



Vince Kelly APM

NT Police Review

Via Email: police.review2023@nt.gov.au

20 December 2023

SUBJECT: Central Land Council Input to NT Police Review 2023

Dear Mr Kelly

Thank you for consulting the Central Land Council (CLC) Executive on the NT Police Review at their recent meeting (1 November 2023). The CLC welcomes this opportunity to provide additional input largely focused on 'remote and regional policing modelling to enhance community outcomes'. We thank you for agreeing to extend the submission deadline.

About the CLC

The CLC is a Commonwealth corporate entity established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth), with statutory responsibilities for Aboriginal land acquisition and land management in the southern half of the Northern Territory. The CLC is also a Native Title Representative Body established under the *Native Title Act 1993* (Cth). Through our elected representative Council of 90 Aboriginal community delegates, the CLC represents the interests and aspirations of approximately 20,000 traditional landowners and other Aboriginal people resident in its region, covering approximately 780,000 km² of land.

Background

For Aboriginal people in the NT, remote policing has a complex and difficult history. It is inextricably bound up in Aboriginal people's experience and memories of the 1928 Coniston massacre led by police constable George Murray and the deployment of Australian Defence Force (ADF) and federal police personnel through the 2007 NT Emergency Response (Intervention). The expansion of community policing through the Intervention was just one part of a raft of far-reaching policies affecting and, to a large degree, controlling most facets of Aboriginal peoples' day to day lives. The law and order funding package of \$130 million

for the Intervention included \$40 million for police stations and housing and \$15 million for federal intelligence gathering by Federal Police 'Strike teams'.

Irrespective of this history and the shock of the Intervention, many Aboriginal people saw the boost in police resources and infrastructure as a positive aspect of the Intervention as it provided greater access to police services than previously experienced in remote communities. At the same time, the distorted reports (without an evidence base) of epidemic child sexual abuse and paedophile rings¹ was a heavy handed vehicle for government control over many other aspects of Aboriginal people's lives and has left a painful legacy.

Despite the stated aim of the Intervention and subsequently Stronger Futures to address crime by boosting policing, the Intervention went beyond this remit by attempting to wind back the gains of Aboriginal land rights through the "compulsory acquisition of land, the abolition of the permit system and offering housing and other services in exchange for giving up rights to land."² Arguably a very high price to pay for access to policing services taken for granted by other Territorians.

Despite this history and complexity, the CLC acknowledges the high crime and incarceration rates that persist in the NT and the fact that they involve and impact on Aboriginal people at a far greater rate than non-Aboriginal Territorians. There is no argument against the need for well-resourced and effective solutions. For example, during 2021-22 there was an increase in overall imprisonment rates of 8% and a 9% increase for Aboriginal and Torres Strait Islander people. This was the largest growth of any state or territory with 'most serious offence' charges including 'Acts intended to cause injury' and 'Unlawful entry with intent' increasing by 12% and 47% respectively. In 2022, 87% of incarcerated people in the NT were Indigenous.³

¹AAP, (2007)'Mutitjulu to get first police under Howard plan', The Age, 28 June 2007
<https://www.theage.com.au/national/mutitjulu-to-get-first-police-20070628-ge587p.html>

² Amnesty International (2007), 'Indigenous People's Rights in Australia Today: Section 03 Where Do You Stand?'(accesses 18 December 2023)
<https://www.amnesty.org/en/wp-content/uploads/2021/05/SEC010032010ENGLISH.pdf>

³ ABS (2023), 'Prisoners in Australia', (Accessed 18 December 2023)
<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/2022#state-territory>

The needs are particularly high in NT remote communities where people are vulnerable to crime and violence exacerbated by the ongoing impacts of relatively recent colonisation including high levels of disadvantage, low engagement in formal education, a lack of mainstream services, overcrowded housing and unemployment and the flow-on issues of alcohol and drug dependence, family and domestic violence and vandalism. Remote intra-family violence, if not addressed early and appropriately, can also migrate into larger regional centres with sometimes disastrous consequences⁴.

The 2019 police shooting death of Kumanjaya Walker in Yuendumu, also exemplifies how policing matters can escalate quickly with very bad outcomes when police involved are not adequately cross-culturally trained, are unfamiliar with community dynamics and lack critical personal and working relationships with senior community members, local police and local Aboriginal community police officers (ACPOs) where available.

Feedback from CLC Executive and council members over many years has tracked a perceived decline in a genuine community policing approach. People recall times in the 1980s and 1990s when police had longstanding relationships in communities and provided a community policing approach including working with young people, engaging with schools, working with ACPOs, participating in cultural activities and forming trusting relationships. This was backed up by former Police Commissioner Jamie Chalker in the aftermath of the Kumanjaya Walker killing when he identified a worrying trend away from community policing to a “fly in fly out” approach and promoted the importance of police “taking an interest in the community and community life.”⁵

⁴ Sinclair, C, (2013), A series of riots in Ti Tree have been blamed on an invading Aboriginal Group,” NT News November 12, 2013

<https://www.ntnews.com.au/news/centralian-advocate/a-series-of-riots-in-ti-tree-have-been-blamed-on-an-invading-aboriginal-group/news-story/59af040c7e0b7204fb5d635752dd4f00>

⁵ Mckay, M. (2020), Northern territory Police Commissioner reveals structure of the force,’ ABC News (15 Feb 2020), accessed 19 December 2023

<https://www.abc.net.au/news/2020-02-15/remote-policing-northern-territory-major-overhaul/11967566>

It is CLC's view that to 'enhance community outcomes' as per the review's terms of reference, a cross-cultural community policing model must be re-invigorated in remote NT communities to assist with early engagement with fighting and unrest before it escalates and, where possible, reducing the need for police intervention. An effective community policing model would also facilitate effective engagement of attending police through the support of ACPOs and identified community members with cultural authority using agreed approaches.

Police resourcing

The NT has suffered a significant spike in attrition of police across all levels in recent years. In 2021-22 the overall rate was 10.65%, up from 4.53% in 2019-20.⁶ This is very concerning as the rate of recruitment is not keeping pace. This has implications for remote community policing where recruitment is more challenging. In addition, between 2020-21 and 2022-23 there was no increase in recruitment of ACPOs. There are just 64 ACPOs across the whole of the NT making up less than 4% of the total force.

In addition to a decline in police numbers, there have been a series of closures of temporary or 'shipping container' stations funded through the Intervention. In central Australia these include: Nyirrpi, Willowra, Imanpa, Haasts Bluff, Alpurrurulam and Finke with staff allocations redistributed across permanent stations in Ti-Tree, Ali Carung, Arlparra, Harts Range, Avon Downs, Kulgera, Lajamanu, Ntaria, Kalkarindji, Lajamanu, Mutitjulu, Yuendumu, Papunya and Kintore and Yulara.

The process of withdrawing staff and resources from 'shipping container stations' was hastened after the NT Government regained discretion over the allocation of Commonwealth policing resources in 2016, with funding no longer 'locked in' to the

⁶ NTPA, (2022) 'NTPFES Annual Report: Police Numbers Plummet,' accessed 18 December 2023 <https://www.ntpa.com.au/knowledgebase/article/KA-01131/>

Stronger Futures Funding model.⁷ By 2017 five of the 18 stations set up under the Intervention were already closed.⁸

Worryingly for our constituents, there are now communities in the CLC region without a permanent police presence or suitable infrastructure including Laramba, Yuelamu, Nyirrpi, Willowra, Ampilatwatja, Docker River, Imanpa, Alpurrurulam and Finke. Despite assurances about the adequacy of services provided by permanent stations, there is still considerable concern about response times particularly given the distances involved and the quality of many of the roads. For example, Imanpa lost its two-officer station in 2017. The nearest permanent stations are more than 140 km away in Kulgera and Yulara. Soon after the closure local resident Tanya Luckey said it took six hours for police to respond to an incident of grog running and community fighting.⁹

CLC's Executive members have also made the following comments on remote police response times:

- Some communities don't have police and it takes days before they respond to people calling for help when there is fighting. Someone said that when there was a call from Wallace Rockhole the police came from Yuendumu. It also takes a long time to respond to calls from town camps in Alice Springs.
- Police need to come when people call – when someone reports a crime, like someone is assaulting someone else, police need to turn up right away, not the next morning. Also police need to listen to both sides, not just to one family.
- Need more police in communities.¹⁰

⁷ Wild, K. and Betts A. (2016), 'NT Police to get control of purse strings under funding reform', ABC, 20 May 2016, (accessed 18 December 2023)
<https://www.abc.net.au/news/2016-05-20/funding-reform-hands-nt-police-control-of-resourcing/7433072>

⁸ Everingham, S. (2017). 'One-third of police stations set up under NT 'intervention' sitting empty,' ABC, 22 June 2017, (accessed 18 December 2023)
<https://www.abc.net.au/news/2017-06-22/nt-intervention-police-stations-unstaffed/8641028>

⁹ Everingham, S. (2017)
<https://www.abc.net.au/news/2017-06-22/nt-intervention-police-stations-unstaffed/8641028>

¹⁰ NT Police Review Consultation, CLC Executive Meeting, 1 November 2022

Culturally appropriate community policing and 'fixing' police culture and attitudes

CLC constituents are supportive of increased policing in communities but want a greater emphasis on the recruitment and training of ACPOs and a focus on community based de-escalation and early response rather than an increase in hard line policing. Feedback from CLC Executive and Council members includes:

Community engagement:

- Police in communities need to work with community to undertake their role.
- Police to engage with community to assist improved their role and service to the community.
- More community policing and less hard line policing.
- Conflict and fighting - fighting is a very complicated issue to resolve.
- Police need to work with community elders to address grog issues and grog running.
- Police need to listen to both sides, not just to one family.
- Police culture – need more screening of police offers to ensure good people; and local cultural training for police officers.
- People want to have a say on who is a community police officer and for them to have cultural training from people in the community they go to. No point them getting cultural training in Darwin.
- People want to hear about their background before they come – reference to not wanting men who have fought in wars overseas.
- Also police officers need to work better with the ACPOs.
- Police need to work with community elders to address issues of racism.
- Region 4 (which includes Yuendumu) do not want guns in their communities. - We don't have Yapa walking around communities with boomerang. Guns should be only used for hunting.¹¹

¹¹ NT Police Review Consultation, CLC Executive Meeting, 1 November 2022

Recommendations

1. Close to 30 percent of the Northern Territory's population is Aboriginal and 75 percent of Aboriginal people live in remote communities. It is therefore incumbent on the NT Government to commit considerable time and resources to developing a flexible and culturally appropriate community policing model that embeds ongoing cross-cultural learning opportunities for police, builds respectful and integrated working relationships with remote community members (particularly those with cultural authority) and is underpinned by a growing Aboriginal Community Policing workforce. The community policing model would be based on the principle of early engagement and de-escalation of behaviours and incidents utilising the skills, knowledge and resources of senior community members and the authority of ACPOs with agreed protocols for police engagement when the necessity arises. This model would identify key roles and relationships and ensure the provision cross-cultural training and support.

2. Acknowledging ACPOs are critical to a successful community policing model, establish and resource a dedicated program aimed at boosting recruitment of ACPO's to each of the NT's 73 remote communities over 5 years.

3. Commit to and seek funding for a program of high standard 'police post' infrastructure in communities that previously housed 'shipping container stations' that can facilitate extended rostered periods of police presence during peak activity periods where community conflict is most likely to arise including large funeral, sports weekends and during other significant community events. This 'block of time' approach would also enable police to develop community relationships and trust and enable office space and accommodation for locally based ACPOs.

I look forward to a positive response to these recommendations and reading the final report. A future update to the CLC Executive and Council on the outcomes of the review

would be most welcome. Please contact, Senior Policy Officer, Georgia Stewart at Georgia.Stewart@clc.org.au on any matters relating to this submission.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'L. Turner'.

Les Turner

CEO