one bloke said it was like sitting in a room full of mirrors.

Community Service Provider

In fact, the success of circle sentencing is attributed to the high degree of accountability before your own community that it involves.

> *The main strength I believe is that it's putting the onus back on the Aboriginal community. They're having a say on what's going to happen to their people. That's a big strength. … [Elders should be considered to be] judicial officers that have all the powers just like [the Magistrate] when they're in that court. They should be treated with respect just like [the Magistrate] in his court and even when they're in the community. That's their strength, they own it. [Circle sentencing has] given it to them. Here it is. It's yours. The onus is put back on them. So I think that's a big strength that it's been put back to the Aboriginal community now to deal with their own.*
>
> Community Service Provider

The Aboriginal interviewees who raised circle sentencing were generally supportive and, apparently, a range of people and organisations are advocating that the concept of a panel of Elders could be useful in a number of other instances. The benefit of circle sentencing was seen to be in reminding offenders of their obligations to their community but it does not always succeed:

> *They do circle sentencing here for when you've got young people that offend they go to circle sentencing. They get drilled by the Elders because it's disrespecting them as well as their parents and the Aboriginal community. But it's not always successful because some of these Aboriginals are just too trained in their ways. They'd even go into court or go into juvie and coming back out they're not going to change.*
>
> Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

One issue that was contentious, however, was the appropriateness of circle sentencing for domestic violence offences. It was suggested that it was not appropriate as it is 're-victimising the victim', who has to sit there 'while the Elders and everyone talk to [the perpetrator].' This was contrasted with the court process, where the victim can distance themselves from the process and receive some level of protection.

> *Even reading out a victim's impact statement - which I've done a few times at circle sentencing - it's too traumatising for her to have to sit there and even look at him again or rehash what's happened and all that type of stuff.*
>
> Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

> *You know she's endured a lot so I don't think she should be re-victimised by going through circle sentencing. At least with court she doesn't have to turn up. The police, the prosecutor does everything for her, so she's not being re-victimised. She can go on with her life knowing that the police are there to protect her and so is the court order.*
>
> Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

While it might be appropriate for other forms of assault, especially those involving young people, it was argued that the experience was far too lenient on the offender in relation to domestic violence. It was argued that an apology and commitment not to re-offend could in no way make up for the traumatising of another human being that had occurred and lack of closure.

> *It's too lenient. They need to be responsible for their actions and they're not. It's like going under the radar again, you know. It's not getting out into the community… There's no*

court sentence, there's no criminal conviction. It's too lenient and the victim just goes through too much.

Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

It should be noted that this issue is the subject of current research. Professor Elena Marchetti from the University of Wollongong is currently researching the Circle Court in Kempsey and six other Indigenous sentencing courts to analyse the impact of using such courts on victims and offenders of intimate partner violence.

13 WHAT'S WORKING AND WHAT'S NOT WORKING

13.1 Government funding – how much is enough?

There was stark criticism about how organisations and programs have been funded in Kempsey. Interviewees frequently commented that the available services and community well being do not correlate with the amount of money that has been 'poured into Kempsey.' It was suggested that this was the result of allocation of funding that was not strategic. It, therefore, has had little effect on helping to address some of the chronic issues raised by community members and is incapable of fulfilling community aspirations.

There were reportedly 53 agencies receiving money to help Kempsey. There's next to nothing shown for it. The government is entitled to be concerned at continually pouring money in to Kempsey and getting no results and some times even a lack of accountability.

Magistrate Wayne Evans

Further, it appears that there is some tension between organisations about which organisations receive funding, how that is spent and acquitted. Concern was expressed that some organisations receive funding to advance Aboriginal specific issues but are not delivering on the ground. However, most interviewees agreed that funding short-term, band-aid solutions that only address the symptoms are not the answer. Similarly, duplicating services and reincarnating programs that have never been evaluated is also unlikely to succeed. There was also consensus that it was a common occurrence to see some successful programs ceasing at the end of their funding cycle, only to reappear under another guise a few years later, disrupting continuity and making it difficult to maintain staff and morale.

Kempsey has a number of organisations offering vital front line services that have not had any increases in recurrent funding to enable them to increase staff as the service expands and organisations frequently rely on piecemeal funding to offer innovative service. Thus, some organisations that have previously offered specialist services now only offer generalist support leaving significant gaps in both the crisis services and in the continuum of care for individuals.

Some organisations also found that the time spent with a client with chronic issues or in crisis could be restricted by funding criteria that specified outcomes, which often exceeded possibility.

The move towards 'regionalising' services was also criticised as a model that failed to be culturally appropriate and with possible negative outcomes in the long term.

You should read the PSA, you should read the probation and parole report and see what's not available. You should see the history where they say, these are their issues, these are there needs, this is what they need to address. It's got that paragraph, 'programs to assist'. There's no community service available. So the things that they need, the things that they've identified for three pages that they need to do and in four lines, they say, they're not available. It's – what's the point? It's futility you know.

Legal Professional

13.2 Service delivery

Kempsey has a local office for almost every major federal and state government service and an abundance of programs flowing from these services. However, whether these services are effective was questioned.

This would be a common thread with all major Indigenous centres throughout the country [in relation] to the appropriate support services. The government will say they've got this and this available but if you look at the real availability, it's just not there.

Kevin Henshaw, Solicitor Aboriginal Legal Service

There has also been a recent injection of infrastructure, including a new police station and correctional centre. For many community members the government's focus on this type of infrastructure causes some concern about what this may mean for a town with a large Aboriginal population and a high crime rate.

A jail does, while it brings prosperity for the people that are working in the area, it also brings with it some underlying problems.

Inspector Sullivan NSWPF

However, in the presence of all these services there appears to be large gaps in what is needed on the ground on both a preventative and reactive level. There are large gaps in easily accessible local mental health, drug and alcohol services, crisis accommodation, and refuges for both women and youth. Kempsey has a high rate of domestic violence and relies on the services of one refuge that can only accommodate four women at any given time.

Consultation with Aboriginal people about the delivery of services consistently finds that there cannot be a 'one size fits all' approach to communities, that programs need to be long term and that there needs to be more Aboriginal specialists delivering service to Aboriginal people. However, most interviewees find that this is just not happening.

Back again to strategies, each community is different with different dynamics and if we're going to look at the rates of Aboriginal offending we've got to look at tailoring the response to each individual community. Problems in this community are different to the community down the road, definitely different to communities over the big hill and further west. Each community is different.

Kevin Henshaw, Solicitor Aboriginal Legal Service

It's no good having six white women working in this service when 80 per cent of our clients are Aboriginal.

Manager, Kempsey Women's Refuge

There is also is strong recognition of a lack of collaboration between services and in many cases duplication with government departments operating with little

communication between them. Another prevalent factor is the 'band-aid' approach to issues requiring longer-term vision and funding commitments.

> *The 'band-aid' approach that we often experience in this community, with the duplication of services, many of the organisations that depend on funding all vying with and against one another to grab whatever dollars come into the valley does little in the long run to systematically and effectively address these circumstances. I believe that this community could benefit significantly if reports such as the Vinson Reports were investigated more thoroughly and some of the well performing sectors of the community were given an opportunity to participate in a more co-ordinated, equitable mid to long-term program, for example over a four to eight year period. 'One-hit' wonder programs which last for twelve months to two years are rarely successful in addressing significant systemic change.*
>
> Jann Eason, Former Principal, Macleay Vocational College Kempsey

The need for culturally appropriate support for Aboriginal offenders was also raised

> *They need some type of mentor who can say well I'll be with you until you get on track. Not probation and parole, not any of them because they're just - it's government you know They need someone from the local community who can be there for them you know step by step like an elder, like appoint an elder.*
>
> Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

13.3 Specific issues

In addition to the general comments noted above about government funding of services and preferred approaches to specifically tailored services, interviewees identified particular areas where service delivery was lacking and required urgent attention. These included:

- Youth services;
- Adequate housing;
- Drug and alcohol treatment services
- Mental health services;
- Family support and support for women; and
- Education and training.

The urgent need for local drug and alcohol treatment and support services and mental health services was addressed above as drug and alcohol use and mental health issues were identified as factors contributing to the rate of crime in Kempsey. The other issues raised will be discussed briefly in this section.

Youth services

A long list of currently available services and programs, including a leadership program, study and homework groups, was compiled from our discussions, and at the time of our research a youth interagency group was meeting once a month. Three Aboriginal young people were also members of the Youth Advisory Council that advises the Shire Council. As noted above, the PCYC was held in high esteem and a very successful youth festival, Aprilla, had been staged.

However in Kempsey, the broad perception was that there is not much collaboration between services. The failure in collaboration was, in some instances, attributed to the

need for confidentiality where services, would not, or could not, share relevant information.

> *There's not much collaboration between the youth services, and if there's any collaboration it's really only window dressing. There's no real commitment from all the youth service providers to get together. Sometimes there's confidentiality that come into it. Sort of like I've got my participants, I don't tell anyone who my participants are.*
>
> Fred Kelly, President, Macleay Valley Local Aboriginal Education Consultative Group

A range of people from different services spoke of young people being 'over case managed', which could have the effect of putting pressure on those who may also be dealing with serious life and home issues. It was said to be 'not practical' to 'have someone case managed by five people when you could probably have a more collaborative approach.' One caseworker talked about how sometimes it worked best to take a more informal approach.

There was some discussion around the adoption of programs targeted more generally at youth more likely to stay on in school to year 12 that preclude youth that are on any disciplinary action at school. This model is seen as an alternative to the more common approach of targeting those youth caught up in the Juvenile Justice system.

Housing and overcrowding

The availability of emergency, affordable or subsidised short and long term housing in Kempsey is in crisis. Overcrowding, homelessness and couch surfing, particularly for young people, was considered to be largely a hidden phenomenon, masking an area of urgent need. These were issues raised by most participants and most services felt that there was a crisis in this area with one participant making the link between insecure accommodation and young people's involvement in the justice system. This was seen to being having a damaging impact on children's safety generally and their ability to attend school.

> *We've got a lot of young people floating through the community. That's quite real. They'll often come to us and they've been with friends for months. That could be three or four different sets of friends.*
>
> Manager, Kempsey Women's Refuge

This crisis is further worsened by a private rental market that at the time of our visit was said to have seen a price increase of up to 20 per cent due to the influx of construction workers employed to work on the bypass. Expensive rental accommodation is likely to impact heavily on the Aboriginal people of Kempsey, given that 76.5 per cent of the Aboriginal population rent accommodation in the town.[46]

The private rental market was also said to discriminate against women, youth and Aboriginal people specifically.

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46 http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ProductSelect?newproducttype=QuickStats&btnSelectProduct=View+QuickStats+%3E&collection=Census&period=2006&areacode=ILOC0302905&geography=&method=&productlabel=&producttype=&topic=&navmapdisplayed=true&javascript=true&breadcrumb=LP&topholder=0&leftholder=0&currentaction=201&action=401&textversion=false

You can't get a real estate place if you're a young Aboriginal person…if you're Aboriginal, or if you've got a large family, or an income set by Centrelink, you're going to go way behind all of the people who are maybe just male and female, working, with a dog.

Community worker

There are a number of organisations in Kempsey that have housing stock including but not limited to the Local Land Council –that have about 70 houses managed by agencies - Housing NSW and Aboriginal Housing, and Community Housing for people on a low-medium income with 80 properties throughout the Macleay Valley. There are two exit units managed by YP Space that are dedicated to housing low needs youth for up to 12 months. They are also assisted with independent living and financial skills and leave with a valid rental reference which can assist them when they enter the private rental market. But as noted by one participant, there can be up to 150 young people at any time that might require emergency housing.

The lack of housing options was raised by some as being associated as placing people at risk, particularly those recently released from prison who are often placed in a local caravan park and women and youth who have limited options.

Housing options are virtually zero for those young people [15-17] which makes that even more difficult because they're being put back into couch surfing, they're being put into overcrowded situations where the drugs and alcohol and the violence is occurring over and over and over again.

Community Youth Worker

Post release services were also said to be stretched for both adults and youth and identified as an area of great need:

On our books there would be probably anywhere from 500 to 600 Aboriginal clients. That's between Taree, Port Macquarie, Kempsey and Coffs Harbour offices.

Community Offender Services Worker

Family support and support for women

Goorie Galbans, an Aboriginal service for women that provides assistance, support and referrals has an open door policy and appears to be connected to the community that it serves.

Although having high levels of domestic violence there is only one women's refuge in Kempsey which has four beds, few staff and a clientele that consists of approximately 80 per cent Aboriginal women. In the previous year, the service very rarely had vacant beds and it was not unusual for them to have to turn away women and refer them elsewhere or to work in an outreach capacity.

Although there is a young mothers group in Kempsey that is seen as being very successful which works collaboratively and a Transition to Independent Living Allowance ('TILA') program which financially assists young women setting up independence, there is an absence of support for young fathers which was identified as a gap.

At the time of our visit a Shine for Kids program was in its early stages of operation in the Mid North Correctional Centre. The program which runs for 10 weeks is a child and family program that assists with connecting Aboriginal men in custody to their children,

involving partners, extended family and Elders the program advocates healthy relationships. At this early stage, it is not possible to gauge its success, however it was reported anecdotally that the children involved are very responsive to the program and that men were enthusiastic about participating.

There are very high rates of child removal in Kempsey and the out of home care community is quite large. This was raised as an area of concern for those working directly with women experiencing domestic violence.

This removal of children and the resultant breakdown of family was spoken by many as an intergenerational problem were some families had now seen up to four generations removed. The negative impacts of child removal was seen as many as creating or exacerbating cycles of difficulties with parenting, particularly with young mothers with large families.

Education and training

Kempsey has two public secondary schools with an Aboriginal student enrolment of about 300 combined and three private secondary schools in the area. A vocational college in South Kempsey has been operating since 2002 with their Aboriginal student enrolments starting at 23 per cent and growing to anywhere between 50-70 per cent as the school year progresses.

North Coast TAFE houses the Djigay Centre of Aboriginal Excellence in Education that was established in the 1980s in response to the Aboriginal community's call for the need for culturally appropriate education and training pathways that could lead to employment opportunities.

Booroongen Djugun College was also highlighted by interviewees as a very successful Aboriginal controlled Registered Training Organisation (RTO). It offers high quality courses to Indigenous people in business and management, health; conservation and land management; hospitality; and community services. Its programs are in great demand, with 315 students benefiting from having completed 89,576 hours of accredited industry training in 2011.

Crucial to its success is that if offers courses and programs that focus on the dual requirements of mainstream job readiness and workplace competency on the one hand, aligned with cultural competency on the other. In all its activities, it seeks to embody an Indigenous perspective, offering culturally competent and holistic training and programs that incorporate Aboriginal values, traditions and customs into the training experience. The College's Council of Elders assists in setting the direction for the College, actively participating in the decision-making and planning, and ensuring cultural competency. Self-determination and empowerment are central to the College's approach, aimed at benefitting its Indigenous students, their communities and the wider Australian community.

The crucial role of education in enabling or disabling young people's hopes and ambitions has been emphasised throughout the report. Unfortunately, it appears that mainstream educational policies and methods do not have sufficient flexibility to assist all students.

Some people were focussed on the transition from education and training into employment and considered that there are not sufficient vocational opportunities for young people, especially those who do not have academic aptitude or inclination. Others argued that a variety of means were required to engage all students, including through creative pursuits – music, dance, art and sport.

Even with the strong commitment shown by some of those involved in the sector who were demonstrating capacity and building cross community partnerships, the resources needed to provide much needed alternatives to the conventional academic approach require enormous amounts of administration or were unobtainable. For example, while the benefit of offering broader curriculum alternatives or providing flexible modes of learning were described as much needed, inadequate resources will continue to keep some students locked out of the mainstream system.

Kempsey has high rates of truancy and suspension with the exception of the Vocational College, which reported high participation rates and a good success rate for school leavers with a reported 93 per cent participating in further education or work. It was reported by a number of interviewees that the Vocational College has an important role in providing opportunities for students who had been expelled or were not a good fit at the other schools.

In the education sector there were mixed opinions on the effectiveness of the Education Department's suspension policy with some applauding its tough approach and the message it sends to the community about not tolerating inappropriate behaviours. The theory behind mandated long suspension for certain behaviours, including violence is that there would have been earlier indicators that problems were developing and schools would put strategies in place to deal with those issues so that suspension was a measure of last resort.

Others observed that inflexible policies result in students who need the most assistance forced out of the system with little opportunity of returning. It was argued that while schools have a duty of care to teachers and other students, this duty shouldn't come with the expense of deliberate exclusion. While there is a Suspension Centre for students on long suspension, it was perceived that many suspended students are unsupervised and become further and further behind while not at school:

> *but the department rationalises it – well when we sit and we do the partial suspension, we say they'll be put in the care of the parent from 11 o clock till 11.30. So it's up to the parents. But my argument is that if parents aren't there or the parents are working or they don't care, who's looking after that child? You've just left them from school where they should be getting any education, to go on the street.*
>
> Community Engagement Manager, PCYC

There was also concern that this policy may be predominantly impacting on Aboriginal students, particularly with longer suspensions and that some students were being punished for things that were beyond their control. For example, it was said that teachers needed to investigate why students might not have books or other essential materials and realise that punishing them may just be worsening their existing difficulties.

GUNNEDAH

14 GEOGRAPHY, DEMOGRAPHICS AND HISTORY

The town of Gunnedah is located 440 km from Sydney in the Upper Namoi Valley in the north west of New South Wales. Eighty five per cent of Gunnedah Shire is flat, constituting the 'sweeping plains' of the Dorothea Mackellar poem. It is in the centre of the Liverpool Plains, an area of rich, black soil, ideal for wheat, assorted crops, oil seed and cotton, and for raising cattle and sheep. It also situated in the Gunnedah Basin upon one of New South Wales' largest coal seams. Thus, agriculture and mining are two important industries to Gunnedah, although they have come into recent conflict.

Outlying villages include Curlewis and Breeza to the southeast, Carroll to the east and Tambar Springs and Mullaley to the southwest. The nearest major centre is Tamworth, just 72 km away with a population of approximately 47 000.

According to the Australian Standard Geographical Classification, Gunnedah is classified as an outer regional area, which has been recently criticised. The inequity is said to arise as professionals such as GPs are given the same incentives to live in Gunnedah as Rockhampton (pop 76 000), Hobart or Port Macquarie with many more professional and social facilities and services.[47]

14.1 Demographic data[48]

Gunnedah has a population of 7 542 (ABS 2006), 12.3 per cent (931) of whom are Indigenous. The broader Shire of Gunnedah has a population of 11 525, 10.2 per cent (1 171) of whom are Indigenous. Noticeably, the vast majority of Indigenous people in the Shire, live in the town of Gunnedah itself.

The Aboriginal population of Gunnedah is significantly younger than the total population of the town, including Aboriginal residents. According to the 2006 census, 43.7 per cent of the Aboriginal population were children aged 14 years or under[49] compared to 21 per cent of the total population.[50] By contrast, only 10.3 per cent of the

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[47] Kate Ramien, Gunnedah doctors 'disadvantaged' under relocation incentive scheme, Namoi Valley Independent (18 October 2011) <http://www.nvi.com.au/articles/o18-doctor.html>.

[48] Note that this data is based on the 2006 census and thus will be out dated. At the time of writing, the 2011 data is not available.

[49] Australian Bureau of Statistics, *2006 Census QuickStats : Gunnedah (Indigenous Location)* (25 October 2010) <http://www.censusdata.abs.gov.au/ABSNavigation/prenav/LocationSearch?locationLastSearchTerm=gunnedah&locationSearchTerm=gunnedah&newarea=ILOC0501501&submitbutton=View+QuickStats+%3E&mapdisplay=on&collection=Census&period=2006&areacode=ILOC0501501&geography=&method=Place+of+Usual+Residence&productlabel=&producttype=QuickStats&topic=&navmapdisplayed=true&javascript=true&breadcrumb=PL&topholder=0&leftholder=0&currentaction=104&action=401&textversion=false&subaction=1>.

[50] Australian Bureau of Statistics, *2006 Census QuickStats : Gunnedah (Urban Centre/Locality)* (25 October 2010) <http://www.censusdata.abs.gov.au/ABSNavigation/prenav/LocationSearch?locationLastSearchTerm=gunnedah&locationSearchTerm=gunnedah&newarea=UCL136800&submitbutton=View+QuickStats+%3E&mapdisplay=on&collection=Census&period=2006&areacode=UCL136800&geography=&method=Place+of+Usual+Residence&productlabel=&producttype=QuickStats&topic=&navmapdisplayed=true&javascript=true&breadcrumb=PL&topholder=0&leftholder=0&currentaction=104&action=401&textversion=false&subaction=1>.

Aboriginal population was 55 years or over[51] as opposed to 31.9 per cent for the total population.[52] Combined, these result in a median age of 17 for the Aboriginal population,[53] markedly contrasting with the median age of 41 for the total population.[54]

The overwhelming majority of Gunnedah residents were born in Australia with only 3.7 per cent born overseas compared to 22.2 per cent of the Australian population that was born overseas. Of residents born overseas, the majority came from England, followed by New Zealand, Germany, Scotland and Philippines.[55]

14.2 History of the region

Gunnedah, on the Namoi River, is in the traditional country of the Gunn-e-darr people of the Kamilaroi language group or nation, a dispersed group of people sharing common linguistic, social and cultural traditions and who recognise themselves as part of a single culture distinct from other peoples. It is and was one of the two major nations of the Murray Darling basin in NSW (the other being the Wiradjuri) that may have numbered as many as 10 000 before European 'settlement' , after which smallpox and other European diseases took their toll.[56]

Kamilaroi country extends from as far south as Murrundi on the Great Dividing Range to southern Queensland. From Murrundi, the eastern boundary follows the Great Dividing Range to the Moonbi ranges near Tamworth and from there to Manilla, Barraba, Bingara, Moree and Mungindi and across to Collarenebri and Walgett along the Gwydir and Barwon Rivers. The western boundary extends a little east of Coonabarabran to the dividing range north of the Gwydir River and up to Saint George.

Resistance to colonial 'settlement' by the Kamilaroi was evident from the outset. Conflict between Kamilaroi people and shepherds and stockmen was recorded as early as 1827, within the first year of their entry onto Kamilaroi land as cattle runs were established from Coonabarabran through the Upper Mooki Valley to the Peel River near Tamworth.[57] Conflict was often revenge based – squatters killing Aboriginal people for the loss of livestock and Aboriginal people seeking revenge for the kidnap of young Aboriginal women – at times escalating into ongoing vendettas or large scale battles or massacres, including in the Mooki Valley in the 1820s, Narrabri in 1833-34 and several times in the Gwydir Valley in 1837-38.[58] Often Aboriginal people were targeted for the benefit of 'private enterprise', although sometimes it was the state that did the killing, specifically the troopers of the Mounted Police.[59]

Settlement of Kamilaroi country occurred quickly. On his return from his expedition, Mitchell reported good grazing land beyond the 1831-32 frontier, prompting a decade of intense land acquisition, as squatters advanced broadly in two directions: out along

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[51] ABS, 2006 Census QuickStats: Gunnedah (Indigenous Location), above n 49.
[52] ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.
[53] ABS, 2006 Census QuickStats: Gunnedah (Indigenous Location), above n 49.
[54] ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.
[55] Ibid.
[56] Michael O'Rourke, *Red Kangaroo war-chief of Gunnedah: The Ewing Texts* (2005), 34 <http://www.scribd.com/vasilefs/d/23310373-Red-Kangaroo-war-chief-of-Gunnedah-The-Ewing-Texts>.
[57] Ibid 53-54.
[58] Ibid 56-57.
[59] Ibid.

the Namoi River and northward from the Peel River into the Gwydir Basin.[60] 'Gunnedah' – a sheep and cattle station – was established probably in 1835 on the Namoi River consisting of a slab hut (homestead) and woolshed.[61] Over time, several huts or houses were built at 'The Woolshed' (as the village was known) and it became a major camping ground for bullock drays taking supplies to stations further out and a node on one of the droving routes from Darling Downs. It was gazetted in 1856.[62]

The name 'Gunnedah' was adopted for the town in 1859 with the white population growing rapidly from 300 in 1864 to 1 362 in 1891, with banks, the telegraph, a courthouse, schools, the clergy etc following suit.[63] With the advent of the railway arriving in Gunnedah in 1879, it became the commercial centre of the north-west and continued to expand. Interestingly, the provision of alcohol was one of the towns earliest facilities with at least four establishments serving alcohol as early as 1860.[64]

In addition to grazing, wheat production and coal mining were two early industries. Coal was discovered on Black Jack Hill in 1877 and mining commenced in 1899-1900 and continues to be a major industry in the region. By 1891, 6 000 tons of coal had been raised from shafts. Wheat growing expanded dramatically during the1890s, trebling by 1901.

At the same time that the colonists were expanding in population and acquiring more and more land, the Aboriginal population in NSW was falling dramatically. After a century of white settlement, the Aboriginal population of NSW in 1888 had fallen to 7 485.[65] European diseases: tuberculosis, measles, smallpox, influenza, and venereal disease had a devastating effect on Aboriginal people. At least a third – and probably more – of the Aboriginal population of inland NSW died during the smallpox pandemic of 1830-32.[66] The impact of disease was worsened by malnutrition and starvation as the Aboriginal economy was destroyed as Aboriginal people were prevented access to the most abundant river sites, and as sheep and cattle trampled ponds and lagoons, destroyed surrounding grassland and drove away kangaroos.[67] Added to the high death rate was a low birth rate as Aboriginal women experiencing disease, malnutrition and the effects of alcohol had few children, [68] the cumulative effect of which was to decimate the Aboriginal population.

In some areas, the Kamilaroi were densely populated with John Oxley reporting 'a great many smokes arising from the fires of the natives' downstream from Tamworth.[69] There were campsites in several places in the Gunnedah region and a major burial ground existed on the outskirts of the town. It was from this burial ground that the local doctor – Edward Haynes – excavated the grave of the Kamilaroi warrior chief, Gambu Ganuurru, disrespectfully treating his remains as some kind of artefact of scientific interest, much to the scandal and deep distress of the local Aboriginal populace.

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[60] Ibid 55 .
[61] Ibid 75.
[62] Ibid 84-85.
[63] Ibid 87-92.
[64] Ibid 87.
[65] Ibid 96.
[66] Ibid 60-61.
[67] Ibid.
[68] Ibid 61.
[69] Ibid 63.

There is, however, little information about relations between those inhabitants and the first white settlers, apart from a comment from Joe Bungaree:[70]

> *Plenty whiteman coming all about – and bring plenty cattle. Tribe get small. White men take our young lubras. Young warriors go away for lubras down Nammoy River, never come back no more.*

In 1882, the Aboriginal population of the district was 45 men, women and children with 'full ancestry' men greatly outnumbering women.[71] There were10 women over 20 but only 12 teenagers and children aged under 20, suggesting that the women had few surviving children.[72] They were employed on cattle and sheep stations and none were receiving government aid, but no children receiving any education.[73] The population further fell to 38 in 1891 and just 17 in 1896.[74] Whether the falling population was connected to the reduced employment that may be assumed to arise from the carving up of large squatting runs to be sold in small blocks to small graziers and farmers during 1884-1890 is not clear.

The NSW Aborigines Protection Board set up supervised estates or 'Aboriginal Stations'. The people on these so-called 'missions' came under the control of NSW government officials. There was also a large number of old and new 'reserves', where small groups of Aborigines camped free of supervision, except for the irregular control exercised by the police and any employers of casual labour.[75] The reserves were just small portions set aside for Aborigines: parcels of land not available to white farmer-selectors. By 1896, there were 110 Aboriginal reserves across NSW, including a reserve at Gunnedah gazetted on 1 October 1895.[76]

The creation of reserves heralded a new era in interference in Aboriginal people's lives and separation of families. The philosophy was that 'full-blood' Aboriginal people would, over a generation or two, die out. For their part, 'half-castes' were expected to live a lifestyle identical to that of white citizens, adopting western norms and values.[77] To facilitate assimilation, the NSW Government pursued a policy of restricting 'full-bloods' to living on the reserves and banishing people of mixed descent, with the intention that the latter would 'merge' into white society. However, white society itself was frequently, indeed almost universally, hostile to anyone with Aboriginal ancestry.[78] In many country towns white parents began to exert pressure on state schools not to enrol Aboriginal and part-Aboriginal children. Catholic schools continued to take in Aboriginal children, but after1900 many received little or no schooling, further alienating them from the non-Indigenous community.[79] Ironically, at the time of the 1891 census, the 30 people living in the town of Gunnedah were not segregated and

[70] Ibid 74.
[71] Ibid 94.
[72] Ibid.
[73] Ibid.
[74] Ibid 100-102.
[75] Ibid 104-105.
[76] Ibid 105.
[77] Ibid.
[78] Ibid.
[79] Ibid.

there was no 'blacks camp', [80] a position reversed by the later establishment of the reserve.

It was in the post-war period that the town of Gunnedah began to gather momentum. Soldier settlement schemes, such as the break-up of Goolhi station, brought new settlers to the district and wool prices boomed.[81] It was also during the 1950s that the Gunnedah Abattoir was established and for many years it was the 'jewel in the crown' of the processing industry, providing, at times, as many as 600 local jobs.[82] However, this prosperity was relatively short lived and the 1990s were marked by a series of reversals, in particular, the closure of the abattoir with the loss of in excess of 300 jobs and the depletion of coal reserves which led to the wind-down and eventual close of the Preston, Vickery and Gunnedah mines. The domino effect of job losses, combined with people leaving to find work led to the closure of a number of businesses.

In recent times, this downward trend has been reversed. Coal exploration and mining is said to be booming, although this is proving to be controversial. Expansion of mining activities on land currently used for agriculture has divided the community. Some argue that the 'preservation and security of the Liverpool Plains food bowl was under threat from increased mining activity', and said 'governments needed to ensure prime agricultural land and food security would be quarantined from mining expansion'[83] leading to a 'lock the gates' campaign. People have also expressed concern about the purchase of prime agricultural land by foreign companies and the impact such sales are having on property prices with some properties selling for more than ten times their previous value.[84] On the other hand, some are supportive of increased opportunities for the town and some sellers have made a great deal of money from the sales. In addition to the loss of farmland, there has been a great deal of concern around the prospect of 'fracking' – hydraulic drilling and fracturing to release natural gas from the coal seam.

2011 was an eventful year for Gunnedah as development and construction activity in the Gunnedah Shire surged to a 10-year high during, especially in the residential sector.[85] Approvals for a $1.5 million motel development and expansion of the sale yards have been granted. In addition, a $4.3 million GP superclinic is in the process of being constructed on the hospital grounds that will eventually 'house six general practitioners, including one GP Registrar, allied health professionals, three full-time practice nurses, optometry, diagnostic and pathology services and will provide integrated chronic disease management services.'[86] However, this has also proven to be

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[80] Ibid 100-101.
[81] Ron McLean, 'The Way We Were: Sequicentenary of Gunnedah 1856-2006' *Namoi Valley Independent* <http://www.nvi.com.au/articles/WayWeWere_intro.html>.
[82] Ibid.
[83] Blake Hardy, 'Alan Jones steps on the gas at Gunnedah forum' *The Northern Daily Leader* (13 Oct, 2011) <http://www.northerndailyleader.com.au/news/local/news/general/alan-jones-steps-on-the-gas-at-gunnedah-forum/2322121.aspx?storypage=0>.
[84] Natasha Bita, 'Chinese mine giant snaps up 43 NSW farms' *The Australian* (27 June 2011) <http://www.theaustralian.com.au/news/nation/chinese-mine-giant-snaps-up-43-nsw-farms/story-e6frg6nf-1226082387428 >.
[85] Lucy Donoghue, 'Development, construction surges to a 10-year high' *Namoi Valley Independent* (November 29, 2011) <http://www.nvi.com.au/articles/n29-construct.html>.
[86] Nicola Roxon MP (Minister for Health And Ageing), 'First Sod Turned on Gunnedah GP Super Clinic' (Media Release, 4 May 2011) <http://www.hirc.health.gov.au/internet/ministers/publishing.nsf/Content/mr-yr11-nr-nr077.htm>.

controversial as a number of Gunnedah's GPs have decided to remain with their own practices and will not be moving to the new facility.[87]

15 COMMUNITY DYNAMICS

Given that Gunnedah has a relatively low crime rate, it was somewhat surprising that it was portrayed by many interviewees as a community separated by division and conflict. Interviewees described historical conflict between families and organisations within the Aboriginal community; division between Aboriginal and non-Indigenous residents; and conflict between longstanding Aboriginal residents and those more recently arrived.

Notwithstanding any division, it is apparent that the Aboriginal people of Gunnedah are ambitious and have generated a number of highly successful community led initiatives. Some specific initiatives that were spoken about include:

- An Aboriginal museum that is one of a small number in Australia and which is now promoted as a major tourist destination for Gunnedah;
- A highly regarded Community Development Employment Project (CDEP) that employed large numbers of Aboriginal people, ran several businesses, and provided training opportunities in a range of fields;
- A Kamilaroi language program incorporating summer camps and a program within the school that has generated a great deal of interest and is set to expand;
- Bush camps for young Aboriginal and non-Indigenous people to generate positive role modelling; and
- Economic development proposals designed to create relationships with the mining sector to generate traineeships and tertiary training.

15.1 Relations within the Aboriginal community of Gunnedah

Every Aboriginal person interviewed described conflict within the Aboriginal community in Gunnedah shown in different ways. Some described historical conflict between families going back generations that sometimes escalates into violence. Others described tension and non-cooperation between Aboriginal organisations that serve different groups within the town.

There are no formal Aboriginal representative bodies in Gunnedah but there are four Aboriginal organisations that provide a variety of services to the Aboriginal community.

> *We have Min Min Aboriginal Organisation which is housing and health and education. Then you have Red Chief Local Aboriginal Land Council which is housing and heritage. Then you've got Gunida Gunyah which is housing and employment. Then you've got the traditional owners, Bigundi Biame Gunnedarr, which is a club where it is the original peoples from this area that belong to that club, who I guess buy in for mining rights and stuff like that.*
>
> Aboriginal Community Member

Notwithstanding tensions between the organisations, there was broad consensus that they are generally efficient and effective, catering for the social, economic and cultural needs of Aboriginal people in Gunnedah and providing service delivery in housing, health support, employment and education and protecting culture and heritage. Bold

[87] 'Gunnedah GPs rethink health centre move', ABC News (online), 10 November 2011 <http://www.abc.net.au/news/2011-11-10/gunnedah-gps-rethink-health-centre-move/3657958>.

economic development proposals and ventures such as the Kamilaroi language project demonstrate the level of ambition of Aboriginal people in Gunnedah.

Preference to utilise the services of any one organisation was described as occurring largely on family allegiance. As in many Aboriginal communities, the different organisations in Gunnedah are 'tied up with different families', who, in this case, 'don't see the common ground that they can stand on.' In addition to ongoing enmity 'from years gone by', divisions between the organisations are worsened by competition for scarce resources.

Just as there was almost unanimous acknowledgment of the tension between organisations, the majority of Aboriginal interviewees agreed that, while still not ideal, there had been significant improvement over time in communication and cooperation between organisations. One prominent example given was that representatives of the various organisations have been able to cooperate in the establishment of the Aboriginal Family and Children Centre. While the process was not without its problems, it was said to represent a model for different sectors of the community being able to work together to achieve aims that will support the entire Aboriginal community.

> *It's like every community where there are a couple of Aboriginal organisations. A lot of people say there are three Aboriginal communities in Gunnedah. That's bull. There is one Aboriginal community. There are three organisations that service that community. Now go back a number of years, 10 years and there was huge, huge factionalism amongst those three groups. It's not like it used to be. It's not ideal. But it's well and truly on its way to becoming ideal, where our services are now being shared. But you still will get the people that will say well I'm not going to go because I don't like them. I'm not going to Lands Council because I don't like them. I'm not going to Gunida Gunya or Min Min because I don't like them or such and such is their chairperson or whatever and they don't go. So you're still missing people right across. But you would hope that somewhere amongst the three Aboriginal organisations, [everyone has somewhere to go].*
>
> Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

Similarly, there was the overwhelming suggestion that attempting to come to agreement about how the organisations could interact more harmoniously would assist the effective operation of all organisations and would benefit the community as a whole. Having different factions moving in different directions was said to have a negative impact. A number of people – Aboriginal and non-Indigenous – called for positive leadership in looking for common ground, rather than focussing on personal differences. As one person observed, the success of Gunnedah in the future relies on trying to 'forge a sensible pathway that our kids can build on.'

> *…all the organisations are caught up amongst their own petty jealousies, worrying that one organisation might be getting a little bit more or another might be doing something different . It shouldn't be about that. It should be about how we can combine our organisations to deliver better services to the community.*
>
> Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

> *But what happens in the community is your leaders are not leading and pulling the teams together. If those leaders don't pull the teams together to keep it structured then everything falls apart.*
>
> Aboriginal Community Member

There have been attempts to develop a protocol or memorandum of understanding between the organisations as to how they might interact, particularly around issues of cultural heritage. The hope was to come to agreement that would allow for a collective approach when negotiating with outside parties in relation to matters that affect the entire community, such as negotiating with mining companies in relation to cultural heritage matters or economic development. At the time of writing, it has not been possible to reach agreement. Nonetheless, there was optimism that the various sectors of the Aboriginal community will be able to find ways to work together. Community cooperation to establish the Aboriginal Child and Family Centre was cited as one possible model.

As discussed below, cluster housing and the relocation of Aboriginal people from other towns into Gunnedah by the Department of Housing was also described as a source of, sometimes violent, conflict. As described, Aboriginal people from different country have different ways of doing things that have the capacity to dramatically change the local dynamics. Ironically, it was also argued that the 'invaders' or 'outsiders' can, on occasion, have the effect of unifying Aboriginal and non-Indigenous residents against the newcomers. It becomes a 'battle for territory' against 'all these different mobs that come in.'

Notwithstanding interviewees' genuine concerns about conflict and division between families, organisations or factions, it was also acknowledged that care needs to be taken to not overstate it as a problem. Division and disagreement are normal dynamics in any community and the pressure on Aboriginal communities to present a united front on all matters or agree that there is only one way forward is just not realistic.

> *In any organisation and in any race of people, it doesn't matter; you're going to have division anyway. You have a lot of people who say, oh you blacks all fight amongst yourselves. I say well that's true but so do you. Our Local Council and our school community staff argue and fight and in the community people fight. To me it is human nature it is impossible for everyone to agree.*
>
> Aboriginal Community Member

15.2 Relations between Aboriginal and non-Indigenous people of Gunnedah

Relationships between Aboriginal and non-Indigenous residents of Gunnedah were also described as being less than harmonious. The most common description of the relationship by Aboriginal interviewees was one influenced by 'under the radar' or covert racism. It was said that, unlike some other towns, people were not 'in your face' but there was racism, nonetheless. It was also said that non-Indigenous people in Gunnedah would not be able to recognise the racism in the town. Interestingly, while we make no comment as to whether racism does or does not exist in the town, the overwhelming majority of Aboriginal interviewees described Gunnedah as racist with the majority of non-Indigenous interviewees describing Gunnedah in relatively harmonious terms.

> *You tell me a place that's not racist…Gunnedah is racist, but it's all covert here, that's the difference. A lot of places it's out there in your face, but here it's not…that's the difference.*
>
> Danny Lickorish, Reconnect Practitioner, Gunnedah

One recurring example given of covert racism was the perceived lack of employment opportunities for Aboriginal people in private businesses. Most employed Aboriginal

people are apparently employed by government departments, NGOs or Aboriginal organisations. It was said that employment of Aboriginal people was dependent on the position being an 'identified position' or supported by a government subsidy. If the subsidy is withdrawn, then the position disappears. However, it was also made clear that, in this sense, Gunnedah is similar to other regional centres and small towns.

Further examples range from the lack of community support for NAIDOC week, or for programs predominantly used by Aboriginal youth, through to the commonly held misconception that Aboriginal people are given opportunities that non-Indigenous people cannot access, including being provided with free cars, to the more serious accusations that the police treat Aboriginal people differently to non-Indigenous people or that schools have lower expectations of Aboriginal students. Both Aboriginal and non-Indigenous interviewees described stereotyped prejudices as being ingrained in families and the entire community and that the phrase, 'I'm not racist but…' was expressed to be relatively common.

As seems to be a common complaint in Aboriginal communities, one of the sources of tension between Aboriginal and non-Indigenous people arises from the failure of non-Indigenous people to understand that the norms and values of the Aboriginal community might be quite different to their own. Therefore, the complexity of authority and who may exercise it within the Aboriginal community and over what issues is unlikely to be appreciated by non-Indigenous people. Thus, exhortations from non-Indigenous people that Aboriginal 'leaders' need to step up and 'exercise responsibility' and 'work with your own people' seems to cause annoyance, if not bitterness at the lack of understanding that such an attitude displays.

Acceptance of Aboriginal people by their non-Indigenous neighbours was perceived to depend on conformity with mainstream norms. Several interviewees – Aboriginal and non-Indigenous – referred to the emphasis on Aboriginal people 'fitting in', on getting a house and a job, embodied in the attitude of 'there are some good blacks out there, aren't there?' One non-Indigenous person described a commonly held attitude that there was equality in the town because, 'I treat the hardworking Aboriginal people the same way that I would treat anyone else' but that there was a certain amount of intolerance for others.

This pressure to conform to mainstream values seems also to create tension in the Aboriginal community. We were told that the tall poppy syndrome was alive and well. Several people noted that some Aboriginal people were denigrated as 'coconuts' or 'uptown', which created further division.

In a similar vein, there was said to be 'reverse racism' and some frustration that some issues were considered to be Aboriginal business, which may lock out non-Indigenous people who may have an interest in the area. One person observed that you 'have to be mindful that you cannot tread on their territory.'

However, despite these perceptions of ingrained racism, the town is apparently not segregated on racial lines but was widely acknowledged to be segregated on socioeconomic grounds, particularly through the location of public housing. An area called 'The Hood' or 'The Bronx' by many interviewees provides housing to Aboriginal and non-Indigenous people and was observed to be a site of poverty and hardship. It was also identified as a location for many of the town's criminal incidents.

More optimistically, however, was the hope that racism is a generational matter and that, just as attitudes have improved over decades, that racism is not prevalent in schools in Gunnedah today.

The challenge of creating an environment of mutual respect and acceptance of both Aboriginal and non-Indigenous aspirations and perspectives is complex. The benefits emerging from relationship building was referred to.

> *Non-Aboriginal people, they're not jumping on ships tomorrow and sailing out. They're here to stay. ... So, how do we make that relationship stronger? How do we get to the point where the word reconciliation is just not a pretty word that everybody writes in an application or throws out in a speech. ... Everyone uses that word. It's just so overused. We want to leave a legacy for our children. Instead of saying it, actually do something tangible. Do something about accepting what we have now and moving forward from there.*

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

15.3 Respect for Elders and cultural practice

As in many Aboriginal communities, leadership and the role of the Elders is apparently a complex issue, not capable of simple analysis. In particular, 'respect for Elders', their influence and their potential to influence young people 'to keep them out of trouble' seems to depend on the context. Several people noted that, as a general rule across the community, young people do not necessarily respect Elders – that respect must be earned. That respect was said to be earned through strong leadership and positive role modelling. Action, not words, is required.

> *I think, we've got to show some strong leadership. We've got to show some strong commitment to a specific cause, whether it be languages, or cultural identity. Contained within that cultural identity are Aboriginal languages and today's contemporary culture. The arena of sports offers kids alternative opportunities, teaching them new skills, self esteem, communication, team building skills and sometime how to have simple fun. Acknowledging those in our community who are great ambassadors, who get along with everyone, and are involved in the wider community in a number of ways. It is these ambassadors who make the greatest strides in breaking down barriers. They take the steps into place where others may not be sure enough to enter, they educate the wider community in simple ways, and then as a role model make it easier of other to follow in their footsteps, accessing education, health services and employment.*

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

> *I think if you've got a group of Elders….men and women, not just blokes, who can involve young people in positive activities…it doesn't have to be camps…it could be dances, music festivals, bush tucker days with various activities, anything….all get together and talk about what people want….I think if you can actually involve young people …and when you've got them together, if you can afford somehow to have positive role models come and spend a weekend with them….and talk to them…and do it regularly….positive role models do not have to be footballers necessarily …they can be soldiers, boxers, actors, whatever…athletes, anyone who is an achiever with maturity and a positive attitude, and I am talking about women and men….women need to be with the girls, and men with the young blokes at certain times throughout the program..*

Danny Lickorish, Reconnect Practitioner, Gunnedah

On the other hand, where the family structure continues to be solid, that respect for Elders continues, at least within the family.

16 SOCIOECONOMIC PROFILE AND ECONOMIC PARTICIPATION

Unemployment is high in Gunnedah for all residents but markedly so for Aboriginal people. While 9.7 per cent of the total population was unemployed in 2006 (compared to the national average of 5.2 per cent),[88] a dramatically worse situation for Aboriginal residents existed with 24 per cent unemployed in 2006, a much higher rate than the national average for Aboriginal people (15.6 per cent).[89] Closure of the CDEP program has arguably had a dramatic impact on Aboriginal employment and training opportunities, with the loss of two businesses in Gunnedah and Walhallow.

The top five occupations, in order of the most common responses were labourers, technicians and trades workers, managers, professionals, and clerical and administrative workers. Employers in order of most common industries of employment were school education; local government administration; cafes, restaurants and takeaway food; supermarkets and grocery stores; and sheep, beef cattle and grain farming.[90] This can be contrasted with the employment profile for Gunnedah Shire where the largest industries by employment in 2006 were rural production; retail trade; and health and social care. The next largest industries were manufacturing, education and training, accommodation and food, public service and other services.[91] It will be interesting to compare this data with that of the 2011 census, given the apparent mining boom that Gunnedah is experiencing.

Income earned in Gunnedah is significantly lower than the national average. The mean individual income for Aboriginal people is $277,[92] which equals the national average for Aboriginal people but is lower than the mean individual income for the total Gunnedah population ($356).[93] Median household income for Aboriginal residents ($624)[94] equals that of the median weekly household income for the total population ($654)[95] but is dramatically lower than the Australian average ($1 027).[96] Given the financial hardship that many people described, it will be interesting to identify any increase in income that may arise from the mining boom and similarly, to what extent the median weekly rent ($130 in 2006) has increased.[97] Increasing rents will presumably impact more adversely on Aboriginal people in Gunnedah, given that the majority rent accommodation (66.3 per cent)[98] compared to a minority of the total population that rents (31.5 per cent).[99]

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[88] ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.
[89] ABS, 2006 Census QuickStats: Gunnedah (Indigenous Location), above n 49.
[90] ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.
[91] The Public Practice Pty Ltd for Gunnedah Shire Council, *Gunnedah Shire Economic Portrait* 7 <www.infogunnedah.com.au/shire.../Gunnedah-Economic-Portrait.pdf>
[92] ABS, 2006 Census QuickStats: Gunnedah (Indigenous Location), above n 49.
[93] ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.
[94] ABS, 2006 Census QuickStats: Gunnedah (Indigenous Location), above n 49.
[95] ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.
[96] Ibid.
[97] Ibid.
[98] ABS, 2006 Census QuickStats: Gunnedah (Indigenous Location), above n 49.
[99] ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.

There was common reference to a time when Gunnedah was prosperous, when it was a thriving mining and agricultural centre with an international abattoir, which provided a range of employment opportunities, especially for those without academic leanings. However, there needs to be caution placed around these assertions, as it was also claimed that it was in reality, prosperity for the few.

> *When I first came here 40 years ago…it was a prosperous little community at that time...they had coal mines here who employed locals…an export abattoir …it has changed…housing was far more affordable and more realistic then. Nowadays rents and the cost of homes are proportionally much higher than then, and my concern is that it is starting to get harder and harder for ordinary people.*
>
> Danny Lickorish, Reconnect Practitioner, Gunnedah

> *In the past Gunnedah was actually a very affluent place. So here we are talking that now Gunnedah has got one of the lowest socioeconomic status in the State. I think it was the early 70s when it actually had one of the highest per capita incomes in the State. That was because of the summer cropping, because it is such a rich agriculture area. A lot of the businesses in town catered for this.. The abattoirs and the mines – the abattoirs in particular [provided] employment for people who weren't on the land. You could be quite unskilled and get a job there, get a good job, rear your family. So that was fine. Then they had the mines. So it's a funny town in that it had miners who traditionally got big bickies, like they were on huge income when all the rest of us were on nothing. Then they the farmers and whatever, and then they had the abattoirs. Then the abattoirs closed. Every mine in Gunnedah closed and our commodity prices went through the floor for… agricultural products. So there was a huge change, huge change.*
>
> Community Sector Worker

Coal mining has returned to Gunnedah, although there is consternation that it may not bring as many benefits to the town as originally hoped. In particular, concerns were raised about the fly-in, fly-out workforce who spend their wages out of the town and the impact of the additional housing required by the industry that is forcing rents to unaffordable levels.

16.1 Economic development within the Aboriginal community

The desirability for opportunities for economic development were described as crucial, especially in relation to providing employment opportunities for Aboriginal people in Gunnedah. Two Aboriginal organisations in particular, Gunida Gunyah and Red Chief Aboriginal Land Council have been proactive in this area.

As discussed below, Gunida Gunyah has been and continues to be the prime provider of employment and training programs and until the cessation of the Community Development Employment Program (CDEP) was a significant employer. It also provided a range of traineeships and other training opportunities with reportedly positive outcomes in mainstream employment and the establishment of other businesses. It continues to maintain a number of business enterprises, including firewood and tree lopping, labour hire, office administration and property management.

Red Chief Local Aboriginal Land Council is currently in negotiations with mining companies in relation to an ambitious proposal involving school-based traineeships, opportunities at TAFE or at university and economic sustainability in agriculture, agronomy, horticulture, veterinary science and carbon farming.

17 CRIME IN GUNNEDAH[100]

17.1 Crime statistics

Unpublished BOCSAR crime statistics from 2007 to 2010 demonstrate that of the major 17 offences, the most common crimes seen within the Aboriginal community in Gunnedah are assault – both domestic violence and non-domestic violence related, motor vehicle theft, break and entry and malicious damage to property.

On average, across the four years, rates of domestic violence incidents were equivalent to the NSW average, but were particularly high in 2008 and 2009. Domestic violence is clearly a problem across the community, and the Shire was ranked 24th in NSW by rate of domestic violence incidents in 2010[101] and there is concern, as there is in all communities, about incidents actually being higher due to a culture of under-reporting. Indeed, BOCSAR reported in May 2011 that less than half of 859 survey respondents who had been the victim of a domestic assault in the previous 12 months reported the assault to the police.[102]

Similarly, rates of non-domestic violence related assault were approximately equivalent to NSW rates over the four years, except in 2010 when they were markedly higher.

On average, over the four years, malicious damage was approximately equivalent to NSW rates, except in 2010 when they were slightly higher. Break and entry varied from year to year but on average was also approximately equivalent to the NSW average from 2007 to 2010. One exception was that of break and enter non-dwelling, which was markedly higher than the NSW rate in 2009.

One notable observation is that motor vehicle theft was significantly higher than the NSW rate in three of the four years, yet was an issue that was rarely mentioned by interviewees.

Public order offences vary from year to year but approximate NSW rates except for offensive conduct ,which is significantly higher than the NSW rates in each year, being particularly high in 2010. Of the justice related offences, breach AVO is much higher than the NSW rate in three of the four years, which might lend support to some interviewees comments that AVOs require reconsideration in Gunnedah.

Possession or use of cannabis increased each year but possession or use of other drugs was virtually nonexistent. Other crimes, including sexual offences, stealing and robbery rarely occurred with only a few incidents over the four years.

17.2 Perceptions of crime – crime rates

The research team has found it a challenging exercise to reconcile the commonly held perception within Gunnedah of a town with an extremely high crime rate with the statistics that are much more moderate. Ironically, Gunnedah was chosen for the case study based on crime statistics that would suggest that the town has a relatively low crime rate, yet this was challenged by a number of research participants – both

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[100] See Appendix 1 for a breakdown of the 17 major offences.
[101] Katrina Grech and Melissa Burgess, *Trends and patterns in domestic violence assaults: 2001 to 2010. Issue Paper No 61* (May 2011) 12 <http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_pub_byyear >.
[102] Ibid 8.

Aboriginal and non-Indigenous interviewees – who insisted that the statistics were incorrect.

It appears that many of the people that we spoke with, obtain their information about crime rates and the types of crime being committed from the local newspaper, which provides a comprehensive coverage of matters relating to crime and the criminal justice system in Gunnedah. Several people referred to frequent coverage of inadequate police staffing, insufficient harsh sentencing by the local magistrate and high rates of violent crime.

> *You only have to read the local paper to see about what crime is about in town. That's the stuff that gets caught. We often have almost two full pages of who's been to court and what they've done. It seems like people are getting bonds all the time and getting off.*
>
> Community Service Provider

Not all research participants agreed with the perception of the town as having a high crime rate. In particular, a number of interviewees working in the criminal justice system, observed that crime in Gunnedah was no worse than any other regional town of similar size. Indeed, Gunnedah's size was argued to affect perceptions of crime in that a small spike in incidents or an affray that may not be noticed in a larger town, might 'give the general impression of lawlessness.'

> *… Anecdotally, people in town think that crime is completely out of control in Gunnedah whereas the statistics that we're getting back, … are of course indicating that crime in general, not just Aboriginal crime but crime in general is quite low in comparison.*
>
> Community Sector Worker

Some research participants suggested that the local paper's detailed coverage of crime, policing levels and response times, and court appearances, in addition to being 'extremely stigmatising', may lend weight to an impression of much higher crime rates than in reality can be justified. The problem with such focussed coverage it was argued, is that it is likely to keep incidents 'in the collective memory', resulting in a misleading impression.

Even among those who argued that Gunnedah's crime rate is high, there was general recognition that it was not the 'extreme problem' that it may be in other communities. However, people were concerned that police and others in the criminal justice system do not consider crime to be the problem in Gunnedah that it should be because it is largely 'petty crime'. However, the point was made, that to the victims, especially the elderly, it needs to be taken seriously.

A number of interviewees claimed that the disparity between the crime data and perceptions of crime was caused by under-reporting of crime in Gunnedah, discussed in a little more detail below, which they observed was a significant problem.

There is a strong perception that crime – especially violent crime – has significantly worsened over time. It was said that families who would have been 'considered rough' ten or fifteen years ago would now be considered to be 'positively tame'. Certain sections of town were identified as dangerous, with the observation that many residents would like to leave due to their concerns for their children but that they have no alternative. Crime, especially violent crime, was identified as occurring in those areas of

town and a number of interviewees observed that there were areas that they would not feel comfortable to visit.

> *Violence is just extreme in Gunnedah. When you go back 10 years ago, people would walk up the street on their own and whatever. They don't do that now. It doesn't happen. You don't walk up the street by yourself after dark. There are certain streets in Gunnedah you just don't walk in because it's a violent area. Police presence is required in a particular part of town at least seven or eight occasions in a week. It's extreme.*
>
> Local Community Member

One factor that may impact on perceptions of unusually high levels of crime for a relatively low population, is that the local court only sits for one week each month and, therefore, deals with a large number of matters during that week.

> *I suppose the problem that we have is that we're there once a month for a week. So court's really, really busy during that week. But certainly I think if court was more than two weeks or something like that, we wouldn't feel it had a high crime rate. We wouldn't be that busy. But when [the Court has] 26 matters on a day, that's busy.*
>
> Legal Practitioner

At the time of writing the same interviewee reported to us that court numbers had dropped since we spoke last and that the court is now only sitting two or three days during that week per month.

17.3 Perceptions of crime – types of crime

When asked to identify the types of crime prevalent in the community, perceptions differed quite markedly among interviewees and, in particular, differed between those working in criminal justice and others. Our impression of inconsistent views as to the extent and type of crime committed is reinforced by reports of a community consultation undertaken by the local council in preparation of its five year crime prevention plan. The results of the consultation showed that perceptions of the extent to which crime is a problem and the types of crime predominantly occurring in Gunnedah depended on the sector of the community being surveyed.

> *…different sections of the community were saying quite different things. So you know, the elderly groups representing aged care people, they were saying, well it's break-ins and it's not feeling safe in your own home. Then younger people were sort of saying, well, you can't go to the pub, you might get bashed up when you come out. Then the business people were saying, oh my God, you know, we come in every single Monday morning and our front windows are smashed … that there'd be just a trail of smashed windows or something up the street or bins knocked over or bins thrown through windows or something. … Everyone has a different take on what they think the crime is.*
>
> Community Sector Worker

Generally, participants tended to differentiate between crime committed by youth, which they perceived to mainly consist of break and enters, graffiti and vandalism, and adult crime, descriptions of which centred around violence, especially alcohol related assaults and domestic violence.

The extent to which break and enters are a serious problem also seemed to differ among participants, described as a major problem by several people, a number of whom

referred to reports in the local newspaper but only mentioned in passing by interviewees in the criminal justice system.

In relation to crime committed by Aboriginal people in particular, interviewees employed in criminal justice identified street offences, especially offensive behaviour as frequently charged. Other offences discussed include alcohol related assault and domestic violence, driving offences, including driving while disqualified, stealing cars and family affrays. Although the following quote is not a specific observation about Gunnedah, it applies to the interviewees experiences in other towns with substantial Aboriginal populations.

> *… in a community where there is a significant proportion of Aboriginal people you are going to have street offences. They are more visible on the street on a Friday night and minor incidents occur literally on the street outside the hotels that sort of thing, particularly where the policing is a higher ratio than locations where the Aboriginal population is not significant. Where there is significant Aboriginal population you tend to have a fairly higher policing rate and so these street offences are noticed and there are a lot of arrests.*
>
> Joe Hillard, District Manager, Probation and Parole

Alcohol related crime, and particularly alcohol related assault and domestic violence were identified as prominent with some participants describing violence in Gunnedah as 'extreme'. However, it was also noted that alcohol related crime, while occurring within the Aboriginal community, is a community wide problem, especially in relation to assaults outside hotels and drink driving.

> *[Crime in Gunnedah] is mainly alcohol related. Assault is the big thing. Domestic assaults are a large percentage of those assaults obviously. I would say by far, the vast majority of them are – I think it was quoted as 70 per cent but I think it's probably higher than that – are alcohol related. The assaults, and malicious damage is mainly alcohol related. Obviously traffic offences are drink driving, that sort of thing.*
>
> Sergeant, NSWPF

There is access to a Domestic Violence Abuse program for offenders which has also identified other factors contributing to the prevalence of domestic violence such as power struggles within families with some other participants citing jealousy as a factor, especially as power dynamics between men and women appear to be changing in Gunnedah.

Arising from people's perception of a high degree of conflict in the community, a number of people referred to frequent family affrays or street brawls. However, there were markedly different perspectives on the extent to which family affrays are a significant problem in Gunnedah and under-reported. Some interviewees described frequent 'family brawls' occurring on a regular basis but with low levels of prosecution, because when the police arrive, 'everyone scatters'. Others described disputes that would escalate into affray from time to time but definitely not on a regular basis, 'one or two a year'.

> *It just seems to flare up and then die back down again and everything goes along and then there's another flare up. So it's not constant, constant, constant. There just seem to be these flare ups and then things go on as normal and then yeah. It's not that often they flare up anyway.*

Legal Practitioner

Every so often [assaults] seem to perhaps boil over into an affray situation or small riot, which occurs from time to time. You might get – I don't know – one or two a year where groups – and it can occur in the Aboriginal community – where one group get upset and it usually spills over into the streets.

Justice System Worker

18 FACTORS RESULTING IN LOW CRIME RATES

In a sense, this research project had some difficulties in achieving its aim of understanding why Gunnedah had a relatively low crime rate, given the prominent perception by both Aboriginal and non-Indigenous interviewees that crime is a major problem. Worryingly, the most common explanation given for Gunnedah's relatively low recorded crime rate was due to the under-reporting of crime.

Two other factors emerged from discussions, however, the first being the impact of family and parenting in providing boundaries for young people, notwithstanding a perception of high levels of youth offending, and second that the town itself has a very high intolerance of crime of any description.

18.1 Under-reporting

Unquestionably, the most common reason given for the relative low rates of crime in Gunnedah was that large numbers of criminal incidents go unreported, leading to inaccurate statistics as to levels of crime in the community. However, this was not a view shared by all interviewees and, notably, the perception of a high degree of under-reporting was not held by police or those in the criminal justice system. One exception was that of family violence, where it was acknowledged that under-reporting is a phenomenon in all communities, everywhere.

The allegedly high levels of under-reporting were said to occur for a number of reasons, ranging from fear of retribution to the failure of police to act against informers, to the inability of the police 'to do anything', especially in relation to malicious damage, stealing from cars or break and enters.

It was also argued that, in an endeavour to 'catch the big fish', the police would ignore low-level dealing or possession of drugs. In relation to violence in particular, we were told that one reason for the under-reporting was that many people 'settle it amongst themselves or just put up with it'. It is only when it 'becomes major' that people will report the incident, otherwise the process is 'just too invasive'.

Further, there is a strong narrative in Gunnedah relating to the need to have a 24 hour police station. It was argued that one of the causes of under-reporting was that people were frustrated at having to wait for police to come from Tamworth.

One police officer noted that, if the allegations of under-reporting are true, then this would have a detrimental impact on the town, in that the town would not be receiving the level of policing that may be warranted.

… you'd hate for [under-reporting to be occurring] because we are statistically driven. If crimes are not being reported, we can't say - we have got a problem there, we do need to

put more resource into it. If they're not reporting, well, then it's to their detriment really because they're not going to be getting any more police until we realise there is a problem there.

Detective Sergeant, NSW Police

18.2 Impact of families and parenting

As many people described, Aboriginal community – with all the difficulties surrounding the definition of 'community' – is based on family structure. It must be said that the majority of references to family and parenting during our interviews were to express concerns about the prevalence of teenage parenthood. Other comments related to a lack of parental supervision and positive role modelling, parents who don't value education or were instilling a welfare mentality in their children, or suggestions that respect within families is diminishing. However, these tended to be general comments and, with the exception of the lack of parental supervision, were not directly related to crime by interviewees.

However, there was recognition, admittedly not broad recognition, that positive parenting and supportive families in Gunnedah were influential in relatively low rates of crime by young people. Interviewees noted that the role of family and supportive parenting that equips young people to resist negative peer pressure is perhaps one explanation for Gunnedah having a lower crime rate than other equivalent towns. The suggestion was that many parents set boundaries for their children and to some extent are able to control them, which allows them to choose positive behaviours.

The value placed on Aboriginal culture varies from family to family in Gunnedah but it was said that families with high levels of cultural identity and awareness are more likely to be 'successful', but again we note that different people will have quite different views on what it is to be a 'success'.

18.3 Tolerance for crime is extremely low in Gunnedah

Although not articulated explicitly, one of the most prevalent themes to emerge from the interviews to the extent to which crime – and *all* types of crime – is just not tolerated in Gunnedah. As one person expressed it, 'One crime in Gunnedah is one too many.'

A number of people nostalgically referred to a time in Gunnedah when people did not have to lock their doors, when it was a sleepy, easy going town and it was safe to walk anywhere after dark.

You know, how people just in the street and particularly older people, they're saying, you know, 50 years ago I used to be able to leave my door open and now I've got the house barred up and grills on the windows, and I'm not game to leave the house after dark.

Community Sector Worker

There seemed to be a sense that if the right controls were put in place that Gunnedah could return to a more idyllic time. There was evident frustration that not everyone in town – particularly the police and those working in the criminal justice system – was on the same path.

There is a high degree of vigilance in relation to criminal offending and aberrant behaviour. Aboriginal and non-Indigenous interviewees were very aware of

problematic behaviours and were able to give numerous examples of behaviour that should be stopped so that it does not escalate. Behaviours ranged from skateboarding or riding without a helmet or on the footpath at one extreme to breaking windows to break and enters or car theft to allegations of extreme levels of violence at the other extreme. Activities of young people are scrutinised and it is evident that certain clear standards exist as to what is acceptable.

As noted, the town has a vigilant local paper and proactive Crime Prevention Committee that attempt to hold police and the criminal justice system to account.

19 KEY FACTORS CONTRIBUTING TO ADULT CRIME

Given many interviewees strong impression of serious problems with crime in Gunnedah, it may not be surprising that, rather than reflecting on positive influences reducing crime rates, there was a much stronger narrative relating to factors contributing to high rates of crime. Again, these tended to be divided into the two categories of adult and youth offending. In relation to adult offending the main factors identified included:

- the prevalence of alcohol and drugs;
- pressures created by cluster housing; and
- a perception of Gunnedah as a town in decline with fewer opportunities than in previous times.

19.1 Alcohol and drugs

While there was almost unanimity that alcohol was the most common, recurring feature of offending in Gunnedah, there was no such agreement as to the extent of drug use or impact of drugs on other crime.

Without question, alcohol was identified as having a direct correlation to crime and other social problems in the community. It was claimed that most Community Services notifications, assaults, domestic violence and malicious damage were in some way related to alcohol. Notably, there was said to be a direct correlation between the failure of the voluntary local alcohol accord (discussed below) and an increase in assault and domestic violence; 'a return to the old days.' Police and members of the Crime Prevention Committee observed that there had been a marked reduction in statistics relating to domestic violence and assaults for the duration of the accord, but they were beginning to see a reversal of the downward trend with its cessation.

Further, the impact of alcohol as a contributory factor to poor parenting and neglect of children, which in turn was said to be one factor underpinning high rates of youth offending was also raised as a phenomenon not limited to Gunnedah.

> *[Alcohol and drugs] would be part of [young people's] lives. Whether it would be through themselves or through their parents. Once again, they don't have the ability to be parenting properly at home or they're alcoholics or drug dependents. Then all they want is to look after themselves, they're not looking after the kids.*
>
> Detective Sergeant, NSW Police

> *I would suggest that a lot of the crime that does occur with break and enters comes back to a drug problem or alcohol problem somewhere. Whether it's the parents not giving the*

kids food or money and the kids are then doing break and enters to get money or whatever or boredom, if the parents aren't giving them things at home.

Detective Sergeant, NSW Police

There were markedly divergent opinions, however, on the extent to which drugs are of significant effect in Gunnedah. A number of Aboriginal interviewees observed increasing usage of drugs and the associated increase in break and enters and stealing to finance that use. It was also suggested that 'kids are starting earlier and getting hooked earlier' and that drug use is beginning to be a prominent issue among women in Gunnedah.

It was also claimed by a number of people that the nature of drug usage in the Aboriginal community had also changed significantly over time. Whereas once, it had been limited to 'yarndi', it was suggested that 'now there is a smorgasbord' with ready availability through house dealing or street dealing. It was argued that Gunnedah has 'huge drug issues' that are 'swept under the carpet because people aren't charged.' As observed above, there was some speculation about why people were not charged, including that some offenders are informers or that police were more interested in targeting those higher in the food chain. It must be noted that police rejected those allegations.

On the other hand, interviewees in the criminal justice system pointed to a much stronger correlation between alcohol and crime than drug use and crime, across the entire community. One police officer observed that Gunnedah would not need half the police that the town has if it did not have alcohol.

That's the bane of Aboriginal society, the alcohol. That's the main problem around here. We don't have any trouble with people sniffing or anything like that, like they do way out west, but alcohol however, is a different story.

Sergeant NSWPF

19.2 Pressures created by cluster housing

There was one issue about which we heard diametrically opposed opinions; that of the impact of clustered Department of Housing homes, now community housing.

While there was general consensus that crime and 'anti-social behaviour' was significantly higher in these specific areas in town, there were entirely different views as to the desirability of the cluster housing model. On the one hand, some argued that it was beneficial to 'contain problems', making it 'much easier for the police.' However, the overwhelming majority of research participants opposed the clustering of social housing – some vehemently – and argued that grouping families of low socioeconomic status or disadvantaged circumstances was inevitably going to create major problems and was in itself a cause of crime.

Interviewees described circumstances where unemployment or lack of other meaningful activity leads to boredom, which in turn leads to high levels of consumption of drugs and alcohol. Volatile situations arise when people are clustered together, resulting in assault and family violence, and where family disputes may flare up leading to street brawls.

Our organisation is dead set against clustering people with the same social economic background into one area. We believe that that … you are heightening issues that happen. You're heightening the violence, you're heightening antisocial behaviour, drug taking, alcohol, kids not going to school, the whole thing because there are no peers that you can use as role models. You know, this is how our house should look or our yards should look, this is how we behave. We don't resolve our issues by throwing a bundi stick over the fence. We go out and we talk to each other and things like that.

Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

Instead, it was argued that the model that should be adopted is the model used by the Aboriginal housing providers in town. Aboriginal housing in the town is supplied by Gunida Gunyah, Red Chief Local Aboriginal Land Council and Min Min Aboriginal Corporation and is spread throughout the community. Inevitably, demand outstrips supply but each provider was described as providing high quality homes that were well maintained and well cared for by their tenants.

The situation is worsened by two additional factors in Gunnedah, namely the lack of affordable private rental due to a developing mining industry and the relocation of families by the Department of Housing from Sydney or Moree that change the dynamics of the Gunnedah community. It was observed that problems emerge when you move people 'onto another mob's country.'

We've got people from different countries that are living in Gunnedah. They've transferred through the Department of Housing or whatever. They have changed the dynamics of our community drastically. … Family groups from different country come in and they just do things differently and behave differently and it changes the whole dynamics of our community. It has done over the past 10 years. Which is a bit concerning. … Even though they're still Kamilaroi, it's totally different dynamics.

Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

Interviewees were strongly of the view that Aboriginal housing needed to be under the control of local housing managers. The problem with the Department's approach, it was argued, is that they treat it almost as a mathematical equation – 'there's a vacant house, here's someone who needs housing.' Locally based community organisations know the community and understand potential alliances or tensions and can take these considerations into account in allocating housing.

Similarly, several interviewees claimed that where particular families might be 'out of control', the Department of Housing will relocate them, which again was described in positive and negative terms. One person claimed that the practice was 'a very positive force in controlling really anti-social behaviours' when referring to the relocation of families out of Gunnedah but, the flip side was argued to be the detrimental effect when 'bad families' are relocated to Gunnedah from elsewhere.

I think some of the movement is based on [the fact that] they sort of burn their bridges in the community that they're in, so they look to relocate into another. They lose their housing, they're not able to sustain the tenants there or employment or education. The kids kicked out of school, so they move town. They bring the baggage with them and that continues on. That's a huge issue amongst the Aboriginal community.

Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

When Aboriginal families relocate, it is not a nuclear family relocating but is an extended family, which puts pressure on already overcrowded housing environments.

The second exacerbating factor is the very expensive rental market in Gunnedah due to the current mining developments, which reduces people's accommodation options. We were even informed of people being evicted from their homes so that landlords can charge higher rent to mining employees. Low rent private housing is really only available within or nearby the former Department of Housing areas. Therefore, people who may wish to move from these areas are left with little choice but to remain.

19.3 Gunnedah – a town with limited options

A strong narrative emerging from our interviews is of Gunnedah as a town with high levels of financial hardship and declining opportunities. The lack of employment opportunities in particular for 'unskilled' workers was repeatedly raised as a major deficit in Gunnedah. Aboriginal families were claimed to be 'at the bottom end of the scale in terms of livelihood and meaningful employment.'

Many research participants observed that Gunnedah was once a prosperous town, relying on an export abattoir, coal mining and agriculture. By contrast, Gunnedah is now ranked by the ABS as a 'Decile 3' in terms of its socioeconomic disadvantage in New South Wales (with 'Decile 10' the highest). The abattoir was especially significant, as it was a large employer of 'unskilled' workers. It was also said that it had been non-discriminatory, being a major employer of Aboriginal people. 'As long as you were prepared to work, you could get a job.' The mining industry, however, then as now, was 'more selective'.

The closure of the abattoir and mines had a serious impact on Gunnedah, creating unemployment for those least likely to obtain work elsewhere. Falling commodity prices also adversely affected seasonal agricultural work. Many people left Gunnedah entirely, or travelled elsewhere for work during the week, returning on weekends. This was said to have a negative impact on family life with absent parents less able to supervise their children.

The mining industry has recently returned to Gunnedah but there seems to be a high degree of scepticism as to how beneficial it will be to the town. People expressed concern that locals are not being employed. Instead, outsiders come to town for a few days at a time on fly-in-fly-out contracts, pushing rents up to exorbitant levels by local standards and leave, taking their money with them. Several people noted that the industry required employees with certain skills and experience, and that local people – and young people in particular – were not likely to have the required skill set and thus may not be providing as many opportunities for local people as hoped.

> *There are not that many Aboriginal people that are employed with the mining companies. … It's not easy for them to get employment, unless you're a tradie. So hence feeds all that, all getting together, boredom - boredom they go oh yeah well we'll try the drugs.*
>
> Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

19.4 Unemployment

The lack of employment opportunities for Aboriginal people in particular, appears to be across the board. A number of people commented that you will not see Aboriginal

people employed in the local businesses – there is no 'visible presence'. It was observed that the majority of Aboriginal people are employed by different government departments, NGOs or Aboriginal organisations. People were cynical and disillusioned, demonstrated by the perception that Aboriginal people are generally employed when there is a specific funding source. If the funding is withdrawn, the position is withdrawn.

> *Unless it's an Aboriginal identified position, there's no work. ... See how many Aboriginal people are employed in a non-Government funded position. ... Basically that's all Gunnedah is. Or they've been made [to employ Aboriginal people], like education or hospitals.*
>
> Michael Steadman, Office Assistant, Min-Min Aboriginal Corporation

Several participants made a connection between unemployment and depression, lack of self-esteem, and boredom, claiming that these factors in turn lead to drug and alcohol usage. One person described the importance of companionship at the workplace and opportunity to discuss problems and interests with co-workers, emphasising the positive effect for the individual and the community at large.

> *If you're unemployed you seem to get pretty depressed. I think anyone does. If you can get a bit of self worth, get out and do a bit of work, instead of sitting around doing nothing, and if they've got nothing to do they're going to smoke drugs or do something else, aren't they? Yeah, get themselves into trouble.*
>
> Sergeant NSWPF

A number of people expressed concern that the lack of employment opportunities over a long period of time have adversely impacted upon the aspirations of young people, who have only ever experienced their parents and, in some cases, grandparents as unemployed. Differences in prosperity for some people was said to create some degree of tension as the 'have-nots' disparaged the 'haves' when a more healthy response might be to ask yourself how you could get yourself into the same position. The concern is that without motivation and role modelling, you 'see young people drifting from problems at school, then leaving school without much of an education or qualifications and drifting into other trouble.' The lack of local opportunities for young people was also said to be compounded by their reluctance to leave family and friends to pursue potential employment elsewhere.

19.5 The demise of the Community Development Employment Program

There was also widespread bitterness that the Gunnedah Community Development Employment Program (CDEP), which was perceived to be highly successful and very well managed, had been closed down. Gunnedah's CDEP ran for 12 years, providing full time employment for up to 110 employees in 'an employment environment' – people had to work for their money. Gunidah Gunyah now provides employment for only 16 people. In addition to successful employment outcomes, Gunnedah CDEP was widely admired for its training opportunities. It owned two cafes for hospitality training purposes and provided a variety of other traineeships including business administration, horticulture, Indigenous land management, civil construction and forestry. It also provided childcare training and was the host employer to local preschools. Other training provided to increase job readiness included computer skills, first aid certificates and OH&S Greencards.

Several people alluded to the pride and self-worth that comes from having a job and expressed disappointment that those opportunities are now gone with one interviewee saying:

> *It was a great thing when it was bigger and running better, because it gave them a reason to get out of bed in the morning. A lot of the young fellows that had been causing a bit of trouble had a bit of pride in themselves, going to work and making a bit of extra money. Just filling their day in, out working rather than being at home, sitting at home smoking dope or whatever, and sleeping of a night because they'd been working all day. So yeah, that was really good.*
>
> Sergeant NSWPF

The end of the CDEP government initiative was seen to be another example of governments' 'one size fits all' approach to government policy. It was acknowledged that some CDEPs had been ineffective and may have deserved to be closed down, but that the decision should have operated on a case-by-case basis. The closure of CDEP 'for the sake of the few that didn't operate properly' was said to be 'crazy'. It was noted that the blanket end of the scheme also had the effect of preventing the mentoring of less successful CDEP providers by more successful providers.

Having been seen to be so successful, there was concern expressed about the potential negative effects emerging from its closure on its former participants, on the businesses that were run through CDEP subsidies and on employment opportunities for Aboriginal people in Gunnedah more broadly.

Interestingly, one of the hidden potential adverse impacts of the closure of the program is that the program brought a large number of Aboriginal people into contact with services that they may not otherwise access. The supervisors were reportedly able to identify broader health, social or other issues impacting upon their participants and make appropriate referrals. This close interaction and opportunity to refer people to appropriate services has now ended.

20 DESCRIPTIONS OF YOUTH CRIME IN GUNNEDAH

A number of interviewees described youth offending as a major problem in Gunnedah, referring, in particular, to high levels of break and enters, graffiti and malicious damage. Several people referred to young people being truant from school and breaking into houses while people are at work during the day or 'roaming the streets' smashing windows at night. At the time of our first visit to Gunnedah, the town was apparently experiencing a spate of cars stolen by young people but the offenders were said to be from Tamworth.

Several people claimed that there were high levels of under-reporting of youth crime, especially in relation to break and entry and malicious damage. One person contended that people do not report petty crimes such as the spray painting of buildings because they know that young people will only receive a warning, so there is no point in engaging with the police.

As with adult offending in Gunnedah, the actual extent of criminal activity is difficult to ascertain. As one person suggested, one potential reason that youth offending is perceived as a significant problem by Gunnedah residents is the public nature of their activities.

Maybe [people perceive youth crime to be a major problem] because the kids probably do the break and enters and the stealing which affect other people where the adults are probably driving matters and the assaults and the affrays and things like that which affect people but not sort of the wide community understand that. So that's probably why the community's upset about the kids. But I mean there are never gangs of kids wandering down the road or anything in Gunnedah that I ever see. I think we've had one bag snatch or something like that. … There are a lot of elderly people in Gunnedah. One bag snatch is pretty good isn't it?

Community Member

Further, the number of young repeat offenders may give an impression of greater numbers of offenders than is the reality. One person in the criminal justice system observed that there are several offenders who 'keep coming back'. The level of repeat offending was described by some people as an issue of particular concern in Gunnedah. However, this can be contrasted with an observation from another person working in the criminal justice system to the effect that repeat offending is the backbone of the criminal justice system in Gunnedah and elsewhere. The vast majority of offenders will offend once or perhaps twice and will not be seen again. The system deals in the main with those who continually offend.

21 ISSUES RELATED TO YOUTH CRIME

Two main issues were recognised as having an impact on youth crime. The first was boredom and the lack of positive activities for young people. The second was the impact of drugs and alcohol. Interviewees also raised concerns in relation to the Education Department suspension policies, which might result in students 'roaming the streets' unsupervised. These observations tended to be aligned with discussions around boredom and the lack of positive activities, and inadequate parental supervision or engagement.

21.1 Boredom

Every research participant who spoke about youth offending described boredom and the lack of activities that positively engage young people as the main factor contributing to juvenile offending, particularly at night. This lack of positive activity was described both in terms of social activities and in terms of educational and employment opportunities.

They're not doing it because they're bad kids. They're doing it because they're bored and they get into trouble, particularly those young people that are into a lot of drugs and alcohol.

Mel McCulloch, Caseworker, Gunnedah Family Support

Perhaps analogously, one police officer observed that for some young people, the adrenaline rush was a factor in youth offending and that young offenders had reported that they steal cars, for example, for the sheer thrill of it.

A number of people referred to inadequate parental supervision or support. The suggestion is that young people are 'wandering the streets at night' and getting into trouble when perhaps they should be at home.

It comes back to the home environment. The parents are letting them out, run around, at three or four o'clock in the morning, they're going to get in trouble. Doesn't matter what

colour they are, or who they are. Kids that run around that time of the night, they're going to get themselves into trouble. It's probably because they're not going to school so they're staying up all night and going around doing break and enters and that, and then they're sleeping in when they should be at school.

Sergeant NSWPF

On the other hand, as noted above, other interviewees commented on the role of family and positive parenting that equips young people to resist negative peer pressure as one explanation for Gunnedah having a lower crime rate than other equivalent towns.

21.2 Drugs and alcohol

The impact of drugs and alcohol was also frequently raised as a factor contributing to youth offending. Alcohol in particular was noted to be a serious issue. Several people referred to young people – as young as 11, 12 or 13 – drinking in public places – by the river or in parks. A number of people also referred to binge drinking as a precursor to offending and noted that alcohol was usually supplied by parents or other adults with responsibility for the young people. There was some suggestion that adults were selling alcohol and cigarettes to young people but this did not appear to be a widely held view.

The ready availability of a range of drugs was also perceived as a problem. As described above, interviewees describe an environment in Gunnedah with an increasing availability of an expanding array of drugs. Whereas, the predominant drug of choice was – and still is – yarndi, over time the availability of speed, ice, ecstasy and to a limited extent, heroin is increasing. The availability of these drugs to increasingly young people was also described.

21.3 Impact of the Department of Education's suspension policy

The role of education and training in providing positive experiences for young people was also emphasised. In particular, schools' roles in balancing the demands of providing intensive support for problematic students and not undermining the education of the majority was emphasised. Schools have an obligation to provide a positive and safe environment for students and disruptive or violent students can undermine or prevent schools from providing such an environment.

There's not enough discipline in schools. The school generally works quite well. The school tries as hard as it can with whatever means they have. They just can't keep suspending them because there are guidelines. In the end they do as much as they can and when they can't they just sort of go oh well I've done all I can. That's it. Then the kids just get worse and worse and the environment up there at the school is pretty foul. The language is disgusting. Kids go to school stoned.

Community Service Provider

However, a number of people were concerned that the Department of Education's suspension policy was inadvertently resulting in young people being suspended for long periods and 'getting into trouble.' One person said it was 'making criminals because they're out of school and getting into trouble.'

A number of people described a need for support for those students on suspension, including potentially through a 'suspension centre' that would supervise such students. The former police youth case manager based at the PCYC was apparently providing that

type of supervision, which was described as very successful for her clients. That kind of approach was seen as desirable for a broader audience.

Interestingly, several interviewees in the education sector referred to social media as creating discord. The argument is that young people – especially teenage girls – are using *Facebook* and mobile phones to bully others and to continue arguments. These arguments tend to escalate until others – especially family – become involved, resulting in, at times, physical fights.

22 CRIME PREVENTION AND RESPONSES TO THE CRIME RATE

When considering responses to crime in Gunnedah, there was a powerful preference for early intervention initiatives that might prevent young people from offending in the first place.

In relation to existing responses to crime, interviewees referred to formal rather than informal bodies or responses, and in particular, discussed the role of the Shire of Gunnedah Crime Prevention Committee and of the police. There is no Aboriginal Community Justice Group in Gunnedah.

22.1 Need for early intervention

Importantly, in reflecting on the successes or inadequacies of responses to crime in Gunnedah, several Aboriginal interviewees reflected on their frustration at the concentration of resources that are reactive rather than proactive. It was argued that existing systems don't really assist people not to re-offend – that it was too late by the time young people came into contact with the criminal justice system.

> *That's another problem. People think that … once certain things have happened in a person's life – with the court system if they've re-offended 10 times and been to gaol or whether they've been to gaol or not – they think they're just in that hopeless basket.*
>
> Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

Their strong preference was for early intervention and prevention, although the extreme difficulty of even describing what prevention looks like was acknowledged. One feature of prevention that was identified was the need for the legal system to understand the 'whole picture' – to have a clear understanding of the reality of each offender's life and what might be motivating them to commit crime.

> *Instead of waiting for a negative thing to happen and coming up with a reactive response, a prevention plan should be created and acted upon, which is much better than seeing our people go off to jail, and our teenager expecting as a right of passage to have some experience with the police or the justice system. It has been documented, that in Western NSW over 80% of the incarcerated youth are Aboriginal kids. This is a disgrace.*
>
> Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

> *I don't know how they'd do it but when you recognise an early offender, and if you can cut them off at the pass and hopefully redirect their avenue of exercise or whatever they want to do, in some sort of counselling maybe, I'm not sure. An early detection, early prevention. I don't know where you can pick it up from or what you can do. … Early detection, seeking to rechannel of destructive tendencies. I don't know how, I suppose schools are the best places to detect these but what they're going to put in place or how they're going to do it, I've got no idea. That's what I'd like to see, an early detection so you can deter these people.*

Michael Steadman, Office Assistant, Min-Min Aboriginal Corporation

22.2 Gunnedah Shire Council's Crime Prevention Committee

Discussions about existing crime prevention measures in Gunnedah centre around the Shire of Gunnedah's Crime Prevention Committee that is chaired by the Deputy Mayor. The Committee is vocal and proactive, although there appear to be different perceptions as to its effectiveness.

The committee has won an award for Excellence in Alcohol management with the Gunny Gets You Home project in partnership with Gunnedah Shire Council and other stakeholders, which, unfortunately, is no longer running. It has introduced initiatives such as CCTV, and has conducted community consultation to ascertain attitudes to crime for establishing a crime prevention plan. Perhaps the most significant initiative was its targeting of alcohol related crime and establishment of a voluntary alcohol accord, whereby hotel licensees agreed to limit sales of full strength alcohol after midnight. However, one licensee withdrew support for the accord and it has since ceased to have effect. Anecdotally, the accord had a significant impact on alcohol related assault and there is concern that this reduction will be reversed.

However, support for the Committee was not universal and there was the suggestion by some interviewees that the Committee's vigilance was responsible for causing an overreaction to crime in a community where crime rates are no different to other regional centres.

22.3 Police and policing

Discussions around police and policing in Gunnedah seem to be particularly contentious. There was a widespread and firm view expressed that there was a severe shortage of police in Gunnedah and that a 24 hour station was urgently required. A number of people referred to a series of articles in the local newspaper highlighting that shortage and campaigning for a more significant presence.

On the other hand, as several people working in the criminal justice system observed, police deployments are driven by crime statistics. With finite resources, police resources are distributed according to highest need. Gunnedah has a relatively low crime rate and is said to be staffed accordingly.

> *Yes, there probably is a need for more police - like every town - but the crime rates aren't that high in Gunnedah. … [T]heir agenda is to have better policing. If they can reduce their crime by having more police, it would work. But they're not going to get more police while there's greater problems in other towns because statistics don't show that they have got a major problem there.*
>
> Detective Sergeant, NSW Police

> *In a perfect world you'd have as many police as you can covering three or four trucks on each shift and be able to deal with crime and prevent crime happening but we don't have that ability. So we've got to put numbers in places were crime is constantly higher across the board and that's why Tamworth is a focal point. If you had more police in every town, you'd reduce the crime across the state but we don't have that ability, the money or the authority to put more police in.*
>
> Detective Sergeant, NSW Police

There was a view expressed by some that, due to the perceived shortage, police were unable to respond to incidents in the evening and that police from Tamworth – an hour away – would attend.

> *… we need a 24 hour station. It won't happen. At night time - if something happened tonight, Monday night, there would be no one at the police station. You have to ring Tamworth an hour away. That is what would happen if you got into an emergency. Because they are so stretched, they can't respond to everything and they have a priority listing of whether it's important or whether it isn't.*
>
> Community Service Provider

Again, there seems to be some disconnect between perception and the reality of 'running a small country police station'. It was explained that, in general, there would be two police working in Gunnedah in the evening. If they are attending a job, then the phone will divert to Tamworth police station, which would contact them by radio. If they are attending another job or are some distance from Gunnedah, then would be a delay in responding. There is a small window most evenings when the police station is not staffed and, in those circumstances the call is relayed to two 'lock up keepers' who live next door to the station who will respond.

22.4 Police responses to family violence

One serious allegation made by a small number of people is that police in Gunnedah can be reluctant at times to attend to incidents of family violence where the person reporting the incident has previously made frequent complaints. It is widely understood that people experiencing domestic violence may repeatedly leave and return to a violent relationship. Several people described the frustration that police may feel in attending the 'same address, over and over again for the same thing, over and over again and nothing changes.' The police take action and the victim may refuse to cooperate or withdraw cooperation.

> *Well, the police are sick of it. They're going after the same people all the time with AVOs and women are taking them back and then they're going back. … They do get sick of coming up, fight, kick them out, next minute AVO. The next minute they're back up there again, fighting again, not even three days later. … It's not entirely a police problem. I mean, you can understand why you get sick of going up, saying to people all the time, domestic violence, and they just have them back as soon as they walk out the door.*
>
> Michael Steadman, Office Assistant, Min-Min Aboriginal Corporation

The more cynical interviewees claimed that the police became annoyed at doing the paperwork to obtain an AVO, only to have the victim refusing to attend court, or ultimately returning to the relationship.

It is apparent that police face a difficult situation when faced with conflicting attitudes as to what is the appropriate police response to domestic violence. Many people – women especially – have advocated for decades that domestic violence is a crime and should be treated like any other crime, regardless of whether prosecution is supported by the victim. Others described a disconnect between a support services approach, which would support victims to attempt to develop respectful relationships that may take time and perseverance and ongoing support, and the police , whose role it is to prosecute perpetrators of crime.

[The police] come from a completely different perspective than us. [We look at it as taking] a woman seven times or nine times to leave a domestic violence relationship. So, we need to persevere and we need to offer support and we need to make sure that they know there are options out there. She may not want to leave but that's okay, whereas from their point of view, it's a criminal thing. He's done wrong; she needs to [act]. So, in that way, … I suppose it is a prejudice against that household or those people because they aren't doing what the police think they should be doing. Saying again, I would never [criticise the police], they do a great job.

Mel McCulloch, Caseworker, Gunnedah Family Support

The cycle of domestic violence and reconciliation that was reported by many has resulted in the police introducing a policy of not withdrawing domestic violence prosecutions even if not supported by the victim. Thus, the policy is that all matters are prosecuted and proceed to court, which may be one of the reasons for the large number of AVOs being issued in Gunnedah with the local court processing around 40 the day before our visit.

22.5 The relationship between the police and the Aboriginal community

The importance of the Aboriginal community having confidence in the police was emphasised by a number of people, the touchstones being equality and consistency. Developing rapport through dropping in to visit Aboriginal organisations and attending social occasions was described as essential but generally lacking in all Aboriginal communities, not just Gunnedah. 'Police need to take the time to pull up, call in, say g'day and have a chat.'

It brings about confidence and having confidence in someone that when they go to work and pull on the blue shirt to say, well yeah I'm here to help you and yeah I know where you're coming from and I do have that rapport with you. It's about, whether it just be with your work, you going around to the Aboriginal organisations and pulling up people on the street and saying g'day, how're you going.

Aboriginal Community Liaison Officer, NSW Police

Building relationships with the community was also seen as desirable in removing the stigma of Aboriginal people as pre-disposed to violence or offending. Several people commented that the police were fearful of attending homes or social events where there would be a large number of Aboriginal people. The perception was that the police tend to assume that additional police will be needed in circumstances that Aboriginal community might consider unnecessary. .

I guess it is a fear that when there's large numbers of Aboriginal people and they could be sitting around playing a game of football or doing things with footy that they sit back and say, well we need additional police here.

Aboriginal Community Liaison Officer, NSW Police

Similarly important is the need for equal treatment that is also *seen* to be equal treatment. One example was given of police pulling over the patrol car to ask a group of young Aboriginal people what they were up to and to ask them to move on but then driving past a group of young non-Indigenous people a little further down the road. These incidents are noted by community members and can contribute to undermining of confidence.

It's about policing and doing things the same, I guess, so there are no inequalities. It's about saying, well okay, if we're going to police Aboriginal people this way then everybody gets policed that way.

Aboriginal Community Liaison Officer, NSW Police

However, any suggestion that the police are involved in racial profiling was firmly rejected. One interviewee claimed never to have 'met a copper who wanted to make more work for himself' and that, if Aboriginal people weren't committing the crimes, they wouldn't be getting charged. Instead, getting to an understanding of why people may be committing crime was argued to be vital in reducing offending and ultimately reducing the number of Aboriginal people in jail.

Discussions around the importance of a positive relationship and building effective linkages between police and the Aboriginal community of Gunnedah also raised the need for locally specific cultural awareness and the benefits that would flow from having Aboriginal Community Liaison Officers or Aboriginal police in Gunnedah. There was recognition that police now undergo cultural awareness training as an integral part of their formal training but that unless it had the input and endorsement of the local community, it would not succeed in breaking down barriers, or moving towards proactive community policing that was described as more desirable.

The cultural education and training that they would get, in my view and opinion again, is nowhere near sufficient enough. It's not with the endorsement of local communities and the input from local communities. ... So I think that it's about taking the time and consulting your local community. So that if your local community, irrespective of whether they're police, teachers, court staff and they're coming into the community and that there is that education package there, you say, well okay; let's do this... Then it's endorsed by the local community so that they have that communication and the barriers are starting to break down hopefully right from the minute that they walk in.

Aboriginal Community Liaison Officer, NSW Police

While it was generally agreed that there would not be sufficient need for a full Aboriginal Community Liaison Officer (ACLO) to be based in Gunnedah, the role of ACLOs in general was discussed by a number of interviewees (particularly those working in the criminal justice system) as having a vital role in building relationships between Aboriginal communities and the police force. Thus, there was general agreement that, if resources would permit, expansion of the role would benefit the NSW police force in building confidence in the police, providing a broader educative role in the community and allowing for more proactive community policing. It was argued that having a male and female ACLO, at least on a part time basis, would allow for significant strengthening of community police relationships but would also overcome some of the practical issues that confront the role, faced especially by ACLOs who are local community members with specific family allegiances. It would also potentially alleviate some of the difficulties in what is widely perceived to be a stressful role.

23 CRIMINAL JUSTICE ISSUES

There was a clear divide between interviewees involved in the criminal justice system and other interviewees, as to its effectiveness. A number of interviewees outside the system were focussed on its inadequacies, arguing that the system was too lenient, giving too many chances to people to re-offend: 'the same old, same old.'

Others, however, referred to the lack of sentencing options available for magistrates, which they considered to be a major problem. One service, the Probation and Parole office in Gunnedah, was spoken of in particularly positive terms by a number of people working in the criminal justice system.

23.1 Perceived leniency

Given the seemingly widespread perception of very high crime rates in Gunnedah, it is unsurprising that there also was apparent concern about the effectiveness of the criminal justice system. Some community members were strident in their view that penalties imposed by magistrates need to be tougher in order to deter criminal activity. For example, a community consultation conducted by the local council in preparation of its five year crime prevention plan revealed that people thought that the Magistrate's Court does not impose harsh enough penalties to have deterrent value. A number of people noted that within the town, there was a 'lock them up, throw away the key' preference.

> *[People were] … sort of saying, oh well, you know, these people, they break into your house today and then they go before the Magistrate and they get a slap on the wrist and out they come and do it again.*
>
> Community Sector Worker

23.2 Sentencing options for magistrates

By contrast, several interviewees involved in the criminal justice system highlighted the lack of appropriate sentencing options available to magistrates as being a significant problem in common with other rural communities. The main sentencing options available were fines, bonds, community service work (although with limited opportunities for supervision), newly introduced intensive community orders and imprisonment.

In particular, the absence of diversionary programs that may be available in larger or metropolitan centres was observed. Other options that were considered to have the potential to be highly effective but unavailable in Gunnedah included home detention, periodic detention (no longer available), the MERIT program, the CREDIT (Court Referral of Eligible Defendants into Treatment) program and community service orders. At the time of our community visits, intensive community orders had been introduced but no orders had been made at that time. A local Juvenile Justice presence in Gunnedah was also identified as being highly desirable.

23.3 Apprehended Violence Orders – useful or problematic?

An issue raised in all of the communities that we have visited is the potential for Apprehended Violence Orders to escalate conflict. This is obviously an extremely difficult area. People are entitled to be protected from harm. However, AVOs are considered by many to be an inadequate to deal with the complex web of relationships and allegiances that make up Aboriginal communities.

> *Apprehended Violence Orders (AVO's) within our communities would be an interesting study. They would be a big contributing factor in family breakdown and family issues. A dispute breaks out and before you know it, it is out of hand, and an AVO is issued as an ineffective resolution. This angers the other party and before you know it another AVO is being issued, and instead of resolving the problem, getting mediation, or finding out what*

the actual problem is, the Law is involved and the rules are these two people cannot be within the vicinity of each other, and the later arguments have resulted in even more people being prevented from being together, eventually there are family breakdown, friendships broken and communities torn apart.

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

23.4 Young people and the criminal justice system

The fraught question of how to deal with young offenders was raised, as was how the use of police discretion exercised through the *Young Offenders Act* should be treated by the court. One police officer argued that the ability to caution young offenders through the *Young Offenders Act* – and even more effectively, youth conferencing, where young offenders are brought into contact with the victims to discuss the impact of their actions – provides a sufficient response to the 80 per cent of offenders who will not reoffend. Thus, it was argued, that the court should appreciate that the police have already undertaken a system of cautioning and that, if a young person was appearing before a magistrate, that the young person in question had been identified by police as a recidivist offender. The police officer contended that the court should not have the option of cautioning again, in those circumstances.

By giving the opportunity to police to warn or caution or youth conference, we've already identified those who aren't going to re-offend or go into a life of crime. The ones that go before the court, the court should realise that and then say, you've been identified as being a recidivist offender, you're going to continue to offend, you've had your opportunity, caution, they shouldn't then have the option to caution again. The court should be saying, mate, you've been through the system, you've already had your three cautions for this matter or similar matters. Time's up. Whether it's a harsh rule, I don't care really, because we've ... we've already identified that they are that small minority that are going to re-offend. They are probably a large proportion of the problems for each town. So if we've identified them, we've put them before the court and then the court says, well, we'll give you another three or four chances again before they take action that's probably been warranted on three or four [previous] occasions...

Detective Sergeant, NSW Police

We've identified those who are going to re-offend by giving them a number of cautions, youth conferences, et cetera. It needs to be identified that those people are then going before the court, need to have whatever method it is the court uses, they need to have ownership of their problem. ... whether it's being sent to a detention centre or whether it's to do community service. We need to have that ability or the court should be taking directive to take some harder action rather than saying, well, I'll give you another three or four cautions. Because they've had that. That's my view and it's been a view of a lot of police. Because we see it day in day out.

Detective Sergeant, NSW Police

However, others working in the criminal justice system were concerned that some police officers approached cautions as if there should be a limited number, after which you are automatically sent to court. Instead, it was argued, you need to look at each person and each offence individually. Some minor offences should always receive a caution. Some young people are referred to youth conferencing and never re-offend, others go to court, which is sufficient deterrence to re-offending, others will repeatedly re-offend. Putting a limit on cautions defeats the purpose and removes the discretion that is supposed to be applied.

Some advocated much tougher penalties for young people to show them that the community does not have to 'put up with their behaviour'. On the other hand, a number of people identified juvenile detention as being a failed experiment and that alternative approaches were urgently needed. Other alternatives such as youth conferencing were described as being more effective, due to the level of interaction with the young person.

> *So unfortunately, some kids need to be shown that the community doesn't have to put up with their behaviour. Now whether it's incarceration or whether it's another form, whether it's community service or whatever, but there needs to be some form of punishment because the kids see a caution as nothing. Especially with the courts, how busy they are, the caution is, don't do it again and they get out. They haven't got the time, like at least the police cautioning system is, they sit down with them and their parents, they speak to them at length, it's not a five minute job. It's a lengthy process. Youth conferencing is even better. They actually have the ability to engage the police involved in the investigation, the victims have the opportunity to come. Other people, other family members can come and talk to the young person, so it's giving them more ownership of their mistakes that they've made. But if it's just the courts giving cautions, it's not going to work because they don't have time to sit down and to put more time into the way they need to be spoken to.*
>
> Detective Sergeant, NSW Police

23.5 The inability of the criminal justice system to protect Aboriginal culture

One interesting question that was raised was that of what constitutes a crime and what constitutes criminal offending, and from whose perspective the decision is made. It was observed that 'from the country to the cities and from the coast to the bush, we are all governed by the same laws and that we should all have an expectation that those laws will be administered justly, fairly and equally.' However, there is only one set of laws which only reflect one set of values. The system has the potential to criminalise behaviours that Aboriginal people might not consider to be criminal, leaving a whole range of crimes ignored, such as crimes against Aboriginal culture.

> *The umbrella of crime is large, and it is not exclusively measured by petty crime, and the commonly reported crimes, it also involves cultural crimes. There are many police and justice initiatives to reduce crime, but rarely do hear that there is any kind of effort to stave off the crimes against Aboriginal Culture. When a farmer or a mining company clears the land destroying artefacts and culturally significant sites, where is the outrage heard and what steps are taken to prevent more of this occurring? Aboriginal culture is about the connection of people with the land and their environment. It is not about building monuments and amassing things. It is about caring for the land ensuring it is there strong and healthy for future generations and maintain the connection to that place and the fauna. Is it not a crime that many languages are all but lost, that stories and the art of some nations will never be heard or seen again, and the significant sites of the ancestors, have been wiped out by the invading European culture who decided they had a better use for the land than the insignificant natives, effectively destroying many peoples connection to their land? Although they thought they belonged to the land, the law said they did not own the land.*

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

24 SERVICE DELIVERY IN GUNNEDAH

24.1 Service delivery – general observations

In order to understand how Aboriginal communities might be being supported or otherwise, we asked participants what their particular service or organisation delivered

and what services, programs and initiatives in town were being offered and used by Aboriginal people. We hoped to gain a bigger picture of what service delivery models were seen to be effective or ineffective, and to form an understanding of how governments' alleged preference for an interagency approach, was working on the ground, if at all.

From our discussions it appears that a range of services exist in Gunnedah catering to the Aboriginal community, some of which were spoken of in very positive terms including services provided by Family Support Services, Community Health Service, Maarumali-li, Red Chief Land Council, Gunida Gunyah and Min Min Aboriginal Corporation. However, the persistent theme emerging from the interviews was of serious inadequacy in some areas, either because services do not exist at all, or because Aboriginal community members do not utilise them, or perhaps will attend an initial appointment but may not attend subsequent appointments or referrals.

In relation to Gunnedah's Aboriginal community in particular, a constant theme was that services need to be appropriate for the community that they serve. The need for cultural competency was emphasised – not in a generic 'cultural awareness' sense – but that service providers need to understand and appreciate local circumstances.

it was repeatedly argued that services must be holistic and meet the needs of local circumstances with outreach services being a vital component. It was claimed that there were was some excellent service provision but only for the people who attended their office or centre. A number of services and organisations provide transport and support to community members to attend health and other appointments and this was seen as a necessary way of doing business. Reality checks were also considered important. For example, there is no point in providing advice about nutrition and suggesting that people eat steak when they cannot afford it. It is much better to tell them to cut the fat off the chops that they actually do eat.

Importantly, it was said that services need to be thinking about 'why' particular needs existed and that it was not sufficient to be responding to the symptoms.

> *It's the thinking that we have to change. Unfortunately some services ... think it's black and white. [They say], 'Well if you weren't taking drugs this wouldn't happen' not 'okay why [are you] taking drugs in the first place?' There's got to be an issue, there's got to be a reason because we can all think for ourselves and we know that it's wrong. ... There has to be a reason why. I think the services are more about fixing the doing rather than looking at the why. Why are they doing that? Why are the kids down the street smashing windows? I think last week in the paper or the week before there was a big thing about the bricks or something being thrown through the windows and they arrested a young fellow. Why is he doing it? He just doesn't walk along and see a brick and say well I'm just going to throw that through that window. There's got to be a reason why. But rather than get help, he'll go through the court system which is no good.*
>
> Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

A further deficiency – identified by almost all interviewees – is that certain vital services that are based outside Gunnedah do not have the requisite local knowledge to provide appropriate service.

> *[Services based outside Gunnedah] travel here to see clients in Gunnedah [so] ... they're not involved in the community. ... There's not that level of participation, I suppose. They don't*

know the families. We might say that's dodgy; there's something wrong here. On face value, it might look fine but because we know the situation and we know the family history and we know local information, we know that there's something going and vice versa. There might be a family who's on the surface, it looks really bad but when you delve a bit deeper and know that okay, they've got this person and that person and that person. This is okay and that's okay. That's frustrating for us.

Mel McCulloch, Caseworker, Min-Min Aboriginal Corporation

Frustration was also expressed in relation to important services that are only available to people once they come into contact with the criminal justice system. For example, the work of Probation and Parole was spoken of in very positive terms and a number of programs that it offers described as effective, especially in relation to domestic violence and anger management. Given the negative effect on reputation and employment prospects of a criminal conviction or even contact with the criminal justice system in a town where everyone knows each other, a common wish was for early intervention or diversion that would prevent contact.

As noted above, while there was praise for a number of services operating in Gunnedah, there were particular areas that were identified as areas of specific need. These include services dealing with:

- young people
- mental health issues
- drugs and alcohol
- family/parenting support
- housing including emergency housing

24.2 Youth services

The dearth of youth services and opportunities for young people were highlighted by the majority of interviewees, who considered these areas in need of urgent reform.

Several research participants raised their concerns about a high proportion of teenage mothers, with questions ranging from why charges were not being pressed against the fathers, to speculation about why young women were seemingly choosing to become parents, to concerns about the pressure on the teenage mother's own family and prospects for her children.

That puts a lot of pressure on families. ... [I]t puts pressure on their parents because in the end it's the parents raising the grandchildren, because the kids are too young. They have no idea. They want to be running around outside at 10:00, 11 o'clock at night. They drag their kids with them. What kind of life is that for their kids? They weren't raised like that. They might have been raised a bit rough, but they certainly weren't raised like that. It has kind of escalated.

Local Community Member

We did identify some positive services for young mothers, including those provided by Family Support and the Community Health Centre, although there is a strong need for services to support young mothers to stay at school or access training opportunities.

Sexual health education and family planning services were raised as issues of particular sensitivity but as urgently needed. Although not the standard practice and policy of Family Planning NSW who do provide a confidential service to young people, some

interviewees were of the belief that young people cannot obtain family planning advice without their parents' permission which was described as potentially having unintended consequences. Confidentiality in general is a problem for young people when, even attending appointments might be problematic. For example, they may need to travel to Tamworth by bus to access services, when it is likely that there will be somebody on the bus who will know them and be curious about where they might be going.

A second area of particular concern is the suspicion that levels of youth homelessness in Gunnedah are underestimated. While there is some awareness of youth who may be 'sleeping down under the bridge', it was said that couch surfing is masking true levels of homelessness.

> *It's a real dilemma in a community like Gunnedah when you come across this if you cannot find a safe placement for them within family or friends of family…….Safe I emphasise is the word here we need to focus on…….All we can do is take them over to the youth refuge in Tamworth or wherever there is a vacancy [to see].if they can take them, because obviously they do not always have room, and they do a risk assessment as well, and if a young person is manifesting violent behaviour and things like that, well they won't have them there.*
>
> Danny Lickorish, Reconnect Practitoner, Gunnedah

As noted above, the lack of positive activity for young people was another reported gap. Available activities or services include the skate park – referred to by the majority of interviewees in positive terms and the PCYC with a range of sporting activities, and council holiday programs with varying degrees of perceived success. For example, although there are a range of sporting clubs in Gunnedah, it was said that young Aboriginal people tend not to join them, especially on an individual basis. Similarly, the PCYC seems to be underutilised. Further, at the time of writing, there was no Police Youth Case Manager stationed at Gunnedah, which was described as a significant loss to the community.

At the time of writing, Gunnedah had one youth worker, which was described as 'woefully inadequate for a community of its size'. Contrasts were drawn with towns of comparable size that have five youth workers as an appropriate benchmark for Gunnedah.

One initiative that generated a great deal of enthusiasm was midnight basketball. At the time of our first visits to Gunnedah, preparations were being made for its commencement and people were hopeful of its success. Importantly, it emerges from a collaboration of a number of organisations, including Family Support, Gunida Gunya, Red Chief Local Aboriginal Land Council, Maarumali-li, *Healthy for Life*, the local council, Centrelink, PCYC and the Rotary and Lions Clubs, which in itself was considered to be positive. Aimed at young people aged 12-18, young people come along to the PCYC to play basketball and attend workshops on a range of issues including drugs and alcohol and sexual health and are provided with transport home at the end of the evening.

> *That's what we're hoping we'll do [with midnight basketball]. Take a big chunk out of those kids who just have nothing to do on a Saturday night and nowhere to go. A lot of these kids don't have anyone who [will] listen to them. They won't stay home, or do as they're told or their parents don't care what they do - that's a good start anyway.*

Mel McCulloch, Caseworker, Gunnedah Family Support

Unfortunately, after a successful first season, at the time of writing Midnight Basketball had been suspended due to a lack of support. Young people had enthusiastically embraced the program, but there are not sufficient adult volunteers to maintain the activities. This was a source of great disappointment to those involved in getting the program off the ground and seen as a missed opportunity to engage with young people.

A number of people also spoke positively about informal youth camps that were run by Danny and Helen Lickorish, funded by Min-Min and New Train. These provided opportunities for young people to go camping and canoeing with other young people and adults, with the intention to provide positive role modelling.

> *Min-Min used to fund a camp held by Danny and Helen Lickorish in conjunction with New Train. They used to take a lot of youths away. ... It used to give kids something to do once a month or something. ... It was more a team building exercise where they learn to do things together and you know, and communicate and all that sort of stuff. It was pretty good while it was going but whether it helped to lower the crime rate, I couldn't tell you.*
>
> Michael Steadman, Office Assistant, Min-Min Aboriginal Corporation

24.3 Housing and accommodation

At a time when the housing situation in Gunnedah is apparently moving towards extreme unaffordability and hardship, the impact of dramatic rent increases and eviction fuelled by demand from the mining sector is being felt most profoundly by those who can least afford it and is likely to impact profoundly on Aboriginal people who rent accommodation (66.3 per cent) at a much higher rate than the general population (31.5 per cent). The inevitable result, it was argued, was overcrowding and the resulting discord that it generates.

The lack of crisis accommodation in Gunnedah was widely identified as a major problem and a source of frustration to people who had been advocating for emergency support services for many years. Gunnedah does not have a women's refuge/safehouse and there seems little prospect that this will change. There are women's refuges in Narrabri and Tamworth that are said to be too close to make a refuge viable in Gunnedah. A number of people also described the catch-22 that, because women from Gunnedah were reluctant to utilise these refuges, this suggested a lack of need that bolstered opposition to the establishment of a facility in Gunnedah. In fact, it was forcefully argued that vulnerable women chose not to use them because they are too far away from the support of family and friends, who often will not have transport to enable visits and from other amenities such as their children's schools.

At present, emergency accommodation for women exiting situations of domestic violence is limited to accommodation at one of the local motels, which is often unavailable on weekends. Understandably, this was denigrated as completely inappropriate for the circumstances.

Gunnedah also has no accommodation for homeless youth and adults. Again, the level of need for accommodation for young people in particular was considered to be masked by couch surfing and requiring urgent attention.

24.4 Drug and alcohol services

Gunnedah also provides limited options for drug and alcohol treatment, which was considered to be of major concern in a town where levels of alcohol consumption were so high among Aboriginal and non-Indigenous people alike. Counselling is apparently very difficult to obtain and, crucially, there are no local residential rehabilitation services. Aboriginal residential rehabilitation services exist in Kempsey and Moree and other rehabilitation services exist in Orange, which requires people who have decided to act to move away from family and local supports.

24.5 Mental health services

The dramatic lack of mental health services in Gunnedah was also repeatedly raised, although it was also acknowledged that this may always be a problem in country areas. Depression linked to unemployment, poverty and helplessness, tied to alcohol and drug use was considered to be dramatically under diagnosed. There seems to be some discrepancy about the level of service available, with some suggesting that the only available service was emergency support at the hospital and a '13' number for a phone assessment, while others referred to psychologists at the Barwon Division of General Practice and in private practice, and a child and adolescent psychologist at Community Health. Mental health services also visit from Tamworth.

24.6 Family support

As noted previously, extended family is the base unit of Aboriginal community and while it was observed that strong extended families in Gunnedah may contribute to a relatively low crime rate, there was also widespread concern that the strength of the family is being undermined, particularly through the increased number of young mothers inexperienced in parenting. A large number of interviewees attributed this to an unintended consequence of the former lump sum baby bonus. The increasing number of young mothers was said to place a great deal of pressure on families because, in the end, it is their parents who have to raise the grandchildren.

> *Has the government's baby bonus contributed to that? I've certainly noticed a number of kids coming through that are part of that. It's going to be even worse when those kids from that era, who possibly were only conceived for that reason and who weren't part of their [parents'] plans, now they are part of their plans because they have been born. You're going to contribute to the ongoing problem of parents not being able to or not having the ability to discipline their kids or develop their kids. That's a personal view.*
>
> Detective Sergeant, NSW Police

Gunnedah offers a variety of services to support families and provide parenting guidance, especially through Family Support. That service has recently changed its focus and now concentrates more on early intervention, concentrating on self-esteem, cooking, nutrition, life skills and financial skills to 'support families before they get to a crisis point'. As a result, there will be less crisis care provided by that service.

The need for a coordinated family support services in Gunnedah has been recognised by the NSW Government and it has received funding for one of nine Aboriginal Child and Family Centres, designed to 'bring together a range of early childhood, health and family support services to improve the overall health and wellbeing of children and support for their families, such as supported playgroups, parenting programs and adult education

opportunities'.[103] The Centre has been launched and an interim service is being offered while the Centre establishes itself and recruits staff etc. Crucial to the Centre's operation is a holistic, integrated approach that deals with families as a whole on a referral and coordination basis. The ambition is that it will exist as a hub, drawing in the Aboriginal community and being able to refer families to available services and programs. Similarly, early learning programs will also have a family learning and family engagement element and have activities programmed until October 2012. While admittedly it is early days, responses to the Centre have been positive. In excess of 300 people attended a family day in a local park and a number of interviewees commented on its success in bringing people together from across the community.

Another area of need was said to be that of counselling as there is nowhere in Gunnedah to refer people for family therapy.

> *I will tell you something that is an issue in country areas full stop……..If I want to refer a family for family therapy where do I refer them?.....Realistically, there is nowhere……..Lord knows I've come across a few families that I could refer on for family therapy, and that's just not an option for us……..actually, that's probably not an option for a lot of country areas, right across Australia.*
>
> Danny Lickorish, Reconnect Practitoner. Gunnedah

There were different perceptions as to whether Community Services notifications or child removals were justified but people generally agreed that the focus must be on early intervention. Where removals do take place, it was seen as imperative that the children be placed with family and where that is not possible, with Aboriginal carers.

The lack of paediatric care in Gunnedah was described as 'criminal', worsened by poverty and lack of resources. One person noted that people do their best to support their children but that the waiting lists are horrendous. She noted that a non-Indigenous, middle class person can simply put their children or grandchildren into a car and drive them to Sydney for care but that these resources are just not available to many people in Gunnedah, whose children suffer as a result and which is a cause of significant distress.

24.7 Education and training

The importance of a positive experience with the education system was repeatedly emphasised. A high quality education and training opportunities for young people were expressed as a high priority by many interviewees. However, the challenge for providing interesting, culturally appropriate education that engages all students in an environment of support and safety poses extraordinarily difficult problems and was described by some interviewees as an almost impossible task.

One theme that strongly emerged was the need for the education system to cater for 'non-academic' students. While it was acknowledged that there are many more options available for students than there used to be, including STEPS, vocational training and work placements, many people expressed a firm desire for more practical or hands on education and training for those who have aspirations to learn a trade.

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[103] NSW Government, Family and Community Services, 'Aboriginal Child and Family Centres' <http://www.community.nsw.gov.au/parents_carers_and_families/support_for_your_family/aboriginalchildfamilycentres.html>.

School is not for everyone. I think that's something that we've moved away from too. We went through that whole thing where everybody has to get an education. They've got to go to Year 12. That's not the case. There are a huge portion of kids and the Aboriginal kids and non Aboriginal kids that they're just not academic. ... They learn from experience.

Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

So if you like doing construction and you're 15 and you don't want to be at school and you want to be a builder, can't we let you do construction for the morning and then get you a traineeship or work placement out with somebody? Because if he's going to muck up and say well stuff you I'm not going to school, he's bored all week doing nothing. It comes to night time and the weekends, what are they going to do? They're going to go out and they're going to cause trouble. Let's be more positive and proactive and give them something - again, give them incentive. ... We want to get these kids who don't want to be at school and are good and creative with their hands, plumbers, electricians. Even with a traineeship working as a road work - I don't care what it is. They can be the street sweeper. If we can direct their energies to something they want to do, we're not going to be fighting them all the time and we're breaking the gap of this spiral that I don't go to school, I'm not going to work, I don't want to do anything.

Community Service Provider

[Vocational training] happens in Year 11 they can do that. But a lot of these kids aren't getting to Year 11. They're not even getting to Year 8. I think if we could say well let's work on doing this. Let's see if you can do the first - say you do the first three periods every day in class, you've got to behave and then we'll get you out on work placement. Or you can assist here or we'll get you a traineeship somewhere else. Or you can go to TAFE and do metal welding or whatever you want to do. Let's work and try and have that flexibility in the curriculum that we can adjust it to keep these guys in.

Community Service Provider

The inflexibility of an externally set curriculum and approach were also challenged as inappropriate. Frustration was expressed at an irrelevant curriculum leaving students 'totally disengaged and tuned out.' It was argued that the education department needs to 'think outside the square', perhaps with hands-on tasks. The current problem is that classroom teachers are constrained by a specific curriculum and if they don't teach it, then they are not fulfilling their duty of care.

Schools have a set curriculum and they have to stick to it. There are some kids who just cannot hack the system it's too rigid for them. Let's face it not everybody's an academic. For some of these kids they need to go out and learn hands on skills like mechanics or shearing or whatever it may be. Those kids not coping in the system muck up and get suspended and therefore they cannot be placed onto alternative pathways because of their behaviour and they are told we can't take you whilst you're getting yourself into trouble.

Aboriginal Community Member

The extremely difficult issue of how best to deal with those students who are almost entirely detached from the education system was also frequently raised. In this regard, the impact of the Department of Education suspension policies and the impact of truancy on students' ability to succeed – by whatever measure – were seen to be enormously challenging. The challenge is particularly profound in relation to those students who are so disengaged – either as habitually truanting or frequently suspended – that they cannot even access alternatives to mainstream education.

Some advocated an entirely new approach.

> *A whole different type of school is needed for these kids. They can't learn in this system, it's too rigid. ... Don't get me wrong I don't know what the answer is, but it needs to be different and people need to sit and talk to find some different sort of answers.*
>
> Aboriginal Community Member

This alienation was said to have an intergenerational impact, in that parents who had themselves been disengaged from school and education do not encourage their children, with one person asking the question 'how do you teach the value of education to parents?' Family support was described as crucial but that it was difficult to turn around the culture within families that may not value education. Getting parents, whose own experience of education may have been negative, to go to the school was said to be a major challenge.

> *There are just so many people - it seems like the next generation missed something. It's like that they missed the importance of education for their children, not for themselves, for their children. It's like they missed that. They don't go to school...*
>
> Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

> *There's not much more we can do until we get assistance from the parents. Their involvement is just paramount to any of us changing this cycle of mum didn't go to school, dad didn't go to school. They were kicked out, they wagged whatever. Now they've had kids and the kids don't want to go to school.*
>
> Community Service Provider

> *I think the [lack of positive role modelling and encouragement to succeed] is a big thing in town but we've got some mentors up here at the high school which is really good, Aboriginal mentors, for the kids. The main thing is trying to get the parents to value and love an education and tell them to go to school and keep off the grog, and that sort of thing.*
>
> Sergeant NSWPF

A number of people described an environment of finger pointing or blame in the community around the question of how best to engage students who are currently not receiving an education. Some people described community meetings that degenerate into 'blame the school sessions' but without positive outcomes emerging and without recognition that the community must be engaged in educating young people.

> *Well to me you've got to have parents, community, students and school. If these four do not work together as a committed team, well what are you going to get? School blames the parents, parent's blame the school and community blame both the school and community and on and on it goes around in circles with no-one winning.*
>
> Aboriginal Community Member

Instead, successful educational outcomes are more likely to emerge from a cooperative approach, when all interested parties act as a team.

> *The education system today is very different to the education system when I was a child. Many Aboriginal parents today still have that old view of the education system. They think, the school does not care about their socioeconomic problems, it is the school's job to teach the kids and look after them while they are at school, and the parent should not be expected to help with homework they don't understand (and never did when they were at school) when the kids get home. The education system is different today, especially with*

the Aboriginal Education Policy, it is more about using the resources available to achieve a better outcome for the child. Not all schools have the same approach, and some schools are far more creative on how to engage the children and their families. But ultimately it is about a team of people, parents and teachers helping a child to get thorough school.

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

The need for individualised solutions was another component of the puzzle that was described as essential, especially in relation to students who do not attend school. While some argued that students felt no discouragement from truanting because of a lack of consequences, there was broad consensus that there needed to be a much greater understanding on an individual level of why students were not attending school. The strong perception is that schools and educators need to deal with students' welfare issues before any action can be taken in relation to poor performance or truancy.

But I'd like to see some sort of counselling or a sit down session for kids who have bad attendance and find out why. Why aren't you coming to school? What can we do to make school better for you? What can we do to make you come to school? What do you like about school? Can we make that thing you like more of a prolonged period?

Community Service Provider

The support mechanisms in the education system are sometimes very poor, but sometimes that may be lack of resources, sometimes is locality/remoteness, sometimes class sizes and the pressures of the curriculum. Some children do struggle with their studies, and if there is no one to notice they may need help, pretty soon the child is avoiding class, not going to school, finding other ways to make sure they don't have to go to school, a suspension is always a good way to break, and pretty soon they have fallen so far behind they are too embarrassed to admit they don't understand the work, and then as soon as they are old enough they are thinking of way to get out of school permanently.

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

Ironically, it was argued that the requirement that students now stay at school until they turn 17 may be contributing to higher rates of truancy as students feel that they are forced to remain there. It was argued that the policy was treating the symptom rather than addressing the fundamental questions of why students choose not to attend school. An additional unintended consequence of the policy that several people described was the impact of the lump sum baby bonus on students who would prefer to leave school. Some students described those students as somewhat trapped, who are able to achieve a way out through parenting income.

Government legislation ruling that a child must stay at school until they are 17 is sometimes not realistic for a child. School is not a one size fits all project, and there are some children for whom the school environment never is a good fit. Unless those children are lucky enough to find a committed educator who will help them adapt, those kids just find another way out.

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

One suggestion that seemed to be widely supported was the provision of programs or incentives for young parents – mothers in particular – to access education and training.

24.8 Support for men and boys

Finally, an area considered to be somewhat hidden, was the need to support men and boys to navigate a rapidly changing world and define their role as Aboriginal men

within it. Some interviewees commented that, in recent years it is the women who are the leaders, who have the jobs and are earning the income and who are interacting with other people leading to frustration, anger and jealously from men, which on occasion escalates into violence. It was claimed that there is nowhere for men to connect with each other in healthy positive ways, this has apparently been worsened by the axing of CDEP that used to provide some of that opportunity.