

1. This is a statement of Leanne Maree Liddle aged 53 years currently living and working in Darwin, Northern Territory (NT). For the past five years I have worked for the Northern Territory Government (NTG) Department of the Attorney-General's and Justice where I now lead the Aboriginal Justice Agreement (AJA) with a small team. I have worked as the Director of the Aboriginal Justice Unit for the past four years.
2. I am a traditional owner of Alice Springs with rights to Eastern and Central Arrernte country.

Background

3. I have over 30 years of experience working in the justice system nationally and internationally where I have worked as a Police Officer for the South Australian Police Force, as a lawyer, as a senior manager working in areas of food security, land management, Aboriginal Lands, as a Senior Policy Officer for the Northern Land Council and now as the Director of the Aboriginal Justice Unit with the Northern Territory Government (NTG) within the Department of the Attorney General and Justice (AGD).
4. I have been the recipient of many awards including my most recent as the 2022 Australian of the Year for the Northern Territory.
5. My current board memberships include: Deputy Chairperson of the Menzies School of Health Research and board member of the Royal Flying Doctor Service Central Operations.
6. For decades I have presented and published numerous papers on justice matters specifically relating to Aboriginal people, on matters including disadvantage, racism, policing and human rights.
7. I attach a copy of my CV to this statement.

Police Culture

8. I have worked in the justice system including policing for 30 plus years and I know many police who work for the benefit of all, who understand and care for the social and welfare needs of those who they interact with.
9. Of course, there are exceptions. There are power hungry individuals who enjoy power and the use of violence, who are supported by structures inside systems. However, by characterising those individuals as outliers or exceptions to the rule, our governments and bureaucrats ignore the way violence and discrimination are systemically perpetuated in this country.
10. I recognise that there are individuals who are responsible for misconduct and poor policing. However, my focus is on the systems and structures that perpetuate these failures, including failures to change the leadership, and what could and should be done to repair existing systems and make them more robust, primarily through Aboriginal Justice Agreements (AJA).
11. In my personal and professional opinion, the focus on training “bad eggs” or “rotten apples to not be racist or to be culturally aware or competent is futile, and such recommendations have failed to create any positive shift in addressing poor police culture. What we need is systemic change.
12. Almost eight in ten Australians believe that institutional racism exists in America and is responsible for incidents like the death of George Floyd, yet only three in ten feel this is also true of Australia. Instead, almost half believe that Australian police forces are not institutionally racist against Aboriginal peoples,¹ and yet the history

¹ Katharine Murphy, ‘Essential poll: most Australians believe there is institutional racism in the US but not Australia’, *The Guardian* (online on 10 June 2020) <<https://www.theguardian.com/australia-1/news/2020/jun/10/essential-poll-most-australians-believe-there-is-institutional-racism-in-the-us-but-not-australia>>.

of policing in Australia and current statistics tell a very different story.

Understanding Policing, Race and Aboriginal Responses

13. The history of policing and police powers is in many ways inseparable from the history of frontier wars, past and present. State policing institutions were founded in frontier wars, genocide and racist violence. The earliest forms of police included the Mounted Police and Border Police whose purpose was to extend the colonial frontier and garrisons. Historian Henry Reynolds described the Mounted Police as '*the most violent organisation in Australian history*'.² Massacres of Aboriginal people involving Australian police officers were commonplace throughout the 18th and 19th century, and continued well into the 20th century, with Western Australian in the 1924 Bedford Downs massacre and the 1975 Skull Creek massacre, and several in the Northern Territory from the Conniston and Myall Creek massacres and others.³

14. In addition to the violence of the colonial frontier, police officers played an integral role in the removal of Aboriginal children under a policy known as 'protectionism'.⁴ Under these regimes, the police were given exceptional powers of state surveillance and control over Aboriginal populations.⁵ For example, police were granted powers to forcibly remove Aboriginal children from their families without having to establish that the child was neglected. The only criteria necessary was assessed based on the colour of their skin.⁶ The policy of protectionism aimed to assimilate Aboriginal peoples into mainstream society to bring an end to Aboriginal communities as well as satisfying a demand for cheap labour. It is important to remember that these removals were carried out by police.⁷

² Reynolds 1987 at 27.

³ Clarkson 1976.

⁴ Cunneen, 2001; NISATSIC, 1997; Roberts, 2005; Owen, 2016

⁵ HREOC '*Bringing Them Home*' (n 37) 27. See also Senate '*Unfinished business*' (n 38) 8 [2.5]-[2.6].

⁶ HREOC '*Bringing Them Home*' (n 37) 24-25.

⁷ Atkinson (n 29) 14; HREOC '*Bringing Them Home*' (n 37) 5, 11,13, 23, 25, 27-28.

Many Australians still deny these facts, or they don't know them, while others choose to write their own versions of Australia's Aboriginal history.

15. In 1991 the Royal Commission into Aboriginal Deaths In Custody (RCADIC), found that almost two thirds (63) of the 99 deaths that were investigated occurred in police custody. Furthermore, most Aboriginal people at the time of the Royal Commission were in police custody for minor offences, mostly public drunkenness and, to a lesser extent, street offences.⁸ In particular, the exhibition "*Sorry For Your Loss*" documented the ways in which Aboriginal women were much more likely to die in police custody compared to other forms of custody.⁹ For example, nine of the 11 women who died were in police custody at the time, held for minor offences, mostly for the offence of public drunkenness. Others were there for fine default or offensive language. There is evidence over several decades to show that the recommendations of RCADIC are ignored or inadequately implemented in practice.
16. In 2007, the Howard government enacted the Northern Territory National Emergency Response Act ('the NT Intervention' or Intervention). This legislation was imposed overnight, on 73 Aboriginal communities in the NT, ostensibly in response to the 'Little Children are Sacred' report into sexual abuse of Aboriginal children; however, it did not accord with the recommendations in that report. Instead, more damaging protectionist policies were implemented without consultation that resulted in increased controls, restricted access to land and to social security, increased police numbers and the dissolution of Aboriginal governance structures that surged the emergence of Super Shires from the existing Aboriginal community led-community councils. No evidence was found that these policies resulted in the increased

⁸ Johnston 1991, vol 1, pp. 12-13.

⁹ <https://jumbunna.institute/2018/05/01/sorry-for-your-loss-project/>

identification and prosecution of child abuse.¹⁰ Rather, since the Intervention, incarceration rates in for the NT have doubled for Aboriginal men and tripled for Aboriginal women and Aboriginal suicide rates, especially for youth have increased six-fold, which is ironic as the purpose of the swift, imposed overnight laws was to improve Aboriginal people's lives.¹¹

17. Importantly, the contemporary component of this legacy has manifested today in the continuation of shamefully high numbers of deaths in police custody, fatal shootings, police brutality, abuse of Aboriginal people and systemic neglect in terms of police investigations into missing and murdered Aboriginal men, women and children.

Royal Commission into Aboriginal Deaths in Custody (RCIADIC)

18. Over the years there have been many recommendations about how to reform police and government interactions with Aboriginal people. I note that many of my recommendations were also recommended by the RCIADIC over 30 years ago, but many have never been implemented. In particular, I refer to the following recommendations of RCIADIC:

1. *That having regard to the great input which has been made to the work of the Commission, not only by governments and departments of government but also by Aboriginal communities, organisations and individuals, on the one hand, and non-Aboriginal organisations and individuals, on the other, it is highly desirable that the attitude of governments to the recommendations and the implementation of those adopted be carried out in a public and transparent way as part of the process of education and reconciliation of the whole society.*

¹⁰ Rex Wild and Pat Anderson, *Little Children Are Sacred: Report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse* (Report, Darwin: Govt. Printer, 2007) 50-4. See also Blagg and Anthony 2019 (n 17) 216-217.

¹¹ Blagg and Anthony 2019 (n 17) 217-218.

To this end the Commission recommends;

- a. That the Commonwealth Government and State and Territory Governments, in consultation with ATSIC, agree upon a process which ensures that the adoption or otherwise of recommendations and the implementation of the adopted recommendations will be reported upon on a regular basis with respect to progress on a Commonwealth, State and Territory basis;*
 - b. That such reports should be made not less than annually and that, subject to the agreement of its Commissioners so to do, ATSIC be given special responsibility and funding to enable it to monitor the progress of the implementation of the adopted recommendations and to report thereon to the Aboriginal and Torres Strait Islander community;*
 - c. That governments consult with appropriate Aboriginal organisations in the consideration and implementation of the various recommendations in this report;*
 - d. That, wherever appropriate, governments make use of the services of Aboriginal organisations in implementing such recommendations; and*
 - e. Ensure that local Aboriginal organisations are consulted about the local implementation of recommendations, and their services be used wherever feasible.*
- 2. That subject to the adoption by governments of this recommendation and the concurrence of Aboriginal communities and appropriate organisations, there be established in each State and Territory an independent Aboriginal Justice Advisory Committee to provide each Government with advice on Aboriginal perceptions of criminal justice matters, and on the implementation of the recommendations of this report.*

The Aboriginal Justice Advisory Committee in each State should be drawn from, and represent, a network of similar local or regionally based committees which can provide the State Advisory Committee with information of the views of Aboriginal people. It is most important that the views of people living outside the urban centres be incorporated.

The terms of reference of each State, local or regional Advisory Committee is a matter to be negotiated between governments and Aboriginal people.

The Commission suggests however that matters which might appropriately be considered include, inter alia:

- a. The implementation of the recommendations of this report, or such of them as receive the endorsement of the Government;*
 - b. Proposals for changes to policies which affect the operation of the criminal justice system;*
 - e. Programs for crime prevention and social control which enhance Aboriginal self-management and autonomy;*
 - d. Programs which increase the recruitment of Aboriginal people to the staff of criminal justice agencies; and*
 - e. The dissemination of information on policies and programs between different agencies, and between parallel bodies in different States. (1:30)*
- 3. The monitoring of the implementation of recommendations could only be carried out in close liaison with the authorities responsible for implementing them. In order to ensure that the State Aboriginal Justice Advisory Committee is able to give informed advice to the Attorney-General or Minister for Justice, it should be assisted by a small Secretariat, staffed by people with knowledge of Aboriginal interactions with the criminal justice system. The role of the Secretariat should be to provide information to the Advisory Committee, assist it in the development of policy proposals, and liaise on behalf (and at the*

direction of) the Committee with other agencies. The Secretariat should be located within the Department of Attorney-General or Minister for Justice but be accountable to the Advisory Committee on terms to be negotiated between government and Aboriginal people but with the maximum degree of autonomy from government as may be consistent with it fulfilling its function to assist the Advisory Committee to give informed, independent advice to government.

In addition, RCIADIC recommended;

17. That the State Coroner be required to report annually in writing to the Attorney-General or Minister for Justice, (and such report to be tabled in Parliament), as to deaths in custody generally within the jurisdiction and, in particular, as to findings and recommendations made by Coroners pursuant to the terms of Recommendation 13 above and as to the responses to such findings and recommendations provided pursuant to the terms of Recommendation 16 above.

And in recommendations 79 – 121 regarding Diversion from Police Custody and Imprisonment as a last resort;

79. That, in jurisdictions where drunkenness has not been decriminalised, governments should legislate to abolish the offence of public drunkenness. (3:28) 80. That the abolition of the offence of drunkenness should be accompanied by adequately funded programs to establish and maintain non-custodial facilities for the care and treatment of intoxicated persons. (3:28)

81. That legislation decriminalising drunkenness should place a statutory duty upon police to consider and utilise alternatives to the detention of intoxicated persons in police cells. Alternatives should include the options of taking the intoxicated person home or to a facility established for the care of intoxicated persons. (3:28)

82. *That governments should closely monitor the effects of dry area declarations and other regulations or laws restricting the consumption of alcohol so as to determine their effect on the rates of custody in particular areas and other consequences. (3:28)*

83. *That;*

a. *The Northern Territory Government consider giving a public indication that it will review the two-kilometre law at the end of a period of one year in the expectation that all relevant organisations, both Aboriginal and non-Aboriginal, will negotiate as to appropriate local agreements relating to the consumption of alcohol in public that will meet the reasonable expectations of both Aboriginal and non-Aboriginal people associated with particular localities; and ...*

84. *That issues related to public drinking should be the subject of negotiation between police, local government bodies and representative Aboriginal organisations, including Aboriginal Legal Services, with a view to producing a generally acceptable plan. (3:29)*

85. *That;*

a. *Police Services should monitor the effect of legislation which decriminalises drunkenness with a view to ensuring that people detained by police officers are not being detained in police cells when they should more appropriately have been taken to alternative places of care;*

b. *The effect of such legislation should be monitored to ensure that persons who would otherwise have been apprehended for drunkenness are not, instead, being arrested and charged with other minor offences. Such monitoring should also assess differences in police practices between urban and rural areas; and*

- c. *The results of such monitoring of the implementation of the decriminalisation of drunkenness should be made public. (3:29)*

86. *That;*

- a. *The use of offensive language in circumstances of interventions initiated by police should not normally be occasion for arrest or charge; and*
- b. *Police Services should examine and monitor the use of offensive language charges. (3:29)*

87. *That:*

- a. *All Police Services should adopt and apply the principle of arrest being the sanction of last resort in dealing with offenders;*
- b. *Police administrators should train and instruct police officers accordingly and should closely check that this principle is carried out in practice;*
- c. *Administrators of Police Services should take a more active role in ensuring police compliance with directives, guidelines and rules aimed at reducing unnecessary custodies and should review practices and procedures relevant to the use of arrest or process by summons and in particular should take account of the following matters:*
 - i. *all possible steps should be taken to ensure that allowances paid to police officers do not operate as an incentive to increase the number of arrests;*
 - ii. *a statistical data base should be established for monitoring the use of summons and arrest procedures on a Statewide basis noting the utilisation of such procedures, in particular divisions and stations;*

- iii. *the role of supervisors should be examined and, where necessary, strengthened to provide for the overseeing of the appropriateness of arrest practices by police officers;*
 - iv. *efficiency and promotion criteria should be reviewed to ensure that advantage does not accrue to individuals or to police stations as a result of the frequency of making charges or arrests; and*
 - v. *procedures should be reviewed to ensure that work processes (particularly relating to paper work) are not encouraging arrest rather than the adoption of other options such as proceeding by summons or caution; and*
- d. *Governments, in conjunction with Police Services, should consider the question of whether procedures for formal caution should be established in respect of certain types of offences rather than proceeding by way of prosecution. (3:42)*

88. *That Police Services in their ongoing review of the allocation of resources should closely examine, in collaboration with Aboriginal organisations, whether there is a sufficient emphasis on community policing. In the course of that process of review, they should, in negotiation with appropriate Aboriginal organisations and people, consider whether:*

- a. *There is over-policing or inappropriate policing of Aboriginal people in any city or regional centre or country town;*
- b. *The policing provided to more remote communities is adequate and appropriate to meet the needs of those communities and, in particular, to meet the needs of women in those communities; and*
- c. *There is sufficient emphasis on crime prevention and liaison work and training directed to such work. (3:43)*

89. *That, the operation of bail legislation should be closely monitored by each government to ensure that the entitlement to bail, as set out in the legislation, is being recognised in practice. Furthermore, the Commission recommends that the factors highlighted in this report as relevant to the granting of bail be closely considered by police administrators. (3:54)*
90. *That in jurisdictions where this is not already the position:*
- a. *Where police bail is denied to an Aboriginal person or granted on terms the person cannot meet, the Aboriginal Legal Service, or a person nominated by the Service, be notified of that fact;*
 - b. *An officer of the Aboriginal Legal Service or such other person as is nominated by the Service, be granted access to a person held in custody without bail; and*
 - c. *There be a statutory requirement that the officer in charge of a station to whom an arrested person is taken give to that person, in writing, a notification of his/her right to apply for bail and to pursue a review of the decision if bail is refused and of how to exercise those rights. (3:54)*
91. *That governments, in conjunction with Aboriginal Legal Services and Police Services, give consideration to amending bail legislation:*
- a. *to enable the same or another police officer to review a refusal of bail by a police officer,*
 - b. *to revise any criteria which inappropriately restrict the granting of bail to Aboriginal people; and*
 - c. *to enable police officers to release a person on bail at or near the place of arrest without necessarily conveying the person to a police station. (3:55)*

Imprisonment as a Last Resort;

92. *That governments which have not already done so should legislate to enforce the principle that imprisonment should be utilised only as a sanction of last resort. (3:64)*
93. *That governments should consider whether legislation should provide, in the interests of rehabilitation, that criminal records be expunged to remove references to past convictions after a lapse of time since last conviction and particularly whether convictions as a juvenile should not be expunged after, say, two years of non-conviction as an adult. (3:64)*
94. *That;*
- a. *Sentencing and correctional authorities should accept that community service may be performed in many ways by an offender placed on a community service order; and*
 - b. *Consistent with the object of ensuring that offenders do not re-offend, approval should be given, where appropriate, for offenders to perform Community Service work by pursuing personal development courses which might provide the offender with skills, knowledge, interests, treatment or counselling likely to reduce the risk of re-offending. (3:71)*
95. *That in jurisdictions where motor vehicle offences are a significant cause of Aboriginal imprisonment the factors relevant to such incidence be identified, and, in conjunction with Aboriginal community organisations, programs be designed to reduce that incidence of offending. (3:71)*
96. *That judicial officers and persons who work in the court service and in the probation and parole services and whose duties bring them into contact with Aboriginal people be encouraged to participate in an appropriate training and development program, designed to explain contemporary Aboriginal society, customs and traditions. Such programs should emphasise the historical and social factors which contribute to the disadvantaged position of many Aboriginal people today and to*

the nature of relations between Aboriginal and non-Aboriginal communities today. The Commission further recommends that such persons should wherever possible participate in discussion with members of the Aboriginal community in an informal way in order to improve cross-cultural understanding. (3:79)

97. *That in devising and implementing courses referred to in Recommendation 96 the responsible authorities should ensure that consultation takes place with appropriate Aboriginal organisations, including, but not limited to, Aboriginal Legal Services. (3:79)*
98. *Those jurisdictions which have not already done so should phase out the use of Justices of the Peace for the determination of charges or for the imposition of penalties for offences. (3:79)*
99. *That legislation in all jurisdictions should provide that where an Aboriginal defendant appears before a Court and there is doubt as to whether the person has the ability to fully understand proceedings in the English language and is fully able to express himself or herself in the English language, the court be obliged to satisfy itself that the person has that ability. Where there is doubt or reservations as to these matters proceedings should not continue until a competent interpreter is provided to the person without cost to that person. (3:79)*
100. *That governments should take more positive steps to recruit and train Aboriginal people as court staff and interpreters in locations where significant numbers of Aboriginal people appear before the courts. (3:80)*
101. *That authorities concerned with the administration of non-custodial sentencing orders take responsibility for advising sentencing authorities as to the scope and effectiveness of such programs. (3:80)*
102. *That, in the first instance, proceedings for a breach of a non-custodial order should ordinarily be commenced by summons or attendance notice and not by arrest of the offender. (3:80)*

103. *That in jurisdictions where a Community Service Order may be imposed for fine default, the dollar value of a day's service should be greater than and certainly not less than, the dollar value of a day served in prison. (3:80)*
104. *That in the case of discrete or remote communities sentencing authorities consult with Aboriginal communities and organisations as to the general range of sentences which the community considers appropriate for offences committed within the communities by members of those communities and, further, that subject to preserving the civil and legal rights of offenders and victims such consultation should in appropriate circumstances relate to sentences in individual cases. (3:85)*
105. *That in providing funding to Aboriginal Legal Services governments should recognise that Aboriginal Legal Services have a wider role to perform than their immediate task of ensuring the representation and provision of legal advice to Aboriginal persons. The role of the Aboriginal Legal Services includes investigation and research into areas of law reform in both criminal and civil fields which relate to the involvement of Aboriginal people in the system of justice in Australia. In fulfilling this role Aboriginal Legal Services require access to, and the opportunity to conduct, research. (3:91)*
106. *That Aboriginal Legal Services recognise the need for maintaining close contact with the Aboriginal communities which they serve. It should be recognised that where charges are laid against individuals there may be a conflict of interests between the rights of the individual and the interests of the Aboriginal community as perceived by that community; in such cases arrangements may need to be made to ensure that both interests are separately represented and presented to the court. Funding authorities should recognise that such conflicts of interest may require separate legal representation for the individual and the community. (3:91)*
107. *That in order that Aboriginal Legal Services may maintain close contact with, and efficiently serve Aboriginal communities,*

weight should be attached to community wishes for autonomous regional services or for the regional location of solicitors and field officers. (3:91)

108. That it be recognised by Aboriginal Legal Services, funding authorities and courts that lawyers cannot adequately represent clients unless they have adequate time to take instructions and prepare cases, and that this is a special problem in communities without access to lawyers other than at the time of court hearings. (3:91)

109. That State and Territory Governments examine the range of non-custodial sentencing options available in each jurisdiction with a view to ensuring that an appropriate range of such options is available. (3:96)

110. That in view of the wide variety of pre-release and post-release support schemes conducted by Corrective Services authorities and other agencies and organisations in various parts of the country it is the view of the Commission that a national study designed to ascertain the best features of existing schemes with a view to ensuring their widespread application is highly desirable. In such a study it is most important that consultation take place with relevant Aboriginal organisations. (3:96)

111. That in reviewing options for non-custodial sentences governments should consult with Aboriginal communities and groups, especially with representatives of Aboriginal Legal Services and with Aboriginal employees with relevant experience in government departments. (3:96)

112. That adequate resources be made available to provide support by way of personnel and infrastructure so as to ensure that non-custodial sentencing options which are made available by legislation are capable of implementation in practice. It is particularly important that such support be provided in rural and remote areas of significant Aboriginal population. (3:96)

113. *That where non-custodial sentencing orders provide for a community work or development program as a condition of the order the authorities responsible for the program should ensure that the local Aboriginal community participates, if its members so choose, in the planning and implementation of the program. Further, that Aboriginal community organisations be encouraged to become participating agencies in such programs. (3:97)*
114. *Wherever possible, departments and agencies responsible for non-custodial sentencing programs for Aboriginal persons should employ and train Aboriginal people to take particular responsibility for the implementation of such programs and should employ and train Aboriginal people to assist to educate and inform the community as to the range and implementation of non-custodial sentencing options. (3:97)*
115. *That for the purpose of assessing the efficacy of sentencing options and for devising strategies for the rehabilitation of offenders it is important that governments ensure that statistical and other information is recorded to enable an understanding of Aboriginal rates of recidivism and the effectiveness of various non-custodial sentencing orders and parole. (3:97)*
116. *That persons responsible for devising work programs on Community Service Orders in Aboriginal communities consult closely with the community to ensure that work is directed which is seen to have value to the community. Work performed under Community Service Orders should not, however, be performed at the expense of paid employment which would otherwise be available to members of the Aboriginal community. (3: 109)*
117. *That where in any jurisdiction the consequence of a breach of a community service order, whether imposed by the court or as a fine default option, may be a term of imprisonment, legislation be amended to provide that the imprisonment must be subject to determination by a magistrate or judge who should be authorised to make orders other than imprisonment if he or she deems it appropriate. (3: 109)*

118. That where not presently available, home detention be provided both as a sentencing option available to courts as well as a means of early release of prisoners. (3:114)

119. That Corrective Services authorities ensure that Aboriginal offenders are not being denied opportunities for probation and parole by virtue of the lack of adequate numbers of trained support staff or of infrastructure to ensure monitoring of such orders. (3:117)

120. That governments consider introducing an ongoing amnesty on the execution of long outstanding warrants of commitment for unpaid fines. (3:126)

121. That:

a. Where legislation does not already so provide governments should ensure that sentences of imprisonment are not automatically imposed in default of payment of a fine; and

b. Such legislation should provide alternative sanctions and impose a statutory duty upon sentencers to consider a defendant's capacity to pay in assessing the appropriate monetary penalty and time to pay, by instalments or otherwise. (3:126)

19. After 30 years not one of these recommendations have been effectively implemented in the Northern Territory (NT), nor have they been taught to police or incorporated into NT Police policy that has resulted in the intended outcome. Instead, all NT governments, whatever their persuasion, have focused their efforts on issues including building infrastructure (like police stations and courts and prisons), on managing their risks, delivering tough on crime policies and relevant legislation, and on growing and protecting the police as an institution to enforce law and order. All we hear from police and government is that we need more police. Aboriginal communities don't believe that more police will make them safe, the solutions need to be led the communities themselves and investing in partnerships with all

government agencies to provide the services required by the community and to meet the needs of those communities. This is justice reinvestment which will save money in the long term on the numbers and costs of policing, youth detention and imprisonment and will empower Aboriginal communities to take responsibility for these issues.

My recommendations for change below reflect the intent of the Royal Commissioners in 1990 and my own experiences as a police officer, as a public servant, as a lawyer, as an Aboriginal woman, a board member and from my interviews with community members and my interactions with NT police.

What is the purpose of the Northern Territory's Aboriginal Justice Agreement (NT AJA, AJA or Agreement)?

20. The AJA is a ground-breaking policy document that outlines how the Northern Territory Government (NTG) can deliver justice to Aboriginal Territorians in a fair, just and equitable way. Aboriginal Justice Agreements came out of the recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCDAIC) where all states and territories, with the exception of the Northern Territory agreed to implement one. With the passage of time, only the Victorian AJA remains that has been operating for over twenty years.ⁱ

Aims of the NT Aboriginal Justice Agreement

21. The NT AJA has three aims with 13 commitments and 42 actions to be delivered over seven years. Its purpose is aligned to its principles and vision;

Aboriginal Territorians live safe, fulfilling lives and are treated fairly, respectfully and without discrimination.

The AJA has three aims:

1. Reduce offending and imprisonment of Aboriginal Territorians;
2. Engage and support Aboriginal leadership; and
3. Improve justice responses and services for Aboriginal Territorians.

a) How many communities were consulted for the AJA?

22. The AJA team visited the entire breadth and width of the Northern Territory (NT) to talk to Aboriginal people, non-Aboriginal people, agencies, communities, people in prisons and more over a three-year time frame.
23. Out of a total of 160 consultations, 120 Aboriginal communities were visited, some twice. The decision as to who we consulted with, was based on data and statistics that we had collated from demographers, statisticians, criminologists, research, including coronial reports, Royal Commissions, health, social data and more.
24. A complete list of the communities we visited in the first round, and when, is available in the AJA's accompanying document Pathways to Justiceⁱⁱ

b) Why and how did you manage to engage so effectively and capture such honest content for the AJA?

25. As an Aboriginal woman with over three decades of experience in the justice system my team and I engaged both Aboriginal and non-Aboriginal people in a systematic process that I have never witnessed by any NT government agency including their consultants.

- We (the AJA team) were acutely aware and informed by the fact that often consultation is undertaken by professional consultants who have developed their skills by working in non-Aboriginal communities. When consultants are engaged by government, these consultants are answerable to their contractor and not the Aboriginal community, and to the deliverables in their contract that often have had no input by Aboriginal people into their development, assessment or final sign off on the contract.
- We were not consultants, we had skin in the game. We bore responsibility to deliver on a task that weighed heavy on our shoulders and we were conscious that it was ours to own. We were answerable to communities and they had a say in the process and the outcome of our consultations.
- Our consultations had conversations that were fluid and honest.
- We were frank, truthful and fearless. Nothing was off the table for people to discuss with us about the justice system, but we did outline our boundaries early. We admitted that governments had made mistakes in the past, significant mistakes, and we acknowledged that we had not listened to what Aboriginal people had said. But we also said we now wanted to fix it with help and in partnership with Aboriginal Territorians, and we were now ready to listen.
- We were transparent in every aspect of the consultation.
- People trusted us to take what they had told us back to the decision makers.
- We used interpreters-many who spoke several dialects or the language of adjoining areas, sometimes we used multiple interpreters, both male and female, as we needed to do the job well.
- We used cultural brokers, both male and female. They were already known to many of the people in the community. These cultural brokers were essential as they advised us of the politics in the community, the key stakeholders, the people

who were authorised to speak for and on behalf of the community, who had power, who would abuse their power, and how we needed to operate and deliver the information.

The cultural brokers also advised us on where and when to hold the meeting, and checked if there were competing interests on the day, including funerals. The cultural brokers did a lot of the work before we even set foot into a vehicle or on a plane.

- If the community requested it, we allowed the space and ability for women and men to have their say, breaking into separate groups of men and women as needed.

26. We used a register to record what people said and we made sure that we recorded even the quietest responses from people at the consult.

- We treated people with dignity and respect regardless if they were in prison, in custody, in small or large communities.
- We recognised the pain, suffering and disrespect that the community had experienced from other less organised consultations.
- We anticipated what we would hear at the consults and prepared for it; including serious allegations, concerns, anger and disappointment, so we stated at the beginning of the consultation in community that we were not here to defend a position or the government. Instead, we were there to listen, and I mean really listen and take back and reflect without judgement, without prejudice. To record what was said in the community's words, as to what changes were needed to achieve the three aims of the Justice Agreement.

27. I believe our ability to be transparent, honest and accountable became very apparent when a NT Police Force Commissioned Officer in uniform joined us at most of the consultations, (then Acting Commander Warren Jackson- now my 2IC in the AJU who at the time of this statement is still in the NT Police Force). He

had exceptional skills in listening and working with Aboriginal people and his presence stamped our position of integrity, honesty and our willingness to listen.

28. People already knew us as we were from Aboriginal communities ourselves, they knew what we represented and they knew we were honest and would deliver on what we said we would do.
29. We did not make any promises that we couldn't keep and we told people upfront what we could talk and couldn't talk about. We told everyone what we were going to do with what they told us.

c) Who did you go with?

30. We took with us a strong team of experienced people that we had hand selected to do the consultations.
31. We also took along people that were employed as cultural brokers- who were multilingual, both male and female, who did the cultural work for us to ensure we were respectful and we could attend and consult with the community's permission.
32. Where possible, we took Aboriginal qualified interpreters with us, or employed them from inside the communities.
33. Our cultural brokers ensured that we knew prior to our arrival if there were any other interpreters available who were accredited that could be engaged. Often, it was this process that secured the interpreters (both male and female) that spoke multiple dialects, who we ensured had no conflicts with what we were asking.
34. We also asked members of the community if they were comfortable with us using the interpreter(s), even when we were told by the non-Aboriginal community members that '*they weren't necessary as everyone speaks English- and that we just*

needed to keep our sentences short and simple.' We briefed our interpreters well.

OTHER GOVERNMENT ORGANISATIONS

35. The NT is sparsely populated. There are many barriers between the executive government and bureaucrats in Darwin, remote and regional Aboriginal Communities. This often means that there is a disconnect between those who make policy and those that are impacted by it. Additionally, communication, education and alienation contribute to the marginalization of the voices of Aboriginal communities and who are often not heard or listened to.

36. The barriers to proper consultation by government and government organisations and consultants are:
 - Distance;
 - Language;
 - Lack of time;
 - Lack of budget;
 - Lack of interest;
 - Lack of accountability;
 - A disempowered Aboriginal community and an inability of those in power to hear the voices of marginalized peoples;
 - A general assumption by government officials that all Aboriginal people are the same and that they have the same issues, needs or wants;
 - Lack of empathy as opposed to sympathy;
 - A belief that the issues are too complex and not the responsibility of the government to fix; and a
 - Lack of people skilled in consultation.

37. If we really want to address the high levels of disadvantage of Aboriginal people and develop healthy communities with better

interactions with police and government, then NT Government policies and practices on empowering, engaging and listening to Aboriginal communities need to change dramatically. The answer is not more money or more infrastructure, or more public servants, but greater scrutiny and accountability by those who they serve.

38. On a few occasions we took the NT Anti-Discrimination Commission (ADC) staff with us on the consultations for the AJA to take complaints off people about discriminatory practices. In the three years that we conducted the consultations, the ADC recorded their highest number of complaints based on race from Aboriginal people in 2019-2020. In their Annual Report they attributed this to the AJA consults and access to aircraft as they have no travel budget to investigate complaints.ⁱⁱⁱ
39. The feedback from community and government officials was positive after the visit. There were clear benefits for both community and government officials from face-to-face consultations that were held on country. Many of the ADC staff had never been 'bush' or 'remote' to any Aboriginal community so they saw how to conduct consultations in a professional way. The staff saw how to raise difficult topics in a respectful manner and they saw that once people were in an environment where they felt supported and safe, then they were happy to put a discrimination complaint in writing.
40. The majority of those who came along with us to the consultations had never been to an Aboriginal community before, despite their work dealing predominantly with issues that impacted significantly on Aboriginal people.
41. The AJU should be able to demand that government departmental officials who need to understand the situation confronting Aboriginal people on the ground accompany them in the AJU consultations.

42. Our AJA committee members also came along and sometimes they assisted with the consultation. Deborah Di Natale the CEO from NTCOSS - was a standout in this regard. She had exceptional experience in working with Aboriginal people, and the way she spoke and interacted with them was exceptional. Her performance reinforced the need for special training in consulting with Aboriginal communities as Deborah conducted them in the same way I would have. She had real communication skills. She was seen as trusted, professional and empathetic by community members.
43. As part of the AJA, Senior bureaucrats, including police, should have their personal Key Performance indicators KPI's developed in conjunction with Aboriginal communities. In addition to their other KPI's, these KPI's should ensure that Aboriginal communities are advanced and protected. There must be measurable criteria for improving the welfare of vulnerable individuals (such as the elderly, the disabled, the youth, those who don't speak English and those who have been harmed by government policies in the past) in those communities and bureaucrats must be held accountable for any failure to achieve them.
44. The AJA needs additional powers to ensure that Senior NT government bureaucrats and relevant CEO's visit Aboriginal communities. Visiting communities is essential for determining their needs, defining the scope of departmental reviews, and ensuring accountability. Particularly if they are not meeting the needs of Aboriginal people or if they are discriminating against them. I can expand on this issue if required by the Coroner.

AJA Governance Committee

45. The AJA governance committee (AJAGC) is made up of 12 representatives of NGO's, a philanthropist Paul Ramsay and

Government, namely CEO's or their proxies, from the Department of Education, Territory Families, and NTPolice and AGD. The committee is responsible for overseeing the progress of the Agreement, and also to provide advice.

46. This committee now has much wider terms of reference and wider membership that was established once the final Agreement was launched. It meets on a monthly basis with working groups for specific areas of delivery on the AJA like Community Courts, monitoring and evaluation, alternatives to custody and several others to achieve the aims of the Agreement.
47. The committee provides structure and independence, it enables the AJA to push NT Government departments to deliver on what Aboriginal communities need and allows the AJA to demand the deliverables outlined in the document so they meet the needs of Aboriginal people, and that NT Government departments and service providers do not discriminate against Aboriginal people and communities.

d) The aim of the AJA

48. The AJA has three aims, to:
 1. Reduce offending and imprisonment of Aboriginal Territorians;
 2. Engage and support Aboriginal leadership; and
 3. Improve justice responses and services for Aboriginal Territorians.

These aims work alongside 13 commitments and 42 actions to be delivered over 7 years. We have secured funding from cabinet for some components of the Agreement. Each year we have to bid to cabinet for funds to deliver deliverables that are outlined in an Action Plan. We have finalised many of the deliverables for Action Plan 2021-2022, but until we secure funds from cabinet, we

cannot publish the next Action Plan. We are fortunate that the Agreement has bi-partisan political support from the major parties in the NT.

49. All the actions items under the AJA can be found in the Agreement and it is the responsibility of the Aboriginal Justice Unit (AJU) to deliver on these. The AJU now has seven fulltime employees, but during the consultations we were a team of two full time staff and four casuals.

e) How did you know what to do?

50. **Training and Experience:** We were skilled. We had both lived and professional experiences. We came from communities so we had insight into cultural practices and Aboriginal peoples' needs and what it took for people to tell us what we needed to hear; in contrast to what we wanted to hear.
51. **Planning:** We did a lot of planning for the consults. We checked if there was anything that would impact the way we engaged with the community, like funerals, sorry business ceremonies, food insecurity issues, unrest in the community, or any other relevant community dynamics.
52. **Cooperation and Understanding:** The AJA team worked with others, including experts, anthropologists, and retired government policy officers. We also recognised that the way we conducted consults with Aboriginal people in Central Australia could not be the same as the way we conducted consults when we visited communities in the Top End.
53. **Reflection:** We also checked when we completed the consults that people understood what we were there for and if they had felt heard.

54. We followed up and continued contact with the community in various ways- not just for me as the Director, but my 2IC, the cultural brokers and the AJU staff.
55. This should be a standard practice for all future consultations. So too for all those who consult and work with Aboriginal people and communities should be skilled or trained in how to effectively communicate with Aboriginal people on country.

e) Why did it work?

56. See answer above and below:
57. **Cultural Understanding:** We made it very clear that we were not there to have a cultural experience, to waste anybody's time or to enjoy the scenery.
58. **We were not consultants:** We are Aboriginal led and noticeably female led. The consultation process we developed was built on the foundations of best practice and experience.
59. **Accountable:** We had a governance committee that we reported to. The AJU team knew we had a heavy burden of responsibility to deliver on what we were tasked to do.
60. **Visible and Connected:** We spoke at Land Council meetings and at major events, we went to all the local annual shows in the NT, small and large- that exposed us to abuse from many non-Aboriginal people who would tell us that we needed to lock more Aboriginal people up, or they would just rip up the leaflet that was on the AJA that they had read. These responses and behaviours helped us to understand what we needed to occur to influence the non-Aboriginal space, and what was needed to bring them along the journey to achieve the aims of the AJA.

61. **Realistic and No False Hope:** We explained to the community why we had flown in, not driven in, as we wanted to hear what people said, not to use government funds by having a nice long trip that serve our self-interest at the tax payers' expense.
62. **Real Listening and Hearing:** We had already had a lot of exposure and experience with many communities. As a result, we were skilled, to a point that we knew what we needed to ask, to do, not experience.

We tried to publicise the events across the community well before our visits. At times this was difficult as we were relying on non-Aboriginal staff to put posters up and to tell people about our consult.

63. **Engagement of non-Aboriginal leaders:** Despite our efforts, important non-Aboriginal government staff did not engage with the process and this is an issue that we strived to address at future consultations.
64. **Summary:** Our consultations were successful because we had empathy. We took our time, and consulted at the pace that the community dictated. We had culturally attuned communication skills. We listened, really listened. We were respectful. We allowed anyone and everyone to speak. People with disabilities, people with mental health issues or FASD; those who would normally never be represented ever, or never had a say or voice in any community meeting or decision. We had people in wheel chairs, people with mental health issues, people of all ages who turned up and all had an opportunity to speak and be heard.
65. **Non-exclusive:** We undertook many consultations out in open public spaces, like basketball courts, the main street and outside the local store. This was important as we didn't want our sessions to be seen as exclusive meetings where too often, only selected

people would speak and hear what was said, and then decide what information was taken away and told to others.

66. I knew we had made an impact when members of the local community put signs on their front fences about our consultation in Tennant Creek and when we heard locals telling people walking along the street that they must get to the consultation.
67. I knew it was important when people used their own fuel to gather up people to come to our meeting.
68. I knew it was important when crowds gathered, and voluntarily told us what was needed to keep their kids out of the justice system, and their communities safe.
69. I knew it was important when the Elders and leaders of the community closed the shop, the art centre and office to ensure everyone could attend our consultation.
70. It worked because people felt that they had been heard. We had built strong genuine relationships with community, and we closed the loop by telling people what we had collected and we always asked was it a true reflection of what was said.

2. What were the major issues that were talked about at consultations with communities?

71. **Racism:** The major complaint that came up at the consultations was racism, in all its forms. It was the topic that was raised at every consultation.
72. Some people did not even know what they had experienced was racism. For many people, racist experiences were thought to be the norm, just the way that you are treated and expected to be handled because you are Aboriginal.

73. Issues of racist behavior were most often raised against police but there were also others who received criticism, including NGO's as service providers, store managers, school teachers and medical staff.
74. **Misunderstanding Aboriginal Culture:** For example, payback is not something that non-Aboriginal people understand well at all.
75. In fact, the use of the word payback by many non-Aboriginal people is used as an excuse to justify their actions or inactions, and when it is used in this context it is offensive and disrespectful and a false extension of what payback is.
76. **Abuse of Power:** Other concerns raised included abuse of power and privilege. Again, conversations about police coming into houses after they were refused entry by the tenant, yet police still searched the house looking for items and people without a warrant despite that it was unlawful (*'without a paper'*), and despite demands to leave by the tenant.
77. **Abusive Language:** People often complained about police using derogatory racist names for Aboriginal people but often these incidents were not recorded because they occurred before body worn cameras were available and made mandatory, or when it was, police failed to turn their body worn cameras on so it was never recorded. Aboriginal people thought it was worthless to make a complaint to anyone for these reasons.
78. **Banned Drinking Register:** There were concerns about the Banned Drinkers Register (BDR) and its fairness by police in its application and how it targeted Aboriginal people-even non-drinkers and how it was ineffective in targeting problem drinkers.
79. Community members talked about who the police were targeting with this policy. There were many allegations of discrimination against Aboriginal people by police.

80. **Refusal of Service & Poor Policing:** People told us that they rang 000 for police attendance in an emergency, including serious violent incidents but they were told that the police weren't attending as it was a family issue, not a police issue or that the police would attend when they could like the next day.
81. Sometimes as a result of a call to 000, police would turn up the next day in a community less than 10 kms from the town centre, but by then, the incident was over, the crime scene was contaminated, and everyone had left. People said they were reluctant to call police when offences occurred because they were questioned about everything except what had happened when all they wanted was an immediate response from police to attend to the incident that they had actually called police for. This included serious family and domestic violence (FDV) incidents.
82. People said that they were reluctant to call police for any incident that occurred in their community as they felt that it would solve nothing and they were worried that they would be arrested.
83. **Discrimination & Use of Force:** People told us that they thought that the treatment and responses they received by police specifically would not happen if they were non-Aboriginal. People told us that they felt they were made to feel like they were sub-human. That they were treated differently because of their skin colour.
84. We heard stories of how people said that they were often arrested with force for no reason at all. People talked about how police would 'rough them up.'
85. **Carrying of weapons:** Some communities like Yuendumu told us that they didn't approve of police carrying weapons in their community. They believed that police should be able to operate in their community without exposed firearms. Communities said

that they felt that in the '*olden days*', police didn't wear exposed firearms, but now they had tasers, sprays and guns and some felt that was unnecessary. Communities felt that old style community policing that was now non-existent worked well without police ever having to use any restraint methods, tools or guns.

Intervention & Lack of Aboriginal Led Responses and Lack of Consistency

86. We were told that people felt that life has never been as bad as it was now, especially since the Intervention.
87. People told us how they felt that they had failed in keeping their communities safe. They told us that no one was listening and no one was really helping them.
88. Many said that they saw a lot of non – Aboriginal people coming to communities for short periods, often to work, and then to go home to their houses that were well away from the Aboriginal side of town. People said the relationships that they once had many years ago with non-Aboriginal people in communities were no longer there.

The timeframe that people said had changed everything so significantly was the Intervention.

89. **Lack of Adequate Housing:** Houses were noted as being better on the non-Aboriginal side of town, in areas where security and lighting was better, where most of the government vehicles were parked overnight and where there was lawn.
90. **Disempowered and lack of meaningful work:** People talked a lot about being disempowered by the intervention and the

introduction of the Super Shires. Especially the lack of access to 'real jobs', or in fact, 'any jobs', this was despite their experience, and they now only had 'sit-down money'. People talked about the lack of respect, the lack of co-operation and connection to government and those employed in their community. Not one community was happy with any of the changes that was brought by the Intervention and the Super Shires.

91. Community members complained that no one knew what or how decisions were being made for their community by government agencies or NGO's.
92. No one knew how much money people were being paid to do their jobs or even what that person's job was.
No one knew where that money was coming from, or how it was spent.
93. **Lack of service provision:** Many people talked about how they could not get their houses repaired, and how they could not get access to medical services despite their being a clinic in the community. People talked about how they wanted programs delivered in the community, not in the places like Alice Springs, where they would get into trouble with alcohol, gambling, family disputes and arguments.
94. Communities talked about how programs needed to be available in language in communities, that could employ local Aboriginal people in real jobs. Specialist services could be flown in by RFDS and clinics to meet the needs of the community including FASD, behavioural programs, drug and alcohol treatment programs and more.
95. Other critical issues discussed included the impact of the intervention and the transfer of power from Aboriginal communities to the non-Aboriginal led Shires. The Intervention and the rise of the Shires, the liquidation of ATSIC and the

defunding of Aboriginal community organisations had effectively decapitated what little Aboriginal leadership in the NT and diminished the status and standing of Aboriginal men (through the messaging that they were all pedophiles), which together seriously reduced the ability for Aboriginal people to make decisions that impacted on their ability to control behaviours and restore core values that they wanted to be supported in their community to maintain a safe cohesive community.

96. Every comment raised at the 160 consultations was recorded in two registers.

3. We understand that in the process of preparing the AJA, 120 Aboriginal communities were visited and there were 160 consultations?

97. Yes, that's correct. There was a draft Agreement that was very broad in details and recommendations. We put the draft Agreement out for public submissions; we received 51 in total, and we continued to complete the final rounds of consultations.

98. Alongside the draft was a publication called the '*Pathways to the NT Justice Agreement*' where we outlined all proposed recommendations with data and the statistics, alongside statements of community concerns. This process led to the final 13 commitments in the final Agreement. The entire process took three years.

a) What was your assessment of the issues raised?

99. Personally, it was one of the most depressing and saddest experiences of my life.

100. I was devastated to see the fear and despair and hopelessness in the faces and voices of Aboriginal people, young, old, men, women and children in so many communities and towns.

101. The depressing environment was a result of systematic failures, as well as a lack of leadership, a failure in understanding, gaps in communication and racism in all its forms. Often, I thought that the Aboriginal people hadn't failed, the systems had failed them, yet we were the ones who carried the blame and the shame.
102. **Waste of Resources** Professionally, I was appalled at the waste of money that had been provided by governments over many years. The lack of change and skilled talented workers was evidenced in the poor outcomes and our overrepresentation in child protection, the justice system and our poor health. It was difficult to erase some of these images from my memory.
103. **Disempowerment:** It was evident to me that since the Intervention, there was no longer a platform for Aboriginal people to speak up. Their ability to lead, to speak for and on behalf of the community on issues that were important was non-existent. People were truly disempowered.
104. This was evident in so many places and discussions, especially where there were new buildings. Most of the new buildings were police stations, courts and housing for government employees, built in communities that were never consulted, where members of the community still lived in third world conditions.
105. **Unskilled Poorly Performing Staff:** I saw far too many unskilled and ill-equipped employees, with so many were there for the wrong reasons. Many mentioned to me that fishing or camping were the key attractions for them to the job. Not once did I recall anybody saying that they wanted to be there in that community to improve the well-being and lives of Aboriginal people.

Many people told us that they only had X number of days left in the community before they went into town or left their posting, and that they could not wait to return back to town.

106. **Lack of Accountability /responsibility**: There was a distinct lack of accountability amongst staff, even if it was their job or contract that should have fixed the problem. So many contractors and service providers delivered on outputs, not outcomes.
107. **Lack of Coordination** At the consultations, I witnessed a distinct lack of co-ordination between government and non-government organisations.
108. **Lack of empowered Aboriginal Staff and a lack of Role Models and Leaders**: I also saw few Aboriginal people in the driver's seat of vehicles owned by government and even less sitting at desks in offices.
109. Everywhere we went there was a lack of Aboriginal people employed in key positions, or authority, in fact, any position.
110. In one community we were told and we had it confirmed that the local Police had introduced themselves to all non-Aboriginal staff at the local council office but not the Aboriginal Mayor, despite the fact that these new police had been living in his community for over six weeks.
111. In another Aboriginal community according to the Elders, and people at the consult, we were told there was not one full time Aboriginal person employed- except for the Aboriginal Community Police Officer (ACPO).
112. Others told us that no one had ever been on an interview panel to employ anyone in a position for their large community, yet these key positions were filled without their assistance, input, knowledge or permission, and more, often than not given to the non-Aboriginal person's spouse, their kids, and/or their close relatives or friends.
113. **Dysfunctional Communities**: Of the 120 communities I visited, I concluded that only five of these I would categorise as

‘functioning’ and even these five were on the brink of erupting into the non-functional category. Together with my 2IC Warren Jackson, we identified distinct indicators as to what category that community fitted into within five minutes of our arrival.

114. I am happy to elaborate on these indicators if necessary: but the functioning communities more often than not did not have a police station or a permanent police presence, nor a church, but they all had one strong family who understood good governance and the need to deliver benefits for all the entire community. They also had local Aboriginal people working behind the checkouts at the supermarkets, they had Aboriginal people behind the front desk of the local council office, and we would be picked up by an Aboriginal person from the airstrip who was driving the car.
115. The non- functioning communities often had good infrastructure for government, but they lacked any relationship with Aboriginal people. Stores in those communities were owned by private entities, schools were empty, kids were running around the streets during school hours, and employment of local people low.
116. **Lack of Leadership:** I lost count of the times that I was told by the non-Aboriginal person as we drove into communities from the airstrip to our meeting place for the consultation that there was no leadership in the community- that they were all drunks- that they had lost their way- that culture was gone- that it was lost and had been that way for years; and how this was a lost generation Far too often the conversation went into some uncomfortable places, - but in reality I was appalled that these were the very people that the Aboriginal people from that community was relying on to improve their ability to lead and create or maintain their communities to be safe.
117. **Poor Govt Service Delivery** When Aboriginal people talked to me about the issues they had with their service delivery, I asked

myself many times- why are you telling me all this when you have so many visitors from government and you have complaint mechanisms and structures in place? That's when it became clear why and how we needed to invest in the areas including meaningful complaint mechanisms as outlined in the Agreement.

118. It was even clearer when not one Aboriginal person in the consult asked for more police to keep them safe, or to restore law and order to their community. Instead, they asked to be empowered and supported, to work in partnership with police and other agencies in order to keep the communities safe, and to be used for their skills of language, conflict resolution, knowledge of cultural issues, and politics. They needed empowerment and the tools to navigate a system of government and regulation that was not designed by them, for them.

119. **Barriers to Complaint Pathways:** Despite the need to address poor service delivery, not one community member at our consults had heard or knew about the Ombudsman Office, the Police Integrity Unit, the Health Complaints Authority, the Anti-Discrimination Commission or the Children's Commissioner.

120. When I asked people why they didn't complain- one older lady said- *'that policeman he is the last one to see me before he zips me up in a body bag. I need to be nice to him so he can treat me with dignity.'*

121. That was a 70-year-old lady, and I felt ashamed and guilty that her dignity and treatment by police relied on *'how nice she was to someone whose job it was to keep her safe'*.

122. Others told me they did complain to the police and school and clinic, but they were not supported when they tried to use their services again - so they believed it was best to say nothing.

123. **Summary:** The issues raised at the consultations were consistent and depressing. Describing it as '*devastating*', is an understatement. I knew and thought we would hear issues about police and poor practice, but I can't recall any community who told me what was working, let alone what service provider was delivering a program that worked.
124. In fact, if I could sum it up- I would say it was clear that what governments were doing wasn't working. I felt what people had told us, showcased that no one cared about Aboriginal people, that we were almost invisible, and that Aboriginal people were not entitled to government assistance and support, and that any help that they did get was to be seen as 'a gift' that they should be grateful for, paid by the taxpayer.
125. Not one community could tell me where their money to keep the community working came from, and what was their role in that process. These are the legacies of the Intervention and disempowerment and decades of poor service delivery, care and ill-researched, rushed, and poorly consulted, and delivered policy and laws.
126. Probably the most telling was when I asked people what justice meant to them: nearly all replied- '*when I get treated good, and fairly by the police*'.
127. What I took from all the consultations was that racism was real in all its forms and that Aboriginal people experienced it every day; day in , day out, and that Aboriginal people would not thrive until it was non-existent.
128. Aboriginal people were not engaged by government or their agencies in any way other than being a passive recipient of the services that were being delivered poorly in their communities.

b) What report was produced?

129. The final product was an Aboriginal Justice Agreement for the Northern Territory that was for a seven-year period, 2021- 2027^{iv}

The final Justice Agreement has 13 commitments, and 42 actions. The Agreement is unlike any other justice Agreement. It tackles the inner culture of government and sensitive issues like racism in all its forms, and the review and reform of legislation provisions within the justice system that are unfair, discriminatory, or detrimental to Aboriginal people. Legislation includes the Bail Act 1982, the Parole Act 1971, the Sentencing Act 1995, Juries Act 1962, Liquor Act 2019, Police Administration Act 1978 and the Criminal Code. All these will be reviewed over the seven year lifespan of the Justice Agreement. It will identify and eliminate systemic racism in government agencies and contracted service providers that directly or indirectly discriminate against Aboriginal Territorians engaged in the justice system. The Agreement will also implement community court and establish and support Law and Justice Groups (LJG).

130. All the issues and comments reported from the consultations were recorded in two registers. These can be made available if required; there are over 1300 comments.

4. There is a consistent theme in the expert reports of the community being disempowered as a result of a number of things, including the 2007 NT Intervention and the creation of the 'super shire' Councils.

a) Was this ever raised at your consultations and what did people say?

131. As I mentioned above, the Intervention and the rise of the Shires, the liquidation of ATSIC and defunding of Aboriginal community organisations had effectively decapitated what little Aboriginal leadership existed in the NT and diminished the status and

standing of Aboriginal men (through the messaging that they were all pedophiles) which together seriously reduced the ability for Aboriginal people to make decisions that impacted on their ability to control behaviours and restore core values that they wanted to be supported in their community.

132. **Stereotypical labelling** People said at the consultations that life had never been the same since the intervention- that it had never been so bad- ever.

They talked about how the intervention had labelled good Aboriginal men as pedophiles and so when they walked down the street they could feel that people were wondering if they were interfering with their kids or their grandkids.

They said they felt sick in the stomach and still do to this day. They felt that they had been classified as criminals of the worst kind and that they could not remove that label. Furthermore, the intervention had made that label permanent, as it had never been removed, nor had there been any attempt by anyone to correct the allegation that triggered the intervention, which alleged that child sexual abuse in Aboriginal communities, committed by Aboriginal people across the Northern Territory was rife.

133. **Demoralization** Mothers and grandmothers felt that they had failed, dismally. They felt they were labelled as inadequate and unable to keep their families safe and happy and that as women they had allowed these unspeakable acts to occur under their watch.

People talked about the big blue signs that came as part of the intervention was the first thing that visitors saw coming into their communities. The words on these signs said “no grog and no porn”. This introduction to their community gave the impression that all Aboriginal people living there were bad, criminal, and dysfunctional.

People said that you did not see these signs when you came into the towns of Darwin or Alice Springs, as they only appeared in Aboriginal communities including town camps. Furthermore, while the issues of alcohol, drugs and porn existed everywhere, they were represented as only being present in Aboriginal communities. For these reasons people said it was racist.

134. **Disempowerment** The disempowerment of communities through the Intervention and the Super Shires was raised in all of the consultations or it was said to us in general conversation. People said that the intervention had taken away their control and ability to make decisions for and on behalf of your communities and families. They recognised that things weren't great before the intervention, but now we were told that it couldn't get any worse.
135. **Lack of Transparency and Accountability** People told us that they did not know how money from service providers was coming into their communities. They also had choice as to who came into their community, who visited and for how long, who got what job, how long they stayed, how they were being reviewed and if feedback from community was part of that process, how money was spent and who was delivering programs into their communities. They also had no influence over how decisions around what programs or services were wanted or needed were made.
136. **Lack of Focus on Community and its needs:** People said that as a result of the Shires taking over, the focus was now on rubbish, roads and infrastructure. They wanted to be able to do what they once did, like go into the community office to ask for a purchase order to take some of the kids that were causing trouble out to a homeland to talk to them and give the community and parents respite. But because purchase orders for petrol, and food to do that are no longer available, grandparents on pensions were using their own money to pay for these goods. This important cultural practice and obligation was dying out as a result.

137. The lack of any ability to improve their community's' situation made Aboriginal people very sad, as even when there were food insecurity issues in the community, previously the local Aboriginal community council would help with the purchase of food. With the Intervention, all that and more changed forever, overnight.
138. **Over-policing and criminalization of social conditions** People said more police also came but it didn't make the community any safer. Rather, it meant that more people went to jail or got arrested.
139. Communities said that they didn't know a lot of the officials, contractors or people employed by government in their communities, including police and health workers as they would just, go to work and then they would leave the community, never to be seen again.
140. **Alienation of Community by Police**: Police in community made it clear that they were here to do a job- and they weren't happy living in community, away from their families and towns so they didn't want a relationship with us.
141. In one community the local police kids were home schooled, they didn't go to the shop as all their food was bought in by police plane. They lived in a complex that had an eight-foot high razor wire fence, they didn't socialise with the local community, each house had a pool, green lush lawns, a playground, and parked in the carport was a boat and a 4WD whereas on the other side of the road were Aboriginal people living in poverty with next to nothing.

b) what role does the AJA play to address that, and if so, how?

142. The actions in Aim Two of the AJA; Engage and support Aboriginal leadership is designed to address the lack of leadership and empowerment. Specifically Aim Two will Establish and maintain respectful place- based engagement with Aboriginal Territorians in decision making. It will establish and support Law and Justice Groups (LJG) to promote the uptake of leadership roles for Aboriginal people, including appointments as Justices of the Peace and Commissioners for Oaths. The 13 actions outline the outputs in more detail.

143. Law and Justice Groups will partner with local Aboriginal leaders and respected persons to co-design models for Law and Justice Groups including: membership, Local Action Plans, scope, relationship to other local initiatives and structures. We will develop and implement these alongside Local Action Plans with each community to set the priority , the pace, and the agreed outcomes of the actions.

With respect to the information gathered:

a) What information did you give to the CEO of government agencies.

144. We gave every NT Government CEO a copy of what was said by people at the consultations that related to or impacted on their core business.

b) Who contacted you as a result of that process?

145. No government agency contacted us about the content of those documents.

c) How did govt agencies feed into the AJA?

146. We asked agencies to attend several workshops – including the one with experts where we had people from around Australia

help us provide content for the AJA, with a facilitator that led a draft and later the final Agreement.

147. All government agencies had the ability to feed into the draft and later the final Agreement, including the cabinet.

148. We delivered many presentations over the three years that and they were available to government.

149. The government was also able to feed into the public submission process.

150. Only a handful of government workers turned up at the consults for the AJA in Aboriginal communities.

151. It was disappointing that none of the NTG CEO's wanted feedback or further clarification or assistance on the content of the register. If they had taken up this opportunity, we would have been able to assist each agency on how to work better with Aboriginal Territorians, but also what Aboriginal people said needed addressing to work well with government before it became a coronial inquest, or a complaint, or subject of a Royal Commission.

6. Whether and how Yuendumu was engaged in that process.

a) What did people at the consult for Yuendumu have to say when you spoke to them?

152. We visited the Yuendumu community on the 9th of July 2020, it was not long after Kumanjayi's funeral.

153. People were engaged with our consultation both in person, and on their phones listening in from Alice Springs and other communities including Lajamanu where there were ceremonies and a funeral.

154. There were comments from Yuendumu that highlighted issues mostly about police but also about the health clinic.
155. In general, the community talked about the issue of building relationships with agencies and they wanted an ability for them to have an input into decisions, programmes and policies that met their needs. The time frame that people used in Yuendumu when talking to us was a *'before and after the shooting incident'*.
156. The community talked about the lack of cooperation with government including the health clinic and how this and the relationships with police, health and government was not good now or even before *'the shooting'*.
157. The community said that there was a lack of respect for them, and that people would come and go into the community, and they had no idea who, why, or for what purpose.
158. **Health Clinic** People asked us why did the clinic close and why did the clinic have no nurses available the night that Kumanjayi died?. People asked why they didn't ask us for help? Why didn't they tell us what was happening? We had no idea that there were no nurses or Doctor left in Yuendumu that night. Those actions meant that there was no one for the old people, the sick people in the community, yet this was not taken into account when they made the decision for all the medical staff, including the doctor to leave the community- let alone not tell them what and why they did what they did that had made them make that decision, nor where they had gone, when were they to come back, and what options they we had if a medical emergency arose in their absence.
159. **Police issues:** The consultation raised issues about police. There was a request to the Northern Territory Chief Minister and the

Police Commissioner that they don't wear guns in the community' they said hear us: '*no guns, we want no guns in our community*'. The crowd talked about how they used to work well with the Police in the past, but things had changed. I spoke to individuals about how this had changed they said that they didn't have the relationship that they once had in the 'old days' with police and how now, the police didn't respect them.

160. There were family members of Kumanjayi at this meeting and they talked about how they felt that they had been let down by police and the Health clinic. How they felt that they weren't treated right.

161. **Cultural Law:** The people at this consultation also talked about how Aboriginal Law (lore) needed to come back so they could restore law and order, and how they offered many times to help their young people who were struggling but there wasn't anybody that had come to help them sort these kids out.

162. I recall my interpreter telling the crowd how they wanted Community Courts to come back as they had worked when they operated a long time ago.

163. **Local Shires:** They said that access to money to help their kids and grandchildren who were in trouble but it wasn't available as the shires weren't helpful and WYDAC didn't have access to funds like the local Aboriginal community councils once did.

I heard about many communities who asked for support for kids who were troubled and often just wanted to get the kids out of town to provide respite for the parents and the community, where the kids could talk to the Elders and respected people who could help them get on the right path. So that the children could then talk to the Aboriginal health workers, the Ngangkari (cultural healer), the community police officer, or Aboriginal teacher's aide to get help for that child. After the Intervention, the Shires took

over from Community councils (as Aboriginal Community Controlled Councils were defunded in the process). The assets from community councils were stripped from them and given to the Shires but once that happened, the Shires failed to support the community culturally and financially like the community councils once did before the intervention. Everything was centralized in Alice Springs, Katherine and Darwin. That meant that Aboriginal communities around the NT had no resources, no input or control over programmes or funding and no dignity, as a result. This remains a serious and ongoing problem arising from the Intervention. Decisions about programmes on country are now made by non-Aboriginal bureaucrats in the head offices of the Shires in Alice Springs, Darwin or Katherine without, or at least very limited local Aboriginal input.

b) you came into Yuendumu with an ABC camera crew- how did the community deal with that?

164. The community wanted us to come- they were wondering why we hadn't come earlier. They actually said to us '*why are you the first ones to bring a camera crew out here?*' There was a feeling at that time that people were cut off from talking about what had happened, people said that they felt that no one had heard their side of the story.

I recall that a key traditional owner who is now deceased, rang me via another person to make sure I was going to the community as he knew my family and me too, he trusted us. He was in the Alice Springs Hospital and he said the community was waiting for us to come in and have the meeting as it was important for '*both them and us.*'

He talked to me how we needed to make sure what happened to Kumanjayi never happened again, and it was important that we listened to what the community leaders and other had to say. They thought that their side of the story was not being told the right way,

by the right people, and they wanted others to know this. People felt if this was heard and done this way, then others would understand their frustrations and grief.

c) Were the Government or community apprehensive about you visiting Yuendumu?

165. Yes, the government representatives were, but not the community. They wanted to be heard.

If so, why, and how were they overcome?

166. People were concerned about safety at Yuendumu. I explained that I had contacts, and people trusted me, and I knew what to do even after a traumatic incident like a death in the community.

167. For example, I had asked permission to visit the community from the traditional owners and leaders of the community. I checked in at every opportunity with these people- before we left Alice- when we landed on the airstrip in the community and again before we started the consultation to ensure that I had permission to speak and the right people at the meeting who had the authority to speak and who could hear what we were here to talk about. I followed the cultural rules that I had been brought up with and taught as an Aboriginal woman.

168. I had cultural brokers, interpreters with me, and I had strong relationships with the senior leaders in the community and I was checking on to see how, where and when did they wanted us to conduct the consult.

169. I did pre-briefings and de briefings with the community with the content of the consult. At no stage did we feel unsafe or unwelcome.

7. What impact the AJA could have in Yuendumu, for example (and if relevant) in relation to;

a) Policing;

170. The AJA could improve relationships with all government agencies, not just police. With police, the AJA means that Aboriginal people would work in partnership with the local police to keep the community safe.

171. Police could work with the community to establish agreed processes and policies that could be activated when there is an emergency or crisis, or unrest in the community.

172. That wouldn't take the form of a service agreement, or a memorandum of understanding, or another document because that process has failed Aboriginal people and communities. No one monitors them, no one audits them, and when Aboriginal people complain, their complaints are resolved with the very party that they are complaining about. The AJA could outline what needs to happen to improve relationships, including what each party will do to improve that relationship, and how those improvements would be monitored and what penalty or reward there would be for compliance or non-compliance. The AJA through a review of the police would outline the changes that needed to be made to the day to day activities between police and community, including:

a) How warrants should be executed in a respectful manner;

b) How and by whom statements should be taken;

c) How community want police to operate when there are disputing families in the community, including who needs to be involved and in what role; and

- d) How those serving the community or designing policies, programmes or services to the community can learn about culture, history of community etc. including language and clans and their particular needs and desires.
 - e) Who in the community could be used as cultural brokers and as qualified interpreters for both victims and offenders.
173. It could allow the community to take control of decisions in agreed timeframes, and then if that didn't work- then the agreed actions outlined in a next step plan could be activated.
174. It would mean that Aboriginal people from each community could be part of the recruitment process for police, health, doctors, teachers, and others that worked in their community.
175. It would enable Aboriginal people to provide feedback to government staff who work within their community, including whether their contract should be renewed, and how their performance could be improved to ensure that they work well with Aboriginal people.
176. It means that Aboriginal people could deliver place based cultural competency training to anyone who worked in their community.
177. It means that community would feed into any contracts awarded for services delivered in their community, so that Aboriginal people could have an opportunity to prioritize what tasks needs to be undertaken.
178. It means that Aboriginal people's priorities, and preference for the pace at which they wanted tasks done would be known.
179. It would mean that Aboriginal people could identify what behaviours they accepted and did not accept in their community by everyone.

180. In relation to Yuendumu particularly, the AJA could deliver on;

- An agreed plan that would have been in place as to what role all parties would play at funerals, ceremonies, cultural events, and special visits;
- Bail conditions could be negotiated and changed early for defendants to go to funerals or ceremonies;
- Potential employees within the community for NT Police would be identified for further discussion.
- It would mean that there would be an opportunity for negotiations with police, or at least discussions before they took action. If necessary, the community could be informed about why Police were wearing exposed firearms.

181. It means that people with cognitive disabilities, Fetal Alcohol Spectrum Disorder (FASD), acquired brain injuries and mental health issues would be identified early by community members, and appropriate plans to deal and respond when people misbehaved would be negotiated with authorities like police and health.

182. It means a plan could be developed with the health clinic-as to what to do when break-in occurs, or health staff feel unsafe, or disrespected. Then, an escalating plan known to all parties would be activated.

183. It would provide opportunities for sentencing options to be offered to the court that were meaningful to the victim and the community that impacted on the offender.

b) Engagement and relationships with government agencies

184. Establishing Law and Justice Groups (LJG) in Aboriginal communities will enable people who operate in, or for actions that impact on this community are cognisant of cultural rules and boundaries for that community.
185. Government would need to undertake on-going regular cultural competency relevant to that area. It could mean that non-Aboriginal people have access to Law and Justice Group members who are screened and skilled to be employed on recruitment panels.
186. And be fully aware of what funding comes in and what it is spent on, including what programs, and how it is spent in their community.

c) Accessibility and uptake of services for those at risk or in contact with the justice system.

187. Law and Justice Groups (LJG's) allow people to be aware of what services and programs are available in their community and how to meet the eligibility criteria for them.
188. The LJG's would be consulted on any changes to government formal or informal policy and changes to service delivery.
189. LJG could ensure that those at risk or in the early stages of offending could be diverted from and out of the legal or justice systems forever.
190. LJG's can provide a wrap-around services to assist people lodging complaints about failures and behaviours of agencies, especially if they aren't providing the services that they promised or are contracted to deliver.

191. LJG's allow for complaints to be received by the LJG members and then communicated to the Ombudsman, the police complaints, ADC, etc. so bad behaviour by individuals or systems that currently go unchecked can be held to account and ultimately change.
192. A LJG can also identify gaps in services provided to a community and raise this with government to identify and prevent offending behaviours that may be aligned with substance misuse and abuse.
193. Whilst there remains limited employment and uptake due to a lack of trust in some communities like Yuendumu, LJG can provide a testing ground to restore and regain trust for people to work with government in policing, health and education; in fact, every aspect of service delivery by any agent or agency.
194. A LJG could assist people to prepare paperwork for government or to courts or authorities where they don't speak English or who don't know how to use a computer, or if they don't have access to something as simple as a stamp to return documents. Such support will help them to avoid further negative contact with the justice system.
195. It will allow people to have access to, and register personal plans (end of life plans), so their wishes of where they wish to be buried is registered.
196. A LJG can assist people with access to the public trustee, the guardianship board, access to pensioner concessions for vehicle registrations, concession cards, reduced rates for licenses etc.
197. LJG can deliver on any information, policy reform or decision, or communication that is often contracted by others to consultants.

d) Community cohesion- stability and functionality

198. Whilst there is no structure that supports community empowerment and self-determination, in many Aboriginal communities LJG could fill this void.
199. They enable everyone to feed into a process to have a voice that is heard.
200. They allow communities to make decisions and be held accountable for those decisions impacting on their lives now and in the next 10-20 years. They allow people to have a voice to say what money is needed and where and how it needs to be invested. LJG allow participation for those marginalized and vulnerable and for those concerns to be heard.
201. Being truly Aboriginal led and run the LJG will encourage stability, and this in turn will assist those less functioning to be able to have access to data, statistics, analysis, forecasting to make decisions now and in the future.
202. The LJG's allow for Aboriginal people to function in ways that suit the community. The community can determine the pace, the priorities, and the desired outcomes in areas ranging but not limited to from health, land, culture, teaching, law and language.

f) Race relations and relationships

203. **Trust:** A LJG in Yuendumu can improve race relations and relationships. But it will require trust to be rebuilt and it requires acceptance of some hard truths. A LJG could do this under our proposed model to improve all NTG operations in the town.
204. **History & Understanding** A LJG would provide an understanding of the history of Yuendumu, and the impact of poor policy and legislation including colonisation and where they are now and why

and what they would like it to be in say 10, 15, 20 years' time, and how they want others to assist to achieve the goals. Critical to this process is the need for Aboriginal people to lead, in a way that supports and prioritises the changes of the Aboriginal community. It's the only way that trust and relationship will be re-built.

g) Services for young people with a disability, like Kumanjayi.

205. **Engagement and Identification**, Firstly, the LJG could identify people at risk of offending, those in need for medical intervention and assistance, including diagnosis and treatment and those who have disabilities, those who are vulnerable to ensure they have access to programs to allow them to function well and thrive in the community.
206. They could ensure that vulnerable people like Kumanjayi are getting the services they need from Centrelink, NDIS and others including access to education.
207. They could advocate for the vulnerable in court matters or compliance issues with bail, court, or parole conditions and orders.
208. **Mentoring** They could be mentors, role models, that are constants in the community, and they could assist service providers with cultural and language barriers for those with disabilities- and be available- pass on messages- to ensure clients get to appointments at the clinic or elsewhere.
209. **Information Assessment and Evaluation** They could also provide information for any reports, assessments etc where community feedback could then be passed on to government and other service providers to ensure that service provision meets their needs.

h) Existing youth programs like WYDAC and Mt Theo

210. **Influence:** The LJG would recommend people to go to these programs- as well as identifying what is available, and offer information to people as to how these programs operate.
211. **Information:** The LJG could provide program people with critical information about a person's triggers, background, strengths, weaknesses, medical history, cultural position and more. Critically any information that would be validated and would enable a person to succeed in completing youth programs.
212. **Funding:** Direct funding if it is required and assist in assessments and evaluations of these programs for youth. Some could even be employed to play pivotal roles, or be mentors for young people.
213. The scope of roles for LJG would be dependent on what each community wants.

9. How does a Law and Justice Group work under the AJA?

214. The model that we developed for delivery of LJG under the AJA is summarised in project plans. These project plans outline the scope, purpose, framework, monitoring and evaluation, and actions for LJG's.
215. A LJG is a group of people, nominated by the community, proposed to be appointed by the AGD Minister, who are screened for their leadership and suitability to assist any issues that come to the attention of the community that needs consultation- support- endorsement- or more. Every LJG established is intended to have a Community Court.
216. Members would be employed, and could perform a variety of roles. They could assist any parties that require interpreters and or

cultural brokers to consult on any decision that impact on the community.

217. This means decisions as simple as store price increases, to issues of kinship or child protection, to endorsement of employment of people in the community, to decisions on community safety. These decisions could be fed back to government and others on the community's concerns and views.
218. Members of the group could monitor and sign off on community service orders, bail and parole, and if necessary, report any breaches and inform corrections or police on foreseeable conditions requiring change like a request to attend a funeral.
219. LJG members could deliver cultural competency courses that are local and relevant for all employees. LJG Members could be role models, mentors, language teachers in schools, health clinics and in police stations.
220. LJGs have the ability to empower local community Elders and leaders to participate in the justice system, enhance traditional authority structures and resolve conflicts that arise in the community.
221. LJGs are recognised as an important means of reasserting cultural authority, driving community-driven responses to law and justice issues and securing improved Aboriginal justice outcomes in all areas that impact on justice outcomes.^v LJGs form a critical place-based platform for guiding reform of service delivery to achieve the aims of the Agreement, effectively acting as the interface between government or government-contracted service providers and Aboriginal Territorians.
222. Throughout the consultation process the request for LJGs was consistent and the need immediate^{vi}

“...We have been showing the way, showing that a strong Aboriginal group is running things the way it wants for itself, we can make a big difference in the community. We feel that supporting groups like ours will do a lot more to solve these problems...”

223. LJG’s will develop and implement local Action Plans, consisting of place-based strategies to improve matters that impact on justice outcomes and provide feedback to the governance committee and directly to NTG agencies on matters impacting on community safety to inform Aboriginal people on changes to policies and practices at the local level. LJGs will be resourced to prepare Aboriginal Experience Reports, (Gladue or Bugmy type reports) for Community Courts which aim to improve sentencing outcomes by providing insightful detail regarding the background of offenders and their families, before a plea is received.^{vii} In providing these reports, LJGs will impart knowledge of the circumstances of the Aboriginal offender and the offences committed which outsiders and court officials, including judges may not be aware of.^{viii}

“Nobody outside knows what’s happening in community, we need to talk with community and family members and take responsibility for community.”

224. The involvement of local leaders in the LJGs is significant, because it reflects practices of the past, where equal representation of male and female members of the community exercised greater agency in the decisions that affect their community using their intimate knowledge of community relationships and processes.^{ix}

225. Strong leadership and support from the traditional owners, Elders and the community is integral to the success of the LJGs. The restoration of Aboriginal leadership through clear governance

structures will strengthen the values and principles that Aboriginal Territorians want upheld and demonstrated in their communities.

226. The AJU will assist to establish clear governance structures ensuring LJGs have access to relevant data and evidence-based materials to make informed decisions.

227. Supporting partnerships through the LJG's provides a platform for two-way dialogue between government and Aboriginal Territorians. Aboriginal participants in the community consultations also articulated that LJGs' would allow local ideas and concepts to be tested and validated, and enable local, culturally competent advice and content to be embedded into justice processes.

Re Law and Justice groups in Yuendumu

228. In the community of Yuendumu we could see the LJG perform the following roles:

1. Approving or providing feedback into changes in government policy or legislation.
2. Dispersing information to community members to assist them to navigate the political and cultural issues that others may find difficult or intimidating.
3. Establishing Emergency safety plans-(that are different to safety plans and community safety groups that were developed under the policing models).
4. Assisting community to comply with court orders and more including any requests for amendments.
5. Monitoring and assessment of court orders, bail conditions and more.
6. Ensuring representation of the community at events and meetings.
7. Improving school attendance.
8. Undertaking FSDV order compliance.

9. Taking complaints from community members and referring them onto the relevant government agencies.
10. Reducing the number of external consultants in a community and instead creating local employment.
11. Working with the courts to providing Aboriginal Experience Reports (known in NSW as Bugmy Reports) to community courts and for pre-sentencing in all courts.

a) *Is there a plan for plan for a Law and Justice group in Yuendumu?*

229. The AJU had not highlighted in the first instance that Yuendumu was to be a LJG with the current funding. This is due to respect for the criminal trial that was in progress at the time.

230. Since then, we have been advised that all LJG's will be delivered by the Department of Chief Ministers office and it is unclear what the AJU's role is in delivering this task.

231. As I understand it, a consultant has been engaged by the department of the Chief Minister's office to work with the community on the model for the LJG, however, the original model and framework was part of early negotiations that the AJU had with Yuendumu and is outlined in our LJG project plan.

b) *How does that work alongside the existing Southern Tanami Kurdiji?*

232. We have tried to work with the Southern Tanami Kurdiji on several occasions including when we conducted the AJA consults in Yuendumu. It was without success.

233. We have tried to understand what this group does from accessing Annual Reports, verbal communication, community knowledge, but we have been unsuccessful.

234. My observation is that it appears that this organisation, has taken on some quasi roles of the previous local community council and they assist with mediations between families from Yuendumu and neighboring communities when there are disputes.

10. Your knowledge, if relevant, of Just reinvest and any partnerships in justice that exist and whether there is any proposed partnership with communities in the NT.

235. I am aware of justice reinvestment and the programs work in Bourke and Cowra, and internationally in Texas.

236. In this regard, we have partnered with philanthropist Paul Ramsay Foundation (PRF). PRF has engaged in areas across the AJA, including northern communities, Law and Justice groups, Alternatives to Custody and more. This partnership assists us to show how money can be diverted and saved when you invest in programs that work to achieve community safety and deliver on justice reinvestment.

237. I would argue that the AJA is justice reinvestment that we currently work alongside PRF and government to deliver. In February 2023, the Commonwealth government and the NTG announced substantial funds to deliver justice reinvestment initially in two key locations, Alice Springs and Katherine and most likely some communities. The AJU is heavily invested and supportive of this approach as it enables greater community engagement and decision making re expenditure, accountability and the need to work collaboratively with agencies.

11. Anything else you think might be relevant to the Coroner's recommendations power which empowers her Honour to 'make recommendations to the Attorney-General on a matter, including public health or safety or the administration of justice connected with a death or disaster investigated by a coroner?

238. Racism in all systems was recognised over 30 years ago in the Royal Commission into Aboriginal Deaths in Custody but it was never actioned. Commissioner Johnston identified this when he stated that people found it hard to believe that racism existed despite the fact that he was told by Aboriginal people that: *'We lived it day by day, we went to bed with it'*^x

239. I think that if we want change, real change, then looking at the issue of racism in all its forms need to be mandated for every coronial and any recommendations monitored until they are successfully implemented until it no longer exists.

240. Finally, when we asked at the consults what would make this community safer- not once did any Aboriginal person say that they needed or wanted a police station or more police.

241. The answer we received was always about letting Aboriginal people lead, let the Elders and leaders take responsibility for the bad behaviours of others, especially the kids.

242. We are all disappointed when we see recommendations for non-Aboriginal to undertake Cultural Awareness programs- as they change very little- they are passive- and it does nothing to alter behaviours, or allow people to recognise their biases and prejudices. People talk about cultural competency- but what does that actually look like- what does that actually mean- What does culturally safe, culturally appropriate look like- or even mean - I don't know.

243. Instead the employment of individuals whose role is work with Aboriginal people or communities should be required to demonstrate that they can work effectively and well with Aboriginal people and that community, it should be a key component of the job and the community should have a say in the employment process e.g. a right of veto. The community organisation should have the same recruitment process as the governments.

244. Every job description I have seen requires – *‘an awareness and appreciation of Aboriginal people and knowledge of their history’*. You should not be able to learn on the job because it is such an important skill. Instead, you should already have that skill if you are working with Aboriginal people. And it should be audited by the Aboriginal people you are working with, so you know whether you are meeting the needs of the community that you serve as a service provider, especially if you work in key positions such as a doctor, teacher or police officer.

245. Anybody who works with Aboriginal people would have known that Kumanjayi would have wanted to go to that funeral. Efforts to allow him to attend should have been taken well before he absconded from CAAPU from many agencies, including those that are Aboriginal controlled.

12. Racism in all its forms in the administration of justice

a) Your experience (professional and personal) of racism in all its forms, especially systemic racism

246. Please see response in question 15.

c) How does the AJA deal with that?

247. **Campaign Development** The AJA engaged an expert contractor to deliver an anti-racism campaign aligned to the AJA for NTG. That contractor was adjunct Professor David Hollinsworth.

248. His report has been finalised with endorsement by the AJA governance committee and a copy provided to the Attorney-General for the Northern Territory. We are in the process of delivering a workshop with the AJA governance committee to prioritise the recommendations in the report.

249. **Information and Reports** The Hollingsworth report is the most comprehensive report written on racism and its implementation is critical to address racism within the NT Government and its agencies. It would be foolish for anyone who wants to deliver change in the NT to ignore this document.

250. **Implementation** The decision to implement the recommendations have been endorsed by the AJA governance committee, however their implementation is dependent on a successful cabinet funding submission and the outcomes of the workshop.

d) What is the proposal for a review of all agencies for racism, including, if any relevant an anti-racism campaign, review of contractors, contracts and service providers.

251. As part of a deliverable in the AJA under aim three, all NTG agencies will be reviewed for all forms of racism. This will be conducted by a consultant under the guidance of AJU staff. It involves looking at all the business of each government agency to highlight what needs to be changed to remove systemic racism from policies, procedures, and other ways which agencies may not see as racism.

252. As well as this – there is an anti-racism campaign that has been written by Professor David Hollinsworth as another deliverable under aim three of the AJA.

253. The anti-racism campaign informs government on what needs to happen both generally in the NTG and then when we review the agency specifically.

254. The review of the contractors, contracts and service providers allows us to ensure when contracts are awarded that they are efficient, and effective and they meet the needs and outcomes of Aboriginal people who they are providing that service delivery to. We will work with the LJG's to assist us to deliver on this task.

255. Law and Justice Groups can play a critical role in setting the KPI's and the standard of care and best practices in any newly awarded contract that is awarded to a contractor to deliver in a community.

256. Law and Justice Groups can help non-Aboriginal people understand sorry business and why it is important that they employ Aboriginal educators, police officers, nurses and health workers, janitors, cleaners and drivers.

d) does that review include police and other justice related agencies.

257. Yes, it is expected that all agencies in the NTG will be reviewed within the seven-year time frame of the AJA

13. Is there any proposal for the Aboriginal Justice Unit to review the Police and specifically the complaint process?

258. Yes as part of the deliverable under Aim two.

259. It is expected that over the seven-year time frame of the AJA, and acknowledging that we have bipartisan support for the AJA, we will eventually review every government agency in the NTG.

260. It was decided that the first agency was to be Department Infrastructure Planning Logistics (DIPL) that resulted in a limited review of this agency.

261. The next agency is up for decision by the AJA Governance Committee, some members want it to be the Northern Territory Police Force, other suggest it needs to be AGD. Once we receive conformation regarding our budget allocated from cabinet, a decision will be made firstly by the AJAGC and then ultimately the AGD CEO as to which agency is next to be reviewed.

262. The review will include complaint processes.

263. We know from the consults for the AJA that Aboriginal people are reluctant to lodge complaints and when they do the majority is through a third party like NAAJA and that makes it difficult for the complainant to be contacted as they have relied on that third party.

15. Based on your professional and personal experiences, do you have any comment on systemic racism in the Police Service and the NTG in general.

264. Yes. I have seen many examples of systemic racism in the NTG:

265. **Professional** NTG Agencies racism: I have been told by my superiors that I have conflicts of interest with people and agencies when the conflict may be perceived to exist , but the perceived conflicts are trivial and there is no attempt to manage them, and as a result it has derailed and eventually stopped projects or the delivery of programs that Aboriginal people wanted and so desperately needed.

266. I am told that letters from prisoners in NT prisons to people outside the prison written in an Aboriginal language are never sent as it is a security risk as the prison staff do not understand their content. This I understood is never relayed back to the prisoner who wrote the letters to explain why their letters are not posted.
267. I have seen prejudice in the assessments of applications for Justices of the Peace and Commissioner for Oaths.
268. I recall one instance at a consultation when an elderly man had chest pains. He went to the clinic- rung the bell outside – as it was after hours.
269. The nursing staff told him to go away because it was not an emergency. He came back later the next day and he took a photo of that sign to show them that sign on the clinic gate and fence had a picture that had chest pains listed as an emergency.
270. He told when he confronted the clinic staff- they said nothing. He told me he was sad because these nurses were on his land, in his community and yet he had no power to hold them accountable.
271. When I raised this issue later with senior health staff- they told me they this was usual practice, but unfortunate when they used agency staff. But when I checked back with this man- he said that the nurse that had told him chest pains weren't an emergency had been in his community working as a nurse for years.
272. As nearly 85% of people before the supreme court are Aboriginal the legal principle '*of being judged before your peers*', is not met. Legal argument says that because the selection process is random and based on the electoral roll then it is not discriminatory- and when you identify the boundaries for selection of jurors based on the electoral roll- it eliminates a large percentage of the eligible Aboriginal NT population before any challenges or conflicts begin

and there is no ability to have a judge only trial for Supreme Court matters where all white juries are mostly empaneled.

273. **Police Force Racism** I have seen so many examples of systemic racism in the Police Force:

274. At one Police Station I was told that they had taken the batteries out of the intercom as they were sick and tired of Aboriginal people pushing the button.

275. Others just weren't working – which is unacceptable because at times this is the only lifeline for Aboriginal to get help from, or to call Police. Instead it's lack of operation was excused by many police as just wear or tear in harsh conditions or people just being 'pests'.

276. We also rang the local police station at every consult- To our surprise- one some calls went to interstate front desks of police stations some 1800 kms away. Thankfully when we advised police this was changed immediately.

277. We asked community at our consults re this issue and they said yes it had been that way for a long time- and that's why they would just ring 000 and not the local police station number.

278. There were many more experiences like this: For example, when the Aboriginal community told me that they had a brand-new police station built and often new police houses, but they weren't being serviced well by police. Some of these structures cost over \$19M.

279. I recall in one community; Robinson River I saw as you came into the community a brand-new police station but it looked new and unused. When I asked why there wasn't a community police officer able to work in that Police Station, that Police Officer just laughed at me. Again, that building cost over \$19M, and according

to the community at the time of our consult, it had never been used.

280. Many responses from government require you to have an email address, access to a post office, a stamp, a computer, a printer, a confidential setting and more. Many Aboriginal people with confidential documents are reliant on a local council's office goodwill to undertake these tasks, or the clinic, and too often people's time or goodwill is limited.
281. Entitlements for those who are vulnerable like access to senior cards, pensioner concessions for vehicle registration, licenses, home improvement schemes etc. are not taken up by many Aboriginal people as the entitlement to access by email or the use of a computer is just not available.
282. As explained previously, access to a computer, (let alone knowledge of a computer) must be used to access MYGov, Medicare, Centrelink. As we know that Aboriginal people may not have an email address and only use certain media platforms, yet the majority of responses from government services fails to accommodate for non-computer-based responses, despite knowing that there are no confidential spaces for people to have access to a computer, let alone reliable internet or regular mail service.
283. If you know that your population is 30% Aboriginal and that 75% of that 30% speak another language than English at home and that 75% live in remote regions- then the system needs to adapt to meet community needs. But there are no Aboriginal language speakers in the JESCC- the Aboriginal people who are language speakers in the NT Police Force like ACPO Derek Walker are few, and I was told that language speakers of Aboriginal languages by police members is not recorded on any official data base.

284. **Racism in your work place:** I have lost count the number of times that I have confronted racism in the workplace.
285. I recall on one consult, a Senior Sergeant of a remote police station, who in front of his junior colleague said to me when I asked him what did he believe was the answer to reducing incarceration of Aboriginal people. He said *'The only hope you mob have is to stop breeding for the next 10 to 15 years.'*
286. The other officer when questioned about hearing this statement denied that he had heard it- but it was impossible that he did not. That tells me something about the culture of junior officers and their fear to report on senior officers.
287. I didn't want this person working in an Aboriginal community again, but to my surprise this officer was transferred to another Aboriginal community with a promotion- and then they told me as I had signed off on it there could be no further action - only for that officer to turn up again in another Aboriginal community when I was doing a consult some 10 months later.
288. The BDR complaint that my father made when he was asked humiliating questions by the Police Alcohol License Inspector (PALI) despite there being 17 other persons purchasing larger quantities of alcohol at the time, yet they, who appeared to be non-Aboriginal only had cursory checks of their licence.
289. During this process the police said that they had done nothing wrong- but could they use the video as a training exercise. They accused my dad of being a secondary supplier to town camps and a liar, that he had something to hide and they spoke to him in an intimidating, condescending manner.
290. During this process my relationship with police changed. Before this incident, I would meet senior police on a weekly basis and it was amicable. I then was informed that someone had put in an

ICACC complaint against me alleging that I had abused my position of power- by replying to police about the need to contact directly my dad in an email with my signature block from my work computer.

291. I had been racially profiled 3 times prior at bottle shops in Alice Springs and a senior police officer had asked me to advise him if it happened again.

292. Well when I did, and I paid the price- this incident and the investigation highlighted to me why police shouldn't investigate police and why standing up to call out bad behaviour by police happens infrequently.

293. The complaint meant we had Police cars driving up our street- yet we live 15 kms from the town centre of Alice Springs and the last time that I saw a police car up our street was when I was driving it years ago.

14. What are your personal experiences of dealing with excess use of force complaints against police in the NT?

294. People talked a lot about the use of excessive force at the consultations. These only involved police. Often people talked about force when Police entered homes without a warrant- but this was not part of my discussions for the consultations or personal experiences with police.

295. People at one consult talked about how they had intervened in one community about an incident with a young man, and how a very elderly man who had stepped in to help was pepper sprayed by police. To prevent this community wanted police to come to the office or to them first if they wanted to speak to, or arrest someone.

15. Based on your professional and personal experiences, do you have any comment on systemic racism in the Police Service and the NTG in general?

296. See the history and background I provided above.

297. There are a number of critical systemic factors that permit racism to flourish in the NT police.

298. There are no Aboriginal commissioned officers in the NT Police Force – in their history of 200 odd years and there is no Aboriginal Liaison group that the police can refer to as a safety net to air their concerns confidentially.

299. The NT Police do not acknowledge that the force has a race problem. Compare that position to the UK where the police have developed an Anti-Racism policy see <https://assets.college.police.uk/s3fs-public/Police-Race-Action-Plan.pdf> . UK police define systemic racism as:

“The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racial stereotyping.”

The UK Policy refers to the Stephen Lawrence Enquiry and says:

“Much has been done in the intervening years by policing to address racism in the police and society. There has been a stronger focus on neighbourhood policing to bring us closer to issues affecting communities and their involvement and oversight in areas such as protests and stop and search. A more robust independent inspection and complaints process has been introduced to scrutinise the police. And there has been a much

greater focus on policing being diverse and inclusive. As policing grows as part of the Police Uplift Programme, there is a huge focus on building a more representative service. Despite this, change has not been fast nor significant enough in Black communities. As we have prepared this plan, we have heard the views of Black people and their experiences of policing. We have listened to the voices of our own Black colleagues about the service they belong to. The challenge for reform, set out by Macpherson, cannot be said to have been unambiguously answered by policing. Many people believe policing to still be institutionally racist and have grounds for this view. We accept that policing still contains racism, discrimination and bias. We are ashamed of those truths, we apologise for them and we are determined to change them. We have much to do to secure the confidence of Black people, including our own staff, and improve their experience of policing – and we will. We will be held to account and we welcome scrutiny. We hope that in the future, we will be seen as the institutionally anti-racist organisation we want to be, because we took action and delivered on our promise to change. That need for change is evident. Policing lags behind almost every part of the public service as an employer of choice for Black people. Confidence levels are much lower, and our powers are disproportionately applied to Black people. In some crimes, victimisation rates are higher. Black officers and staff leave policing earlier in their careers than White staff and the fact we have only seen two Black officers reach chief constable or assistant commissioner rank in policing's history is a failure. Chief constables have decided that they should initiate and own this plan. We need policing to be an actively anti-racist organisation and are taking the steps to achieve this. We need collective action across the Police Race Action Plan: Improving policing for Black people 4 entire police service to deliver the changes that we need, which is why we have agreed a national programme of action. There remains overt racist behaviour in policing, which has been highlighted by recent criminal and misconduct proceedings. This will not be tolerated. No-one in policing can be a bystander to

such behaviour. However, more is expected than this alone. The majority of police staff would assert they would not consciously tolerate racism. The challenge for this plan is to create a police service that is anti-racist. Only being 'not racist' is not enough. It requires a much more active approach and mind-set. This has to be a mandate for a service that stands for justice. We know that societal racism to Black people is much wider than policing. However, policing has a much higher obligation than any other public service, given its ability to deprive liberty and use the most intrusive powers. The collective trust of society is critical to a police service built upon consent. This plan and the work that flows from it is more than just tackling individuals who damage policing by their overt racism or just the necessity to recruit more Black officers and staff. It is about looking at how policing works and challenging the policies, procedures, operations and cultures in policing where racism, bias and discrimination exists, so we can ensure there is no longer a debate to be had on policing and institutional racism."

300. But it isn't just the police that have systemic issues, as far as I am aware there has never been an Aboriginal CEO of any government organisation in the NT.
301. Until this year, there has never been an Aboriginal Judge in the NT.
302. Too often I have seen people in government work in an area where 98% Aboriginal people will be impacted by the changing of a formal or informal policy or new or amended legislation. I know that many senior bureaucrats who work for government have never ever met outside of passive experiences, like in a shopping centre an Aboriginal person.
303. The NTPF does not cope well with allegations of racism. They see any allegations of racism as an attack of them.

304. That's why people don't say anything- they are too afraid to speak up- and they allow bad behaviours to exist, even flourish – and the culture, maintains this position. Because these behaviours and actions go unchecked un-addressed this creates an environment or culture that without express words make it clear that these behaviours are acceptable.
305. An example of systemic racism in the NTPF is the use of police cautions in language. NT Police Officers were issued with police cautions translated into 18 core Aboriginal languages loaded onto 1500 iPads - the data showed that pushed the button to play the caution on the iPad some 165 in 2 years.
306. When the AJU asked for more data the police did not supply us with the additional data and we were denied any further information.
307. The same issue occurred when we asked for the reasons for police bail not being granted. The NTPF stated that the data was not available.
308. We also asked for data from the NT Police on cautions- like how many were issued and could they provide that data- they always replied that it was unavailable including any offence type and race data if possible. I found that difficult to accept as we did that some 20 years ago in the South Australian Police Force.
309. In the Police Force whilst there remains so many areas of discretion that remains unchecked- unaudited, and unaccountable for discretionary actions, there exists an environment for bias and discrimination to exist- especially for those in marginalized and minority groups that included Aboriginal people.

16. How might addressing systemic racism work to reduce the likelihood of a death in Yuendumu being repeated?

310. It will eliminate decisions that police and other agencies may hold including Health, that has a bias of race.

- It will allow for communities to lead and succeed.
- It will invoke respect for leaders that perform difficult roles.
- It will allow for greater employment of local Aboriginal people and enable role models to be seen in jobs that are accessible and available in the community.

324. It will enable Aboriginal people to thrive and contribute to their own futures.

It will allow for decision making by Aboriginal people.

It will allow for Aboriginal people to be valued- that recognises the difficulties that Aboriginal people face day in day out.

311. It will allow non-Aboriginal people to accept and understand their positions of power and authority.

It will allow for skilled practitioners to bring their skills and attract the right people with the right attitudes to work collectively with the community to achieve mutual goals-especially those prioritized by Aboriginal people.

It will make the path for this and the next generation easier.

312. It would create safer and cohesive communities that function well.

In essence- it will allow Aboriginal people decisions to be taken seriously- embedded and respected within a cultural context that allows us to be in the driver's seat- legally and as a professional- rather than as many see themselves, left in the gutter.

313. It will allow people prejudices, biases and for systemic racism to be addressed and not be seen as normal practice and accepted as just doing my job or following the rules.

314. It would also eliminate suggestion that with racism there is only one bad apple in the box and that the racism isn't across the entire agency- yes there are good people- but they aren't empowered to speak up- that's why so many are so few complaints but some whistle blowers despite the suggestions that people can make complaints.

How might addressing systemic racism work to reduce the likelihood of a death in Yuendumu being repeated?

315. Addressing systemic racism will allow Aboriginal people to engage with police and government services, they would then have a voice, which would empower them to be heard and to work with government and police to build, retain or restore a safe community.

316. Addressing systemic racism would have ensured that police were sensitive to community expectations and concerns so that police would not have worn exposed firearms in Yuendumu?

317. Police would have respected the cultural requirements of Kumanjayi Walker and requests from community and also the plans of local police to allow Kumanjayi Walker to attend the funeral before his arrest.

318. Police would have understood cognitive disability and recognised FASD symptoms and responded differently to an individual with such a disability. They could have approached him differently and treated his responses as a health issue they could have attempted to deescalate any tense situations rather than undertake a frightening raid whilst Kumanjayi Walker was sleeping.

319. If systemic racism was addressed, police officers would not have brought the TRG into the community in response to a local police

respite call as this was not an appropriate team to bring to Yuendumu.

320. Officers would have respected local police and respected their plans for the arrest of Kumanjayi Walker and recognised that they understood the circumstances in the community better than outsiders.

321. Simply employing more Aboriginal people in the Police Force at low levels, like non-commissioned police liaison officers is not constructive, because they are not empowered to be change agents or be heard. Senior Aboriginal appointments who are empowered could assist to drive change but it will take a long time to transform the culture of the NT Police Force. But it must change.

322. You will find that many Aboriginal senior public servants and Police Officers often leave their position because they can't handle the pressures placed on them by the system and/or they don't like the work culture or the leadership.

323. Finally, recommendations about instituting cultural awareness programs and cultural competency are pointless as they do not address the systemic issues of racism and they aren't effective at changing culture or meaningfully address racism.

What are the recommendations to the Coroner that would prevent future deaths in similar circumstances of this inquest?

324. My recommendations for change to prevent future deaths in similar circumstances are:

- That following this inquest the NT Police Commissioner comes forward and declares that racism, sexism and other forms of discrimination won't be tolerated in the NT Police Force. Reform and cultural change starts at the top.

- The NT Police from the Commissioner down must acknowledge that racism exists in all its forms inside the police force and express their commitment to develop an anti-racism campaign and to eradicate it from police Culture. The AJU are willing to assist with this task.
- With that in mind, a powerful Aboriginal led body with investigative, disciplinary powers, referral powers and more – that is independent of government, such as an Aboriginal Justice Commission should be established and the position of Justice Commissioner established with Royal Commission powers to oversee these reforms, including the AJA which should report to the AG, Police Minister.
- There should be Aboriginal commissioned police officers in the NT in proportion to their demographic in the community. If Aboriginal people won't join the police then questions should be asked why not? Officers should be retained and promoted. Questions need to be asked about the culture that puts people off joining, and speaking up about racism and bad behaviour in the force.
- Police must be trained better in de-escalation techniques and conflict resolution. This should include plans for arrest that understand culture to minimise risks to police, the accused and the public
- The NTG must implement all RCADIC recommendations particularly those above and ensure that arrest and imprisonment is a last resort and that police wherever appropriate divert Aboriginal people away from courts, prisons and the youth justice system. These actions should be reviewed independently by the Aboriginal Justice Commission.
- Create better Job Descriptions to address improving communications and relationship with Aboriginal community and Aboriginal people recruited into key policy areas and ensure these are part of the KPI's to be achieved.
- Aboriginal people should be involved in the performance reviews of senior staff that work with their community and an

Aboriginal Justice Commission could be involved in performance reviews of senior NT bureaucrats to ensure that Aboriginal issues are a key performance indicator and goal for individual being reviewed.

- LJG's should be established in all NT Aboriginal communities to develop KPI's on government business so better outcomes and targets for local communities are met and to ensure that there is promotion for those agencies who achieve the KPI's and likewise, accountability for missing the targets. KPI's must measure improvements in socio economic outcomes relevant to each Aboriginal community
- Aboriginal people must be employed as senior commissioned officers within the Police Force with meaningful powers to influence and implement anti-racism policies and that senior person should be able report into the Aboriginal Justice Commission as well as their chain of command.
- Ensure that all recruits are suitably trained and skilled when employed or selected for entry into the Police Force and in government agencies in how to work well with Aboriginal people across the entire NT before they are employed or promoted. Meeting this criteria should include assessments by Aboriginal people and/or the community in which that person works. This includes understanding and skills in de-escalation techniques including how to recognise FASD and mental health conditions and best practice responses to them.
- Senior bureaucrats, including police, should have their personal Key Performance indicators KPI's developed in conjunction with Aboriginal communities. In addition to their other KPI's, these KPI's should ensure that Aboriginal communities are advanced and protected in particular there must be measurable criteria about improving the welfare of vulnerable individuals (such as the elderly, the disabled, those who don't speak English and those who have been harmed by government policies in the past) in those communities and that they are held accountable for any failure to achieve their targets.

- Police Unions must not accept and not protect racist or other bad behaviour of their officers. Accountability for change is important.
- An independent investigative body should be established in the NT with a separate chain of command reporting to the Aboriginal Justice Commission to investigate complaints against police to ensure that Police should not be investigating any allegations of police misconduct or criminality on Aboriginal people.
- Laws should protect whistleblowers, particularly those inside the police force.
- Bail conditions should be drafted in such a way as to permit variations to be made (such as to vary reporting conditions to attend a funeral or other important cultural event) by senior police.
- All Aboriginal government employees and contracted employees in the NT must be supported by a senior bureaucrat to ensure that they are not disempowered, alienated and disenfranchised when they raise issues of concern on how systems in government operate and function. For example Aboriginal staff should be supported by a senior member of the Premier's department who understands their concerns.
- Government officials should not assume that knowing an extended family member does not automatically involve a conflict of interest for Aboriginal government employees, particularly when they are working with Aboriginal communities or community organisation. Any perceived conflicts could be referred to the Aboriginal Justice Committee rather than removing the individual from the entire decision-making process.
- Aboriginal communities should have a say in the policies that are being applied to or imposed on them. Many bureaucrats simply implement a one size fits all approach that is not tailored to Aboriginal communities and which fails to take account of the variations between communities across the NT. Critical decisions that impact Aboriginal communities must be made in

consultation with those communities collectively and not by dividing communities into clan groups or taking the advice of a single Aboriginal organisation. The AJA needs to be fully implemented and supported by the NT government and the team should have additional powers to ensure that Senior NT government bureaucrats and relevant CEO's visit Aboriginal communities to determine their needs and to define the scope of departmental reviews and to ensure accountability if they are not meeting the needs of Aboriginal people or if they are discriminating against them.

- The principle of Justice Reinvestment needs to be rolled out and delivered in the NT.
- Services to Aboriginal communities need to be mapped and coordinated. Feedback on the services should be obtained by communities and improvements undertaken on the basis of that feedback.

Signed

Leanne Liddle

Dated:

ⁱ <https://www.aboriginaljustice.vic.gov.au/the-agreement/the-victorian-aboriginal-justice-agreement>

ⁱⁱ [Pathways to the Northern Territory Aboriginal Justice Agreement PDF \(10.1 MB\)](#) Appendix one, pg 117.

ⁱⁱⁱ [2019-2020 Annual Report - NT Anti-Discrimination Commission](#)

^{iv} www.justice.nt.gov.au/attorney-general-and-justice/northern-territory-aboriginal-justice-agreement

^v Anthony and Crawford expressed that Lajamanu has become a safer community due to the operation of the Kurdiji Law and Justice Group. See commentary in Final Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, November 2017, Volume 2B, 323.

^{vi} Anthony, T and Crawford, W. (2013). Northern Territory Indigenous community sentencing mechanisms: An order for substantive equality. *Australian Indigenous Law Report*, 17(2), 79.

^{vii} This detail extends to their life in the community, significant traumatic events which has either impacted on the offender or the family and potential options by way of the healing process. In Canada these reports are known as 'Glaude Reports'. More information can be found in Aims 1 and 2 of the NTAJA and the Final Report of the Royal Commission and Board of Inquiry into the Protection and Detention of Children in the Northern Territory, November 2017, Volume 2B, 323.

^{viii} Anthony, T and Crawford, W. (2013). Northern Territory Indigenous community sentencing mechanisms: An order for substantive equality. *Australian Indigenous Law Report*, 17(2), 79.

^{ix} North Australian Aboriginal Justice Agency submission to the Australian Law Reform Commission inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples, October 2017, 39. Retrieved from: <http://www.naaaja.org.au/wp-content/uploads/2017/02/NAAJA-submission-to-the-ALRC-October-2017.pdf>

^x (RCIADIC, 1991, Volume 2: 160).

Leanne Liddle



Employment Overview

2016 - Current	Director Aboriginal Justice Unit Department of the Attorney-General and Justice Northern Territory Government.
2016 (11 months)	Principal Policy Officer Department of the Attorney-General and Justice Northern Territory Government.
2015 - Current	Lecturer Flinders University (casual) Department of Archeology: Cultural Heritage and the Law.
2014 to 2016	Senior Policy Advisor Northern Land Council, Darwin (Including significant periods as Acting Chief Executive Officer).
2012 to 2014	Manager Anangu Pitjantjatjara Yankunytjatjara (APY) and West Coast Team: (including short terms as Acting Director of Aboriginal Affairs) Aboriginal Affairs and Reconciliation, Department of the Premier and Cabinet and Department of State Development.
2011 to 2012	Manager Anangu Pitjantjatjara Yankunytjatjara Food Security, Aboriginal Affairs and Reconciliation Department of the Premier and Cabinet, South Australia.
2005 to 2011	Manager Kuka Kanyini (Environmental, Well-Being) Anangu Pitjantjatjara Yankunytjatjara Lands Department for Environment and Heritage South Australia.
2006	United Nations Indigenous Fellowship program Office of the High Commissioner for Human Rights. Geneva Switzerland including New York and Paris 5 months.
2004 to 2006	Policy Officer, Department for Environment and Heritage, South Australia.
2001 to 2004	Parks and Wildlife Programs Co-Ordinator Department for Environment and Heritage South Australia.
1999 to 2001	Senior Project Officer, Manager Strategy for Aboriginal Managed Lands (SAMLISA) Aboriginal Lands Trust.
1988 to 1999	Police Officer, Senior Constable: South Australian Police Force- Postings Adelaide, Hindmarsh, Port Adelaide, Oodnadatta, APY lands, Port Pirie.

Employment Overview

2022- Current	Member of the Committee to review Indigenous incarceration rates in South Australia.
2016- Current	Restricted (Barrister and Solicitor) Legal Practising Certificate Northern Territory.
2010	Diploma in Management: Government South Australian Government.
2009	Advanced Diploma in Community Management and Development TAFE South Australia
2008	Diploma in Project Government (Management) Institute of Australian Public Service and Professional Development.
2003	Leadership Enhancement and Development Course for Senior Managers Department for Environment and Heritage South Australia.
2001 to 2005	Bachelor of Laws and Legal Practice (Hons) Flinders University, South Australia.
1997 to 1999	Bachelor of Applied Science (Major in Environmental Science) University of South Australia.
1990	Senior Constable Examination: South Australian Police Force.

Scholarships

Law Society of Australia

Recipient of the Prestigious John Koowarta Law Scholarship 2001, 2002 and 2003.

Awards

2022	Australian Lawyer Most Influential Lawyer- Change Maker
2022	Australian of the Year Northern Territory.
2021	Elite Australian Lawyer of the Year 2021.
2021	Flinders University Distinguished Leadership and commitment to Justice
Award	

Professional membership and Board Appointments

Current

- Board Member Royal Flying Doctor Service 2022- current.
- Australian Bureau of Statistics Census Independent Assurance Panel 2021.
- Deputy Chair Menzies School of Health Board 2019-current.

Previous

- Australian Rhodes Scholar Selection Panel Member from 2015-2020.
- Member Association of the United Nations of Australia 2002- 2020.
- Director Australian Bush Heritage Board since 2009.
- Chairperson of Bush Heritage Australia's National Indigenous Partnerships Committee and member of Work Health Safety Committee.
- NRM Volunteers Committee since 2009 (Ministerial appointment).
- Member Environment Institute of Australia and New Zealand (EIANZ) 2002-2006.
- Member of the Law Society of South Australia 2004-2013.

- South Australian Arid Lands Natural Resource Management Board (SAAL) 2008- 2013 (Ministerial appointment).
- NRM Aboriginal State-Wide Advisory Committee – 2008 to 2012 (Ministerial appointment).
- Board Member South Australian Aboriginal Advisory Council (Ministerial appointed) 2010-2012 which provides confidential strategic advice to all (approximately 30) Chief Executive Officers of the South Australian Government Departments on Aboriginal Issues.
- Public Officer Tandanya Cultural Institute (2005-2012).
- Member National Committee on Animal Welfare and Feral Animals 2011-2012 (selected appointment).
- Board member Greening Australia 2006-2009.
- Equal Opportunity Officer for Department for the Environment and Heritage 2007-2008.
- Board Member National Parks and Wildlife Council SA 2001-2007
- Member (Government appointment) Australian Government Animal Welfare Strategy 2004-2005.
- Board member and Public Officer: Conservation Council of SA 2001- 2005
- Member Integrated Natural Resource Management: Aboriginal Lands Group 2001-2002.

Areas of Expertise

- Senior Management and Leadership positions.
- Experienced in Change Management.
- Natural Resource Management.
- Conflict Resolution.
- Indigenous Intellectual Property and Cultural Expression.
- Management of Difficult Staff and encouraging diversity within the workplace.
- Government policy development and project management.

Achievements Career Related

- Northern Territory's Australian of the Year 2022.
- Elliott Johnston Oration Flinders University 2022.
- Garma presentation 'Handcuffed to Justice' 2022.
- National Dispute Resolution Presentation '*Is Alternative Dispute Resolution Backyard Justice?*' Supreme Court of the Northern Territory 2020 .
- Menzies Orator 2020 '*Where is the Justice?*'
- Represented the Australian and South Australian Governments including Bush Heritage Australia in Austria, Brussels and Iran at International Energy Globe Awards, 2016, 2012, 2011, 2010, 2007.
- Justice re-integration Puzzle Champion 2019.
- At Energy Globe Awards: Included a presentation to the EU Parliament on *Kuka Kanyini Project: For Best Practice*.
- November 2009: Premiers Award for Aboriginal Leadership in Natural Resource Management.
- Course: International Human Rights, Indigenous Issues and the United Nations System, Geneva, Switzerland.
- 2006 Kuka Kanyini shortlisted for prestigious National Banksia Award for Best Practice.
- September 2006, France, Paris: Two weeks at United Nations Educational, Scientific and Cultural Organisation (UNESCO) numerous presentations and also work within the World Heritage Register: Assessment of World Heritage Nominations.

- September 2006, Cartigny, Switzerland, completed intense United Nations Institute for Training and Research Training to Enhance the conflict prevention and peace building capacities of Indigenous Peoples' Representatives.
- July-August 2006, Henry Dunant University Geneva, Participation in the 12th Summer University on Human Rights and the Right to Education- Completion of the modules: Economical, Social and Cultural Rights, Cultural Rights and International Humanitarian Law.
- June 2006, New York, Secretarial Assistance for the Permanent Forum on Indigenous Issues, Office of the High Commissioner For Human Rights, Geneva.
- April 2004, Sydney, On Invitation by former SA Premier Mike Rann. UK and Australia Young Future Leaders Forum.
- October 2003, Alice Springs, Recorded at Pioneer Women's Hall Of Fame, Alice Springs *Patchwork of Empowerment Project for being the First Indigenous Woman Police Officer with the South Australian Police.*

Numerous Conference Presentations & Published Papers

Highlights include:

- **He V, Lecking B, Malvaso C, Williams T, Liddle L, Guthridge S.(2021)**
Opportunities for Prevention: A Data-Linkage Study to Inform a Public Health response to Youth Offending in the Northern Territory. Numerous Medical and Justice Publications.
- **Forbes, S.J. & Liddle, L. (2015) Hidden Gardens: Australian Aboriginal People & Country in A. Giesecke & N. Jacobs (eds) The Good Gardener pp 20-37, Artifice Books, London.**
- **September 2009 - Yucatan Mexico: International Conference on Climate change:** Keynote speaker.
- **September 2009: International Conference on Ecological Restoration - Perth Australia**
Keynote speaker and papers presented: *What you need to know about Aboriginal Fire Management.*
- **November 2008: Australian Protected Areas Congress: Sunshine Coast**
Keynote speaker and paper, *Indigenous Protected Areas: No experience necessary.*
- **October 2007, Australian Women's Federation of University**
Challenges facing Aboriginal people in 2007.
- **May 2006, National Greening Australia: The Conference in the field Vegetation Futures: Presentation Albury, Wodonga.**
Vegetation for Survival on Aboriginal Lands.
- **September 2005, The Challenges of Change, National Conference of the Australian Network for Plant Conservation, Adelaide**
Indigenous Interests in Conservation.
- **May 2005, National Council for Women of South Australia Inc.**
The Challenges for Indigenous women.
- **September 2002, Federal Conference for the United Nations Association of Australia**
Building Constructive Partnerships With Indigenous People: Aboriginal People's Interest in Parks and Wildlife Conservation.
- **SA Environment Magazine, Vol 9, no 1 2002, By F.J Vickery and L. Liddle**
'Let's give something Back'.
- **Bush Care Magazine, October 2000, Managing South Australian Aboriginal Lands: A Strategy for Aboriginal Lands in South Australia, (SAMLISA).**

Referees: Confidential

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Further referees available on request