

# **Factors affecting crime rates in Indigenous communities in NSW: Kempsey and Gunnedah**

**June 2012**

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## **ACKNOWLEDGEMENTS**

As one person observed, 'Kempsey has been more investigated than the pyramids.' Therefore, we were especially appreciative that so many people agreed to participate in this research. We feel privileged to have met with a range of people who were prepared to reflect carefully and honestly – sometimes brutally honestly – on the circumstances of their own community.

People generously gave of their time to be interviewed, but also to check and amend quotes we selected from their interviews that we considered as reflective of common views and important elements arising from the research.

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

We would like to acknowledge and thank everyone who generously gave their time and shared their experience and expertise with our research team.

<b>1</b>	<b>INTRODUCTION .....</b>	<b>6</b>
<b>2</b>	<b>METHODOLOGY AND APPROACH .....</b>	<b>6</b>
<b>3</b>	<b>DATA.....</b>	<b>7</b>
<b>4</b>	<b>RECOMMENDATIONS .....</b>	<b>8</b>
4.1	Interviewees’ reflections, expectations and aspirations .....	8
4.2	Interviewees’ recommendations to governments .....	8
<b>KEMPSEY .....</b>		<b>11</b>
<b>5</b>	<b>GEOGRAPHY, DEMOGRAPHICS AND HISTORY.....</b>	<b>11</b>
5.1	<i>History of the region .....</i>	12
<b>6</b>	<b>COMMUNITY DYNAMICS, LEADERSHIP AND GOVERNANCE .....</b>	<b>14</b>
6.1	<i>Relations between Aboriginal and non-Indigenous people of Kempsey .....</i>	15
6.2	<i>Relations within the Aboriginal community of Kempsey .....</i>	16
6.3	<i>Respect for Elders and cultural practice.....</i>	16
<b>7</b>	<b>SOCIOECONOMIC CIRCUMSTANCES AND ECONOMIC PARTICIPATION .....</b>	<b>17</b>
7.1	<i>Local incentives for economic development .....</i>	18
<b>8</b>	<b>CRIME IN KEMPSEY .....</b>	<b>19</b>
8.1	<i>Perceptions of crime .....</i>	19
8.2	<i>Under-reporting.....</i>	20
<b>9</b>	<b>KEY FACTORS CONTRIBUTING TO ADULT CRIME.....</b>	<b>20</b>
9.1	<i>High risk alcohol use.....</i>	21
9.2	<i>Crime as an accepted part of life in Kempsey .....</i>	22
9.3	<i>Violence is normalised .....</i>	24
9.4	<i>Historical legacies having contemporary impact.....</i>	24
9.5	<i>Poverty – there’s nothing to lose .....</i>	26
9.6	<i>Factionalism .....</i>	27
9.7	<i>Unemployment.....</i>	28
<b>10</b>	<b>KEY FACTORS CONTRIBUTING TO YOUTH CRIME .....</b>	<b>28</b>
10.1	<i>Role of family and parenting .....</i>	29
10.2	<i>Crime as a rite of passage and older offenders as role models.....</i>	30
10.3	<i>Boredom.....</i>	31
10.4	<i>Alcohol and drug use .....</i>	32
10.5	<i>Unrealised hopes and dreams .....</i>	32
10.6	<i>Mental health issues .....</i>	33
<b>11</b>	<b>CRIME PREVENTION AND RESPONSES TO THE CRIME RATE .....</b>	<b>33</b>
11.1	<i>Police and policing.....</i>	34
11.2	<i>Aboriginal Community Liaison Officers .....</i>	36
11.3	<i>Police and young people .....</i>	37
11.4	<i>Profiling/targeting Aboriginal people.....</i>	37
11.5	<i>PCYC .....</i>	38
11.6	<i>Dunghutti Aboriginal Community Justice Centre .....</i>	38
11.7	<i>Kempsey Against Crime .....</i>	39
<b>12</b>	<b>CRIMINAL JUSTICE ISSUES.....</b>	<b>39</b>
12.1	<i>Failure of juvenile detention and jail .....</i>	39

12.2	<i>Lack of alternatives and options for magistrates</i> .....	40
12.3	<i>Circle Sentencing</i> .....	42
<b>13</b>	<b>WHAT'S WORKING AND WHAT'S NOT WORKING</b> .....	<b>44</b>
13.1	<i>Government funding – how much is enough?</i> .....	44
13.2	<i>Service delivery</i> .....	45
13.3	<i>Specific issues</i> .....	46
	Youth services .....	46
	Housing and overcrowding .....	47
	Family support and support for women.....	48
	Education and training .....	49
<b>GUNNEDAH</b>	.....	<b>51</b>
<b>14</b>	<b>GEOGRAPHY, DEMOGRAPHICS AND HISTORY</b> .....	<b>51</b>
14.1	<i>Demographic data</i> .....	51
14.2	<i>History of the region</i> .....	52
<b>15</b>	<b>COMMUNITY DYNAMICS</b> .....	<b>56</b>
15.1	<i>Relations within the Aboriginal community of Gunnedah</i> .....	56
15.2	<i>Relations between Aboriginal and non-Indigenous people of Gunnedah</i> .....	58
15.3	<i>Respect for Elders and cultural practice</i> .....	60
<b>16</b>	<b>SOCIOECONOMIC PROFILE AND ECONOMIC PARTICIPATION</b> .....	<b>61</b>
16.1	<i>Economic development within the Aboriginal community</i> .....	62
<b>17</b>	<b>CRIME IN GUNNEDAH</b> .....	<b>63</b>
17.1	<i>Crime statistics</i> .....	63
17.2	<i>Perceptions of crime – crime rates</i> .....	63
17.3	<i>Perceptions of crime – types of crime</i> .....	65
<b>18</b>	<b>FACTORS RESULTING IN LOW CRIME RATES</b> .....	<b>67</b>
18.1	<i>Under-reporting</i> .....	67
18.2	<i>Impact of families and parenting</i> .....	68
18.3	<i>Tolerance for crime is extremely low in Gunnedah</i> .....	68
<b>19</b>	<b>KEY FACTORS CONTRIBUTING TO ADULT CRIME</b> .....	<b>69</b>
19.1	<i>Alcohol and drugs</i> .....	69
19.2	<i>Pressures created by cluster housing</i> .....	70
19.3	<i>Gunnedah – a town with limited options</i> .....	72
19.4	<i>Unemployment</i> .....	72
19.5	<i>The demise of the Community Development Employment Program</i> .....	73
<b>20</b>	<b>DESCRIPTIONS OF YOUTH CRIME IN GUNNEDAH</b> .....	<b>74</b>
<b>21</b>	<b>ISSUES RELATED TO YOUTH CRIME</b> .....	<b>75</b>
21.1	<i>Boredom</i> .....	75
21.2	<i>Drugs and alcohol</i> .....	76
21.3	<i>Impact of the Department of Education’s suspension policy</i> .....	76
<b>22</b>	<b>CRIME PREVENTION AND RESPONSES TO THE CRIME RATE</b> .....	<b>77</b>
22.1	<i>Need for early intervention</i> .....	77
22.2	<i>Gunnedah Shire Council’s Crime Prevention Committee</i> .....	78
22.3	<i>Police and policing</i> .....	78
22.4	<i>Police responses to family violence</i> .....	79
22.5	<i>The relationship between the police and the Aboriginal community</i> .....	80

<b>23 CRIMINAL JUSTICE ISSUES.....</b>	<b>81</b>
23.1 <i>Perceived leniency .....</i>	82
23.2 <i>Sentencing options for magistrates .....</i>	82
23.3 <i>Apprehended Violence Orders – useful or problematic?.....</i>	82
23.4 <i>Young people and the criminal justice system .....</i>	83
23.5 <i>The inability of the criminal justice system to protect Aboriginal culture .....</i>	84
<b>24 SERVICE DELIVERY IN GUNNEDAH .....</b>	<b>84</b>
24.1 <i>Service delivery – general observations.....</i>	84
24.2 <i>Youth services .....</i>	86
24.3 <i>Housing and accommodation.....</i>	88
24.4 <i>Drug and alcohol services.....</i>	89
24.5 <i>Mental health services .....</i>	89
24.6 <i>Family support.....</i>	89
24.7 <i>Education and training .....</i>	90
24.8 <i>Support for men and boys.....</i>	93
<b>APPENDIX 1 .....</b>	<b>95</b>
<b>APPENDIX 2 .....</b>	<b>98</b>

## **1 INTRODUCTION**

This report outlines the findings of qualitative research undertaken in Kempsey and Gunnedah by a team of researchers from Jumbunna Indigenous House of Learning at the University of Technology, Sydney. This report is the third and final in a series of reports emerging from fieldwork exploring factors that impact on rates of crime in six communities in NSW with significant Aboriginal populations. An initial pilot study was conducted in Wilcannia and Menindee funded by a UTS Partnership Grant, followed by further fieldwork in Bourke and Lightning Ridge funded by an Australian Institute of Aboriginal and Torres Strait Islander Studies Grant. Professor Larissa Behrendt, Director of the Jumbunna IHL Research Unit was awarded an Australian Research Council Linkage grant in partnership with the Department of Attorney-General and Justice which has made this project possible. Australian Bureau of Statistics (ABS) and Bureau of Crime Statistics and Research (BOCSAR) data were used to identify suitable case studies for this research.

The main aim of this research was to identify, and better understand, factors that may contribute to variations in rates of offending between two Aboriginal populations that are demographically comparable but have markedly different crime rates. Kempsey has a higher crime rate and Gunnedah the lower crime rate.

Although the term 'community' is often used as though groups of Aboriginal people should have a single identity, Aboriginal communities are complex webs of associations and relationships, cultural and political connections and identities that may vary depending on the issue at hand.<sup>1</sup> This is true of Kempsey and Gunnedah. Thus, we do not claim to represent a single 'community view'. Nor is the report an analytical document. Instead, we attempt to reflect the views and experiences of interviewees with whom we met during visits to Kempsey and Gunnedah in March and April 2011.

The next stage of the research will be to analyse the data collected from the six communities that we have visited to identify common factors impacting on crime rates.

## **2 METHODOLOGY AND APPROACH**

The study's focus was on trying to understand some of the broad social, cultural and economic factors that might affect rates of crime. Therefore, we attempted to engage with key community and organisational representatives and others working in relevant criminal justice and service delivery roles to gain an understanding of the dynamics and experiences of the community as a whole. Representative and service delivery organisations were key points of contact in identifying with whom to conduct interviews. Not all the organisations we approached agreed to be represented.

In-depth, semi-structured interviews with interviewees were undertaken to gather information and to explain issues, circumstances and attitudes in the two towns. Rather than conduct survey style interviews, we tried to be flexible in approach. We deliberately did not lead people to particular topics that might relate to causes of crime but instead tried to give people the opportunity to reflect on their own experiences and express their views. Therefore, different issues arose in different interviews and

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<sup>1</sup> We are guided by the definition of Aboriginal 'community' from the Indigenous Community Governance Project conducted by the Centre for Aboriginal Economic Policy Research. See Janet Hunt and Diane Smith, 'Indigenous Community Governance Project: Year Two Research Findings' ( Working Paper No 36, Centre for Aboriginal Economic Policy Research, Australian National University, 2007), 4.

different factors that may impact on rates of crime or social cohesion — either positively or negatively — arose in relation to the two towns.

We interviewed 63 people across both towns, 30 of whom are Aboriginal. We also attended a number of community meetings. Because of the potentially sensitive nature of discussing issues of crime, the criminal justice system, community dynamics and different approaches to leadership and service delivery in small communities, interviewees were given the opportunity to speak with the research team confidentially. It is important to note that, although we spoke with people on the basis of their experiences and expertise, and their role in an organisation or representative body, some people emphasised that they were expressing their own views and not that of the organisation in a formal way.

Interviews were recorded with permission, with six interviewees choosing not to be recorded. The recordings were transcribed, and then coded for key themes and common narratives. We then tried to choose quotes that represented the themes that emerged. All participants signed a consent form and all quotes used in this report were checked and approved for publication by individual participants. Not everyone agreed to be quoted and some who did chose anonymity. We were not able to contact all interviewees, and while those people's views are reflected in the report in general terms, we have not quoted them.

Due to confidentiality we have not listed the organisations represented in this research though we went to great lengths to meet with a diversity of people and managed to conduct interviews with representatives from a wide range of organisations.

The findings in this report are reflective of the stories we heard, rather than on other research that has been undertaken in these towns.

### **3 DATA**

Please note that the Australian Bureau of Statistics (ABS) 2006 Census data used throughout this report will be superseded by 2011 Census data that will be released later this year. Therefore, the ABS data that we are relying on is out dated but is the only data presently available.

Unpublished BOCSAR crime data is included in Appendix 1 for Kempsey and Gunnedah to allow general observations about the main types of crime in each town and trends over the four years. Data is shown for Indigenous persons of interest resident in Kempsey and Gunnedah who were proceeded against in 2007-2010. Data is also included for Indigenous persons of interest across NSW for that same time period to provide a benchmark for comparison.

However, **extreme care should be taken when interpreting the data.** The crime data is calculated as the rate per 100,000 population and because the Indigenous populations of Kempsey and Gunnedah are small, the rate calculations are very sensitive to small changes. In fact, the usual policy of the Bureau of Crime Statistics and Research is to exclude rate calculations for populations lower than 3000.

Thus, for example, very small numbers of incidents when converted to the rate per 100,000 might produce a rate much higher than that of the NSW figure, giving the impression of a higher crime rate than can actually be justified. Small changes in numbers from one year to the next might also give the impression of large changes.

## **4 RECOMMENDATIONS**

At the end of each interview, we asked people what their aspirations are for their town. Most responses fell into two categories, with some interviewees reflecting on and expressing aspirations for ways that they would like their own communities to operate both internally and with the wider community. Others concentrated on service delivery issues or opportunities that are lacking in their towns.

### **4.1 Interviewees' reflections, expectations and aspirations**

A significant number of interviewees expressed the view that greater cooperation among different sectors of their communities would be beneficial, enabling more effective planning for the future. They were not suggesting that unanimity could or should be expected – as often seems to be the expectation by outsiders – but that looking for common interests upon which to expend energy might generate positive outcomes.

Many noted the historical circumstances that have led to tension between some groups and competition for resources. A large number of Aboriginal interviewees and, some non-Indigenous interviewees, emphasised the extent to which historical legacies and the continuing experience of inequality and racism affects community dynamics. People described in vivid terms a sense of grief, loss, bitterness and anger at a history of racism, violence and systemic attempts to destroy Aboriginal culture that is acknowledged to have contemporary resonance. Some interviewees resisted the view sometimes expressed that Aboriginal people should put history behind them and just 'get on with it'. They considered that an honest acknowledgment of history was a necessary starting point for better relations between the Aboriginal and non-Indigenous people of the two communities. Others considered that concentration needed to be given to developing workable and authentic partnerships with non-Indigenous people.

Some interviewees focussed on equity. The disparity between the haves and have-nots was argued as a significant cause of conflict in both towns. Perhaps the flip side, however, was that 'jealousy' can only worsen inequality and poison relationships, and stands in the way of people identifying their dreams and reaching their ambitions.

### **4.2 Interviewees' recommendations to governments**

There is a broad acknowledgment that governments can enable or disable community aspirations in the way in which they 'support' Aboriginal communities and organisations. Thus, it is unsurprising that interviewees had strong views about the way they wanted governments, NGOs and other outsiders to deal with them and communicate with them.

In particular, interviewees wanted local, high quality services that were well coordinated and not overlapping. Cultural competency in service provision was considered to be vital, supporting Aboriginal people to access them. People were frustrated with a short-term focus and argued for long term programs with transparent evaluation. Genuine input into government decision-making and not sham consultation was considered to be crucial to developing effective policies and programs appropriate for these communities, rather than a 'one size fits all' response. In that sense, responses emerging from this fieldwork, and fieldwork in the previous two studies, supports Australian and international evidence that community control is an essential pre-



condition to Indigenous communities reaching their social, cultural, economic and political goals.

In relation to specific services, the greatest number of responses related to programs and opportunities for young people; employment opportunities for Aboriginal people; local drug and alcohol rehabilitation and treatment services; crisis accommodation for young people and women, and high quality education for all students regardless of academic ability or inclination. Alternatives for students who are not academic or who are not coping was identified as an area of urgent need, especially given people's concerns about the inadequacy of disciplinary procedures that may worsen rather than improve situations. Early intervention was a term that was frequently used, in terms of support for struggling families or young mothers, again with the emphasis on cultural appropriateness. The lack of early childhood support was highlighted with 'kids behind the eight ball before they even start.' Mental health services, and indeed health services in general, were argued to be inadequate to deal with problems faced by both towns with a drastic shortage of counselling described.

Specifically in relation to crime, the focus was more on crime prevention rather than responses to crime. Few interviewees suggested a greater police presence, although some did emphasise the need for a more *positive* police presence. Instead, interviewees advocated for preventative services that identified and supported offenders at an early stage. More Police Aboriginal Community Liaison Officers and Aboriginal police were also argued to be desirable.

Specific recommendations made by interviewees include:

#### Recommendation 1

That all government policies, programs and procedures relating to Aboriginal or Torres Strait Islander people be developed after genuine engagement with affected communities to ensure that strategies and initiatives are tailored to specific community needs. In accordance with the evidence of 'what works', a one size fits all approach should be firmly rejected.

#### Recommendation 2

That successful locally based program models – particularly community owned models – that are meeting community expectations be funded with adequate resources to maintain and expand programs, avoiding community cynicism and disillusionment.

#### Recommendation 3

That government services at all levels and NGOs evaluate their funding models and accountability and acquittal processes. The need for pooled, streamlined funding to Indigenous communities has been recommended in countless government reviews and inquiries. Funding should be appropriate to the needs of the service, not piecemeal and have a realistic timeframe for delivery. Recipients should not be hampered by unrealistic funding criteria or unnecessary acquittal and accountability requirements that take key personnel from core business.

#### Recommendation 4

That community needs audits be undertaken to identify gaps, prevent duplication, or reinvention, of programs and ensure that services are not overburdened. This requires communication and collaboration, the establishment of genuine partnerships and networks, and the notion of shared leadership.

#### Recommendation 5

That governments commit to regional and remote recruitment strategies that provide financial and other incentives to support long term employment. Where relevant, governments should look to the private sector for innovative employment models.

#### Recommendation 6

That ongoing and locally based training be provided to all employees on cultural issues which give context to the community within which they are working.

#### Recommendation 7

That program and service criteria be determined through community engagement, against which the programs and services are evaluated as a measure of success for ongoing funding and commitment by external bodies. Assessment should include evaluation of how programs and services might be monitored to suit the changing needs of the community and not be limited to financial acquittals or governmental department requirements.

#### Recommendation 8

That cultural competency be expected from police and those working in the criminal justice system and that such training or exposure to Indigenous cultural norms and values be specific to the local region and not generic.

#### Recommendation 9

That sufficient resources be provided to ensure the same range of sentencing options across NSW regardless of geographical location to reinforce the principle of incarceration as genuinely an option of last resort. In particular greater access to diversionary programs and 'second chance' facilities is urgently needed.

#### Recommendation 10

That police adopt a community policing approach to develop positive and cooperative relationships with Aboriginal communities. Specific suggestions include longer tenure – preferably three years – in Aboriginal communities, more effective education and training to ensure cultural competency and greater encouragement to interact with Aboriginal people in positive ways.

#### Recommendation 11

That sufficient resources be provided to ensure a balance of male and female Police Aboriginal Community Liaison Officers ('ACLOs') across NSW in sufficient numbers to cover all shifts, recognising their vital role in fostering positive relationships and effective communication between Aboriginal communities and the police.

#### Recommendation 12

That supervised accommodation be established, especially for young people who may currently breach bail conditions due to an inappropriate bail address because of factors such as lack of structure and discipline at home, substance abuse and violence.

#### Recommendation 13

That urgent action be taken to intervene at an early stage with young offenders through education and training and coordinated and holistic programs and services that engage their families, role models and other relevant people.

## KEMPSEY

### 5 GEOGRAPHY, DEMOGRAPHICS AND HISTORY

The town of Kempsey, on the Mid North Coast of NSW approximately 428 kilometres from Sydney, is the largest urban centre in the rural Macleay Valley and is divided by both the Pacific Highway and the Macleay River.

Many interviewees told us that it was important to understand the geographic layout of Kempsey to understand the community better. South Kempsey, incorporating 'Old Burnt Bridge' and 'New Burnt Bridge', with its high density public housing, and West Kempsey were both described as having predominantly Aboriginal residents. The outlying 'missions' of Greenhill just outside of Kempsey, South West Rocks 35km north east of Kempsey and Bellbrook 60km west, were also areas that were discussed in terms of large Aboriginal populations and their isolation from town.

According to Australian Bureau of Statistics ('ABS') 2006 census data, the urban centre of Kempsey has a population of 8 137 of whom 1 394 (17.1 per cent)<sup>2</sup> are Indigenous. Kempsey Shire was often described as having the largest Aboriginal population outside of the Sydney metropolitan region at approximately 10 per cent (2 540) of a total population of 27 387.<sup>3</sup> A large number of the Shire's Indigenous population lives outside of the town, with just over half living in the urban centre. It should be noted, however, that some interviewees claimed that the ABS data severely under-represents the Aboriginal population in Kempsey.

The Aboriginal population of Kempsey is significantly younger than that of the general population<sup>4</sup> with a median age of 17,<sup>5</sup> while the median age of the town is 39.<sup>6</sup> While 23.1 per cent of Kempsey's population is aged 14 and under,<sup>7</sup> almost half of Kempsey's

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<sup>2</sup> Australian Bureau of Statistics, *2006 Census QuickStats : Kempsey (Urban Centre/Locality)* (25 October 2010)

<<http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ProductSelect?newproducttype=QuickStats&btnSelectProduct=View+QuickStats+%3E&collection=Census&period=2006&areacode=UCL143000&geography=&method=&productlabel=&producttype=&topic=&navmapdisplayed=true&javascript=true&breadcrumb=LP&topholder=0&leftholder=0&currentaction=201&action=401&textversion=false>>.

<sup>3</sup> Australian Bureau of Statistics, *2006 Census QuickStats: Kempsey (A) (Local Government Area)* (25 October 2010)

<<http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ProductSelect?newproducttype=QuickStats&btnSelectProduct=View+QuickStats+%3E&collection=Census&period=2006&areacode=LGA14350&geography=&method=&productlabel=&producttype=&topic=&navmapdisplayed=true&javascript=true&breadcrumb=LP&topholder=0&leftholder=0&currentaction=201&action=401&textversion=false>>.

<sup>4</sup> Unfortunately, there is no Indigenous specific ABS data for an area that exactly maps that of the Kempsey Urban Centre, which has a population of 8 137, 17.1 per cent (1 394) of whom are Indigenous. The ABS's Indigenous Location is a slightly smaller area with a population of 7 553, 15.7 per cent (1 189) of whom are Indigenous. However, given the small discrepancy, data will be used for the Kempsey urban centre and the Indigenous Location for general comparison.

<sup>5</sup> Australian Bureau of Statistics, *2006 Census QuickStats : Kempsey (Indigenous Location)* (25 October 2010)

<<http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ProductSelect?newproducttype=QuickStats&btnSelectProduct=View+QuickStats+%3E&collection=Census&period=2006&areacode=ILOC0302905&geography=&method=&productlabel=&producttype=&topic=&navmapdisplayed=true&javascript=true&breadcrumb=LP&topholder=0&leftholder=0&currentaction=201&action=401&textversion=false>>.

<sup>6</sup> ABS, *2006 Census QuickStats: Kempsey (Urban Centre/Locality)*, above n 2.

<sup>7</sup> Ibid.

Aboriginal population (44.1 per cent) is within that age bracket.<sup>8</sup> The proportions are entirely reversed later in life where 31.3 per cent of the total population is aged 55 years or older,<sup>9</sup> while only 7 per cent of the Aboriginal population is of that age.<sup>10</sup>

The Aboriginal people of Kempsey are predominantly members of the Dunghutti People, of which there are four tribes: Dangaddi, Dainggati, Thungutti and Djunghatti,<sup>11</sup> but some of the people we spoke with felt that the impact of colonisation has had a profound effect on identity and relationship with country.

*We're still trying to define boundaries and correct family DNA, bloodlines as it's supposed to be in our Dunghutti Goori culture, but the government won't even assist us to meet.*

Nathan Moran, CEO Birpai Local Aboriginal Land Council

The Aboriginal population of Kempsey is fluid and can increase dramatically when certain events are held or when families move into town.

*We've got a transient population of family members that come, stay and go, so that population can swell around activities and events. It might swell by an extra 1 000 – 2 000 people.*

Wendy Yarnold, DALMA Close the Gap Report Consultant

## **5.1 History of the region**

The following is by no means a comprehensive account but is intended to provide some context to the narrative emerging from interviews and illustrate the complexity of the Macleay region, in particular Kempsey and its 'mission' history.

There were 'six distinct tribes' living along the banks of the Macleay River in 1840 with an estimated population of 'some 480-600 men and women'.<sup>12</sup> The Macleay River Valley is the traditional country of the Dunghutti Aboriginal language speakers, with the Gumbaingirr speakers to the north, the Anewan to the west, Birripai to the south and the Ngaku and Ngumbar speakers to the east.<sup>13</sup>

Initially, Europeans sought to inhabit the Macleay River Valley because of the cedar and rosewood trees found in the rain forest areas, with up to 39 licences issued to traders in 1839. This trade was short lived however, as by 1942 most accessible cedar had gone and cutters moved further north.<sup>14</sup>

This activity, said by some to have limited impact on the Aboriginal population, stands in contrast to the effects that the advent of pastoralism had on the environment and people in the region. Pastoral activities required extensive land for cattle after initial attempts to introduce sheep had failed. Along with the acquisition of Dunghutti land came permanent European 'settlement'. Although Morris states that there was little conflict or resistance at the outset, from the mid-1840s direct resistance to the pastoral

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<sup>8</sup> ABS, 2006 Census QuickStats: Kempsey (Indigenous Location), above n 5.

<sup>9</sup> ABS, 2006 Census QuickStats: Kempsey (Urban Centre/Locality), above n 2.

<sup>10</sup> ABS, 2006 Census QuickStats: Kempsey (Indigenous Location), above n 5.

<sup>11</sup> <http://www.atns.net.au/agreement.asp?EntityID=3636>

<sup>12</sup> Barry Morris, *Domesticating Resistance: The Dhan-gadi Aborigines and the Australian State* (Berg Publishers Limited, 1989) 19.

<sup>13</sup> *Ibid* 55.

<sup>14</sup> *Ibid* 16.

encroachment increased in intensity as the demand for Aboriginal land grew, characterised by 'sporadic attacks on isolated squatter stations, the more remote outstations of such squatters' runs, and the spearing of livestock' which caused considerable loss of stock for the local squatters.<sup>15</sup> Based on 1857 statistics there were 33 pastoral stations in the Macleay Valley by 1855.<sup>16</sup>

Others claim the conflicts started earlier with the cedar cutters, with evidence of up to 15 massacres and other isolated violent incidents occurring against Aboriginal people from as early as 1831 to 1851.<sup>17</sup>

The Aboriginal Protection Board (APB) was established in 1883 to administer 'Aboriginal Reserves' as part of a system of state-wide control and 'custodianship' of Aboriginal people,<sup>18</sup> to 'protect' the 'full bloods' from the 'effects of contamination' from the wider society and secure land for farming. Although the reserves were on Crown Land for use by Aboriginal people, the property could be, and was taken away at the discretion of the State as demand for land by non-Indigenous people grew.<sup>19</sup> Life was heavily regulated and managers of the reserves subjected Aboriginal people to an intrusive level level of surveillance and interference in their lives, keeping detailed records of their movements and activities.<sup>20</sup> The establishment of these reserves play a significant role in the history of the Macleay and bear particular relevance to the dynamics of the Kempsey community today.

Between 1883-1908 there were 16 Aboriginal reserves established in the Macleay and Bellinger River Valleys, including reserves at Bellbrook, Greenhill and Burnt Bridge<sup>21</sup>, still referred to as 'missions' in Kempsey today. Both Bellbrook and Burnt Bridge Reserves remained under the control of missionaries until the 1930s when they were replaced by government appointed managers.<sup>22</sup>

State control was first demonstrated in the upper Macleay region with the establishment of the Nulla Nulla Reserve in 1885, later to become Bellbrook. Aboriginal people at Bellbrook 'Mission', an unsupervised reserve later managed by APB, were under intrusive surveillance with records showing that if inspections showed homes did not accord with some arbitrary standard, parents would be threatened with the removal of their children. People were forced to sign in and out, with men told they had to work away from the reserve or lose their rations leaving women vulnerable to authoritative control.<sup>23</sup>

Greenhill, on the outskirts of Kempsey, was an 'unofficial' or 'fringe' camp for those Aboriginal people who were expelled or avoided other government stations, surviving a number of attempts by the APB to forcibly relocate its residents. However, although

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<sup>15</sup>Ibid 22.

<sup>16</sup>Ibid 20.

<sup>17</sup> Rodney Harrison, *Shared Landscapes: Archaeologies of Attachment and Pastoral Industry in New South Wales*, (UNSW Press, 2004) 106.

<sup>18</sup> Morris, above n12, 57.

<sup>19</sup> Ibid 95.

<sup>20</sup> Harrison, above n 17, 97.

<sup>21</sup> Ibid 91.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid 99.

seen as an 'alternative', the movement to one of these camps however could often mean moving from family and personal relationships which was not seen as desirable.<sup>24</sup>

Kempsey itself was first proclaimed in 1886 and this name remained until the Municipality of Kempsey was established in 1907 with the formation of the Macleay Shire.<sup>25</sup>

In the Macleay region, by the late 1930s and the phasing out of 'reserves', the majority of the Aboriginal population in the region was living on government 'stations'. At this time, existing reserves such as Burnt Bridge which was established in 1893, came under a new APB policy of 'centralisation' to become 'model' stations with 'new improved housing' which in reality were two rooms without electricity and a back verandah, with a communal laundry and bathroom. This change saw Burnt Bridge become 'Old' and 'New' Burnt Bridge with the latter including about 50 families brought from Urunga station by truck when it was closed down.<sup>26</sup>

The Australian Welfare Board (AWB) also had a profound impact with their child removal policies that still resonates in Kempsey today. An example of this is the Kinchela Boys Home, where from 1924 until 1970, up to 600 Aboriginal boys, as well as a number of girls, were forcibly removed from their families. These children lived under brutal conditions, which were documented in *Bringing Them Home*, the report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families.<sup>27</sup>

Policies of exclusion and segregation were also widespread at this time with 20 Aboriginal children from the farms at Burnt Bridge turned away from the local school at Eurokora and separate accommodation for Aboriginal people becoming compulsory in the Kempsey District Hospital as two examples.<sup>28</sup>

The inevitable loss of autonomy and the co-existence of the tribes of the Macleay due to the spread of pastoralism, European settlement and the establishment of reserves, boards and welfare agencies that controlled the lives and movements of Aboriginal people has been described as resulting in:

the destruction of the existing Dhan-ghadi society and the marginalisation of its remaining members. The Indigenous population was reduced to a landless minority and these Aborigines increasingly relocated on government settlements scattered throughout the state. As such they acquired the liminal status of colonial wards, in other words they were non-citizens.<sup>29</sup>

## **6 COMMUNITY DYNAMICS, LEADERSHIP AND GOVERNANCE**

Strong opinions were expressed about community dynamics in Kempsey and the town is viewed through quite different lenses. Many residents described a genuine love of the town and spoke about its physical, cultural and spiritual beauty, while others –

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<sup>24</sup> Morris, above n 12, 95.

<sup>25</sup> Kempsey Shire Council, *Kempsey* <<http://www.kempsey.nsw.gov.au/kempsey.htm>>.

<sup>26</sup> Morris, above n12, 122.

<sup>27</sup> Women for Wik, *Kinchela Boys Home* <<http://www.whatsworking.com.au/what-could-work/kinchela-boys-home-strategic-plan/>>.

<sup>28</sup> Morris, above n 12, 95.

<sup>29</sup> Ibid 116.

especially non-local service providers – were quite frank about the fact they would never live in the town and chose to commute from other areas.

### **6.1 Relations between Aboriginal and non-Indigenous people of Kempsey**

One intriguing aspect of our conversations about Kempsey was the extent to which the history of Kempsey and its surrounds has a contemporary effect on the dynamics of the community. Approximately half of interviewees – Aboriginal and non-Indigenous – specifically raised the well-documented history of racism and violence, which they argued is central to understanding the contemporary dynamics of the town. Of those interviewees, seven people raised this as their first issue.

*...there's that sense of ownership from the non-Aboriginal community [claiming] it's our land and we came here and made it. Yet to me it's an Aboriginal community, and the land belonged to the Aboriginal people, and we're allowed to be here. I don't think its ever been discussed in this community.*

Manager, Kempsey Women's Refuge

Numerous examples were given of dislocation, violence, segregation and racism that were vividly recounted. People spoke of a massacre in the Macleay Valley and forcible removal from their traditional country and that later, the region was used as a 'dumping ground' for Aboriginal people from all over Australia, joined by many Dunghutti, who were rounded up in cattle trucks and concentrated on reserves and missions.

One example given by most interviewees was that of Kempsey having the highest 'no vote' of any other place in NSW in the 1967 referendum. Another example of a toxic legacy for Kempsey was Kinchella Boys home. Policies of segregation that existed in the not so distant past in venues such as swimming pools, cinemas and essential services, including the hospital, were still fresh in people's minds.

*The hospital used to have its own ward [for Aboriginal people] and all the utensils and the linen was marked 'Abo' so it wouldn't get mixed up with the white stuff. Buses, you couldn't access, the pictures... We've still got a lot of historical issues that aren't being dealt with.*

Community worker

These are not distant events and many people gave personal examples of policies or practices that directly affected them or their families.

*I'm the youngest of 11 kids. When I was born, my seven older brothers and sisters were born into this world as flora and fauna and the youngest four were born as citizens of Australia. That in itself is a big thing for our family. You just don't think of it in that context and when people say, just get over it, it's not a matter of getting over it when your parents were denied education, your parents were denied a whole lot of things.*

Community worker

Grief, loss, bitterness, anger and hostility were described as legacies of Kempsey's past and there was significant frustration and outright rejection of the attitude that suggests that Aboriginal people need to 'get over it' and look to the future. Instead, it was argued that Kempsey needed to understand and appreciate its own history and its continuing impact such as the pervasive influence of continuing power imbalance that stifles ambition and aspiration, especially of young Aboriginal people.

*Respect for your family, respect for your community and then respect for the authority [that's what's been missing] ... with the displacement of families and the stolen generation and the colonial history that's happened here. It's still very fresh, fresh in the minds of the people that live here and there's still a lot of racist attitudes. So much so that during a Close the Gap meeting someone put up their hand and said that they thought that local government should implement an anti-racism strategy. Which, in 2011, is a real sore point for someone to say that.*

Wendy Yarnold, DALMA Close the Gap Report Consultant

*If you understand how this town came about, it was only in the '50s that they were moving Aboriginal people in cattle trucks. There's that grief from the Aboriginal community...*

Manager, Kempsey Women's Refuge

On the other hand, it was also said that obvious segregation in the town was lessening as kids are starting to mix with each other.

## **6.2 Relations within the Aboriginal community of Kempsey**

Historical factionalism within the Aboriginal community and conflict between families were also strong themes raised by Aboriginal and non-Indigenous interviewees alike.

*When you look at a community like ours, it has the richness to be able to offer a myriad of wonderful opportunities. We live in what I call paradise; this is a beautiful place to live. It's physically, culturally and spiritually beautiful as well. It harbours a huge potential but yet I see some elements within, that will not collaborate with one another; won't allow other elements to move on their journey - to get going. Maybe this mischief does happen in other communities but I don't think other communities are as fractured as this one at times, appears to be.*

Jann Eason, Former Principal, Macleay Vocational College Kempsey

Many people we spoke with felt that appropriate cultural values were not being upheld in Kempsey and it is hard to ascertain who exercises authority on behalf of the community because of this fractured past. By contrast, there were other positive stories about collective community initiatives aiming to improve the lives of Aboriginal people in the area.

One such attempt to create some cohesion was the formation of the Dunghutti Aboriginal Leadership Management Alliance (DALMA) in 2009, which incorporates local Aboriginal organisations, the Elders Council and two youth representatives, with the group working together to produce the *Close the Gap Report* in 2010 to address the key areas of focus for improving quality of life for Aboriginal people. It has established a formal protocol with Kempsey Shire Council.

## **6.3 Respect for Elders and cultural practice**

There were different views about the role of Elders in Kempsey and whether they wield cultural authority, or indeed authority of any description. It is our experience that there is a perception in many Aboriginal communities that respect for Elders is waning for a range of reasons. It appears that this is also the case in Kempsey.

In particular, it was said by Aboriginal and non-Indigenous interviewees alike that respect for Elders by young people was diminishing due to the breakdown of community. Others emphasised the important role that Elders should play and emphasised that there should be more weight given to their views and decisions and



that more people should go to them for their insights, especially in relation to issues with crime, domestic violence and giving guidance to youth about drugs and alcohol. It must be said, however, that this did not seem to be the prevailing view.

*Elders just never get asked enough.*

Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

The perception that there is a breakdown of community cohesion is unlikely to be assisted by disputes between Elders and litigation involving the Dunghutti Elders Council.

It was hard to gauge the significance of cultural practice in Kempsey as very few people we spoke with raised it as a major issue, but those who did were passionate about the importance of trying to give the youth some insight into culture and lifeways they could be proud of. That many young people do not know what it is to be Dunghutti was raised as a matter for concern.

## **7 SOCIOECONOMIC CIRCUMSTANCES AND ECONOMIC PARTICIPATION**

During our interviews, Kempsey was sometimes described as having two economies. One being the government funding that finances service provision and provides social security entitlements, and the crime economy, including the alleged dependency of some people on the sale of illegal drugs and stolen goods, discussed below.

Financial pressure, poverty and unemployment were frequently referred to as causes of community distress in Kempsey and ABS Census data indicates that incomes are low and unemployment particularly high for Aboriginal people in the region but also generally. Unemployment levels for people living in Kempsey is significantly higher than the national average at 15.3 per cent<sup>30</sup> but this represents only half the unemployment rate for Aboriginal people in Kempsey, 30.1 per cent of whom are unemployed.<sup>31</sup>

Incomes are low in Kempsey for Aboriginal and non-Indigenous people alike, with the median weekly income for Aboriginal people in Kempsey being \$252,<sup>32</sup> which is only marginally lower than that of the general population (\$309)<sup>33</sup> but significantly lower than the national average (\$466).<sup>34</sup> Similarly, median household weekly incomes in Kempsey are approximately equal (\$555 for Aboriginal people;<sup>35</sup> \$582 for the general population<sup>36</sup>) but strikingly low compared to the national average (\$1027).<sup>37</sup>

According to ABS 2006 Census data the largest industry employers in the Kempsey Shire was the Retail Trade Sector, followed by Health and Community Services, Education then Manufacturing. Accommodation and the hospitality industry were also significant employers.

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<sup>30</sup> ABS, 2006 Census QuickStats: Kempsey (Urban Centre/Locality), above n 2.

<sup>31</sup> ABS, 2006 Census QuickStats: Kempsey (Indigenous Location), above n 5.

<sup>32</sup> Ibid.

<sup>33</sup> ABS, 2006 Census QuickStats: Kempsey (Urban Centre/Locality), above n 2.

<sup>34</sup> Ibid.

<sup>35</sup> ABS, 2006 Census QuickStats: Kempsey (Indigenous Location), above n 5.

<sup>36</sup> ABS, 2006 Census QuickStats: Kempsey (Urban Centre/Locality), above n 2.

<sup>37</sup> Ibid.

The lack of employment opportunities and low socioeconomic status of many community members are confirmed by the ABS<sup>38</sup> 'Index of Relative Socioeconomic Advantage and Disadvantage' which ranks Kempsey as the sixth most disadvantaged LGA in NSW. This disadvantage has many consequences and Aboriginal youth were often described as missing out on opportunities such as weekend sport or professional driving lessons due to financial stress, which in turn leads to boredom and disengagement.

*If they haven't got any money to travel then they don't go, they don't participate.*

Fred Kelly, President, Macleay Valley Local Aboriginal Education Consultative Group

With many families and individuals living on social security entitlements and with the average household income well below the NSW average<sup>39</sup>, dire economic circumstances were described as commonplace with families in 'spiralling debt'.

*I find it hard to use that word in 2011, but poverty is rife. We often have women who will just come because they've got no food, for whatever reasons ... most women are at risk of getting their power turned off. It's exorbitant. You know, \$1 500, \$1 600 power bills. All of this fits with the poverty stuff I hear*

Manager, Kempsey Women's Refuge

The 'Learn or Earn' legislation introduced in 2009 was not viewed positively and was viewed by some as contributing to youth poverty.

*The Government's Earn or Learn Policy has made it really difficult. The youth sector calls that Earn, Learn or Burn because if you're not in education or if you're not trying to get a job, you've got [nothing]. You're not going to be getting any money of any kind and how are you meant to then survive in a community where you can't be at home because it's not safe and you're jumping from place to place to place*

Community Youth Worker

### **7.1 Local incentives for economic development**

The Booroongen Djugun Aboriginal Corporation, established in 1990, was often cited as a positive example of Aboriginal enterprise. Initially providing community based services, it has since grown into a fully Aboriginal owned purpose built aged care facility and an accredited training provider from 1995. Also offering services such as disability support, social housing and food and transport, their philosophy has been to fill gaps in services and to provide training for their own people.

The Local Land Council at the time of our visit was also operating a flower farm at Stuarts Point that was exporting to Japan.

Even with successful local enterprise such as Booroongen and initiatives of the Land Council, it is apparent that there is very little prosperity for Aboriginal people in Kempsey and general lack of community assets. One Aboriginal interviewee expressed their frustration that it had not been able to harness an Aboriginal economy. It was

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<sup>38</sup> Australian Bureau of Statistics, 'ABS releases measures of socio-economic advantage and disadvantage' (Media release, March 26, 2008)

<<http://www.abs.gov.au/ausstats/abs@.nsf/mediareleasesbytitle/87E66027D6856FD6CA257417001A550A?OpenDocument>>.

<sup>39</sup> Source: ABS 2006 Census Data: NSW Average household income (\$/Weekly)\$1 246.81

observed that if Aboriginal organisations combined forces, they would have considerable purchasing power but this had not been capitalised upon.

## **8 CRIME IN KEMPSEY<sup>40</sup>**

The BOCSAR crime statistics demonstrate that the most common crime seen within the Aboriginal community in Kempsey across the four years from 2007-2010, was domestic violence related assault, with non-domestic violence related assault also a major crime. Both occurred at a significantly higher rate than the NSW average, which accords with the observations of interviewees.

Again, as interviewees suggested, break and enters on average over the four years were markedly greater than the NSW average, break and enter non-dwelling being especially high. The average for break and enter dwelling was elevated by a spike in 2009.

Motor vehicle theft varied across the four years with extremely high number of incidents in 2008 and 2009, greatly higher than rates across NSW for the same years but other stealing offences are either generally similar to the NSW rate or lower.

On its face, sexual assault incidents on average over that time period appear to be much higher than the state average. However, as noted above, caution must be taken when reviewing data related to small populations, where one or two incidents results in a rate per 100,000 that is much higher than the rate for NSW and may give the impression of many more incidents than in reality.

Public order offences in Kempsey on average over the four years are roughly equivalent or lower than rates for NSW. Of the justice related offences, breach Apprehended Violence Order ('AVO') is consistently higher than the NSW rate each year. Finally, there were few drug offences over the four years with rates consistent with the NSW average.

### **8.1 Perceptions of crime**

At the time of our visits to Kempsey, there was a particular sensitivity about crime due to a series of home invasions, one of which resulted in a death. All of the participants we spoke with were aware of Kempsey's high crime rate and were also familiar with the types of crimes occurring, with participants emphasising the prevalence of violent crime.

During our visits in March and April 2011, there was considerable discussion about Kempsey experiencing a spike in crime, particularly with break and enters and motor vehicle theft. This spike was described by some as cyclical, caused by only a handful of people known to be in and out of the juvenile justice system and correctional facilities.

*There has been a number of serious crimes committed in Kempsey which relate directly to the Aboriginal population. The town's people aren't really happy at the moment. Maybe a little misguided, but it only takes a small percentage of people to cause a lot of crime. That's what we've got at the moment, only a small percentage causing a number of issues for us.*

Inspector Sullivan NSWPF

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<sup>40</sup> See Appendix 1 for a breakdown of the 17 major offences and other selected offences.

Rates of assault, both domestic and non-domestic are very high and are reported as a key contributing factor to the breakdown of families and placing huge pressure on services in Kempsey. Sexual assault was also raised as a growing concern though statistics indicate that sexual assault is in decline. A likely explanation for the disparity between the statistics and perception is that sexual assault is frequently under-reported.

These high crime rates inform many of the stories that run in the local newspaper and the local media report regularly on persons of interest and local crime matters. There was suggestion from a number of people that there appeared to be a misguided media campaign promoted by groups in the community that ultimately portrays Kempsey as an unsafe place to be.

## **8.2 Under-reporting**

Even though the family violence rates are very high there was concern that these figures were not truly reflective and that many incidents of family violence go unreported. It should be noted, however, that under-reporting of family violence is a widespread phenomenon, applying to all communities across Australia. The motivation for, or pressure on, people to not report crime was not clear from our interviews, although it was suggested that the importance of keeping families intact and fear of retribution were possible factors.

## **9 KEY FACTORS CONTRIBUTING TO ADULT CRIME**

Kempsey was described as a town where criminal activity is widely accepted and not acted upon, much to the frustration of police and some community members. There are two striking features of criminal activity in Kempsey as described by interviewees. First, the factor raised by the overwhelming majority of interviewees was the impact of dangerous levels of alcohol use, such that 80-90 per cent of crime is alcohol related. The second feature was the existence of extreme levels of violence, which to a large extent was normalised. While recorded violent crimes are largely domestic violence or family violence assaults, the term 'community violence' was used by a number of people to express their increasing concern over random acts of violence.

One striking point of discussion from a large number of interviewees and, in particular, Aboriginal interviewees, was the extent to which historical legacies and the continuing experience of inequality and racism affects community dynamics. People described a sense of grief, loss, bitterness and anger at a history of racism, violence and systemic attempts to destroy Aboriginal culture that is recalled with great clarity. The result suggested by some was of the diminishment of Aboriginal Elders' authority and responsibility, and loss of confidence in authority generally. Crime as resistance and perhaps attempts to reclaim cultural strength or Aboriginal manhood manifest in 'deviant behaviours' were also themes that emerged.

Other factors argued to be underlying high crime rates – or contributing to an environment in the town that might nurture high levels of crime – include the impact of dire socioeconomic circumstances underpinned by high levels of unemployment and the existence of a crime economy. In such circumstances, practical matters such as the inability to pay fines or lack of available transport also play a part.

## 9.1 High risk alcohol use

Undoubtedly, the most prominent factor identified as contributing to adult crime was high risk alcohol use, some describing a toxic mix of alcohol, boredom and financial pressure. There was a strong correlation between alcohol use and acts of violence within families, between families and in the broader community. One person working in the criminal justice system noted that they could not remember a single domestic violence matter that wasn't alcohol related.

*Alcohol is a big problem and of course they live in that environment and to them it is acceptable. A lot of it is to do with boredom as well and that's where your crime fits in. They have to have the money to buy the alcohol and the drugs. Marijuana is another big one but alcohol is the major one. You know they're drinking as young as nine.*

Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

*I tried identifying things I thought contributed to offending and the first one's alcohol. The police were doing an alcohol linking project where every time a crime was reported a question was asked if it's related to alcohol, and I think something like 85 per cent of our offences relate to alcohol.*

Legal Professional

People on limited budgets have developed an innovative solution to scarce resources by creating what was described by one participant as an 'alcohol economy' to ensure that they can drink alcohol every day.

Given the extent to which alcohol was identified as the major contributor to crime by Aboriginal and non-Indigenous interviewees across the broad range of services, organisations and those involved in the criminal justice system, there was a mix of bewilderment and/or anger at the 'lack of resources to aid rehabilitation' or provide locally based treatment. One of the few services available, and the only residential service available, is that of Belong's Haven with mixed views as to its effectiveness.

*Nothing is being done about the underlying issues which is for example, alcohol. Do you know how many applications the councillors have given to them for proposed liquor outlets? The area is saturated with it. They're opening up in the early hours of the morning. These people are already intoxicated because they never had a sleep. Of course, they're going to go and do silly things. Of course, they are going to go and break and enter the liquor outlet because it's got what they want, grog. It's a reviver. So those issues need to be addressed also.*

Community Justice Group Member

In particular, there was frustration that the underlying reasons for dangerous levels of alcohol consumption are not being addressed. That is, the common narrative from non-Indigenous people around 'problems' facing Aboriginal people, or descriptions of 'dysfunction', fail to appreciate the complexity of Aboriginal people's experience in Kempsey. As one person observed, 'alcoholism may be an outcome but it may also be a symptom as well.'

For example, a connection between grief and loss and dangerous levels of alcohol consumption was made by several people who identified the need to address these issues before the actual consumption of alcohol can be dealt with.

*[There is] a lot of grief and loss in the community as well. I think [people are] not dealing with the grief; so they bury themselves with the alcohol or with the grog. The little ones tend to get left behind. ... I think the way forward would be learning to deal with the grief. Lots of grief, past historical stuff, but also when they're losing their loved ones and their family members they're not learning how to deal with that stuff because it's better not to talk about it. It's shame to talk about it and shame to talk about your feelings.*

Community Engagement Manager, PCYC

Although drugs were generally not seen as a key factor contributing to crime at present, it was argued that drug use was increasing with easy availability, especially for young people. Where there was an alleged correlation between drug use and crime, it tended to relate to crimes such as break and enters and home invasions to fund drug use.

With very few alcohol and drug services in Kempsey there is little opportunity to address the cycle of addiction until people have offended and come into contact with the criminal justice system. Similarly, in relation to young people, Juvenile Justice drug and alcohol workers are some of the few who provide services but are overstretched, having to provide services over very large areas.

*A lot of these blokes that are getting back into using and they start stealing and robbing and thieving again just to pay for their dope. Whereas if they could have stayed on that program that they were on in jail – you'd think it could be replicated in community – they wouldn't have that issue.*

Community Offender Services Worker

Restricting alcohol sales is one tool many communities have adopted to deal with alcohol consumption and related issues. There were some discussions around the effectiveness of a Kempsey Alcohol Accord but with approximately 20 licensed premises in Kempsey, it has been difficult to develop a united approach. For example, implementing uniform opening times has not been possible, with some hotels said to be opening from 9am and some bottle shops from 7.30am.

## **9.2 Crime as an accepted part of life in Kempsey**

A large number of interviewees discussed the fact that high levels of crime are accepted in Kempsey and described by one person as a 'fait accompli'. The notion of protecting those within the community was also raised, with one worker saying that this was dependant on who you were and your role in the community.

*That's a huge issue within this community as well; there's a lot of hidden stuff that people know but aren't prepared to say for a whole range of different reasons. But you could walk down the street and ask someone, who do you think did that? They'd probably pretty much give you the name right there and then if they're okay with you.*

Community Youth Worker

The acceptance of crime is said to be transferred from generation to generation. Numerous interviewees spoke of young people following in the footsteps of their parents or older siblings where, as one worker in the criminal justice system observed, 'going into custody is a badge of honour.' Interviewees highlighted the inevitability of young people, who feel helpless to change their circumstances, modelling other family members. One person noted that many young people are not afraid of the concept of incarceration and do not consider it a deterrent.

*You've got your parents, most of them have been through the criminal justice system so their kids see it like a homecoming. Some young blokes, they're not frightened to go to jail. They've got 10 of their uncles down here at Kempsey. Oh uncle Norm and uncle Steve, they're in there, I'm not worried about going in there. They've got no goal. What life is that? We'll be right. So they're seeing it as a challenge in life to actually go through and do a six month stint which is terrible*

Community Offender Services Worker

It was widely acknowledged by a broad range of people – police and Aboriginal and non-Indigenous interviewees – that there is a high degree of non-cooperation with police investigations. Interestingly, most Aboriginal people who referred to it simply observed this reality rather than criticising it. However, certain recent events led some people to wonder whether non-cooperation with police is, in a sense, harming the community by failing to put a stop to serious crime.

*There's knowledge around about who is doing it but nobody is actually taking it any further. So they're happy to know who it is but they won't follow it through ... The conversations just continue to grow outside in a social environment rather than saying, we're not putting a stop to it by doing what needs to be done. That's that issue, you've got the ones who know, that won't act on it and you've got the ones who would like to act but don't know. It's about bringing it all into perspective because at the end of the day we've got to try and address this as an issue.*

Community worker

The police also expressed their frustration with the Aboriginal community allegedly hiding persons of interest from them. The reluctance to cooperate with police may be a reflection of the poor relationship between police and the Aboriginal community that was said to exist but it was also said that the community is becoming 'absolutely fed up'. One Aboriginal person described their frustration that the prevailing acceptance of crime means that there is not a sense that crime affects the Aboriginal community itself and that the lack of accountability harms the most vulnerable. An example was given of malicious damage done to a local community centre that prevents critical services from being offered.

*This is a centre that's been built for the community up there. It's the kids that are damaging it and it's not little kids, it's the ones who are old enough to know better. The young people up to mid-twenties who are doing silly little things like smashing windows which means that [someone has to go] up there to clean it and remove the glass because it then becomes an OH&S issue. It can't be used for playgroups because of their lack of understanding of how critical the centre is. So it has to be closed down which means that services that would normally operate can't be delivered.*

Community worker

Finally, but vitally, perhaps due to the high level of crime in Kempsey or the racism that is said to exist or perhaps a combination of factors, a number of people commented on the expectation by non-Indigenous people of criminal behaviour from Aboriginal people. In particular, it was observed that the broad community's attitude to young people, including by the police, is noticeably negative. The impact on self-esteem and sense of self – and subsequent impact on hopes and aspirations – should not be underestimated.

### **9.3 Violence is normalised**

Not only is it perceived that crime is accepted in Kempsey but violence was spoken about as 'normalised' and intergenerational, where children learn that aggression and violent behaviour is acceptable. The normalisation of violence is applicable to the Aboriginal community and the wider community and may be one factor in the perceived under reporting of family violence.

*Community violence is the norm. It's okay for you to beat the hell out of your partner because that's just the way it happens. You get up and you go, okay let's go again. It's just normal. It's not seen remotely as something that's not okay. ... I would say that in Indigenous communities it is perceived as more normal. But there are a lot of people within the wider community that also just see that violence as normal. I mean it's been something that has been going on in this community for a very long time. So it's not questioned. You can be driving down the street and you'll see someone beating ... their partner in the middle of the road and everyone just keeps on driving. It's - whatever. It seems like the community has just become so desensitised to it.*

Community Youth Worker

*Also there's an acceptance that I don't quite understand. I think it's probably because they've been here and seen it, so the physical violence is very much a component of this world. Then you see that reflected in the children that we support, because the children are often aggressive with the other children. It's often a key indicator, because the children are witness to that physical violence.*

Manager, Kempsey Women's Refuge

Several people noted that violence in Kempsey is of an extreme nature. One domestic violence worker noted the serious nature of injuries sustained by victims of domestic violence that, in her experience, appeared to be much more severe than in other towns. Further, it was argued by one worker in the criminal justice system that many victims are 'just accepting that this is their lot, that there's nothing better.' Given the reportedly severe nature of these violent acts, the fact that there are few perpetrator services was described as a source of need.

*There's very little funding for programs for domestic violence perpetrators because it's considered to be helping a perpetrator. But if we're to stop domestic violence, to stop offending we've got to look beyond what the ideal is and look at the reality on the way people live their lives and their attitudes.*

Kevin Henshaw, Solicitor Aboriginal Legal Service

Violence is not limited to domestic or family violence but there is apparently an element of random attack that was discussed by interviewees. A spate of home invasions characterised by severe beatings was raised by many interviewees as a particular cause for alarm.

### **9.4 Historical legacies having contemporary impact**

As described above, the extent to which racism and violence have shaped the dynamics of Kempsey cannot be ignored. It was argued that Kempsey's history has diminished respect or has brought about an outright antagonism for authority, which has had a direct impact on Aboriginal people. In particular, the State's failure to protect vulnerable children was noted, resulting in children who, at the very least – grow into adults cynical about the legal system's ability to protect them.



*Most [Aboriginal people] have an antagonism towards authority. ... The Kinchella Boys' Home. It had a horrendous reputation and many of the lads who were tortured and victimised there have come back into this community and they have no respect for the law. They have no belief that anything in the system is going to look after them. That's a strong element in the males in this community. There are many other factors but this forms a real barrier.*

Magistrate Wayne Evans<sup>41</sup>

Deliberate and systematic strategies of undermining of Aboriginal culture through disallowing cultural practice and preventing people from speaking their language for example, was said to have disempowered Aboriginal Elders and undermined authority, which now can be observed in the crime statistics.

*They disempowered our old people from the ability to provide for ourselves and then to adapt to the new society and work within its confines.*

Nathan Moran, CEO Birpai Local Aboriginal land Council

*But that's what happens when yourself, people and culture gets bastardised and you're denied your identity and in fact denied equity with other comparable first nations people such as NZ, Canada or USA. The outcomes are picked up in the crime stats, that's why our mob get locked up more than any other mob on the planet.*

Nathan Moran, CEO Birpai Local Aboriginal land Council

The antagonism to Aboriginal cultural practice and values has, according to some interviewees, left Aboriginal men unsure of their role. It was said to be the biggest issue dealt with in men's groups. It was suggested that this search for an understanding of an Aboriginal man's role in contemporary society, may have resulted in behaviour that would not have been tolerated 'under our old lore'.

*All the policies of the government through that time broke up families, communities and broke them up and moved people all around. The lack of culture amongst these young blokes is such that you've got this - I call it a drinking circle - culture today that getting a record is being one of the men. They see that as their initiation unfortunately. If you're not one of the boys and you haven't done time then you're not one of the men. This is how they refer to themselves and that's the stuff you've got to really sort of address with them.*

Community Offender Services Worker

In a similar way, it was also suggested that crime may actually represent a form of resistance to the imposition of foreign law and to injustice. The characterisation of any action as criminal behaviour is entirely within the purview of the 'settler' sovereign and may mischaracterise action that is a necessary response to injustice or particular circumstances, such as hardship.

*I would say to you the last parliament before this one you had Senator Ross Lightfoot Liberal member of the Australian Senate from 1997 to 2008, representing the state of Western Australia being rebuked by former Prime Minister John Howard for telling the Senate that Aborigines in their native state were the lowest colour on the civilisation spectrum, inferring that Australia's first nations don't deserve to be treated as equal human beings. That's why we're getting locked up the way we are. That's why kids have got no problem at all in going down the street and smashing the town to bits and feeling*

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<sup>41</sup> Please note the views expressed throughout the report by Magistrate Wayne Evans are his own and do not reflect the views of the Chief Magistrate or Department of the Attorney General

*not one bit of empathy or sympathy but actually feeling justified, when we are treated as inferior human beings.*

Nathan Moran, CEO Birpai Aboriginal land Council

### **9.5 Poverty – there’s nothing to lose**

Dire socioeconomic circumstances in Kempsey were identified by Aboriginal and non-Indigenous interviewees alike as a key factor impacting on crime, whether because of the stress that being under financial pressure causes, hunger or becoming part of the crime economy. Numerous people described people in Kempsey living in poverty.

*These guys have six, seven, eight kids. You know, you’ve got a few with the financial pressures, there’s alcohol. It just snaps and one party ends up being flogged. It’s generally the woman who ends up being flogged.*

Legal Professional

As noted above, Kempsey was described as existing with a dual economy consisting of the crime economy and government funding with few employment opportunities for Aboriginal people. The ‘crime economy’ was described as having two facets. First, there is the economy of the offender, including drug dealing or stealing, whether for survival or to support drug use or addiction. The second facet is that of government responses to crime. It was noted that the most significant investment in Kempsey in the last ten years was in corrections and policing, which were needed for survival of the economy.

People living in such difficult circumstances were said to have ‘nothing to lose’ and may ‘behave in ways that many of us consider to be abhorrent or don’t understand.’

*In time these people begin to lose faith in the community, faith in the education system, faith in the justice system. It can foster an, ‘I don’t care attitude’ which is not good for any community. I believe that many of the issues faced by our community have a great deal to do with the fact that we have a significant percentage of the population with few physical and economic resources and consequently feel that they have nothing to lose. So after a prolonged period of time these people lose confidence in themselves and in their community. They don’t harbour the high aspirations that the mainstream value, and this is well supported by the Vinson report 2007. These issues have long been recognised, researched, documented and criticised. It is long past time to take into account the cause and effect for these circumstance, recognition of the dislocation of the ‘stolen generations’ and address these issues in a systematic, co-ordinated and socially inclusive manner.*

Jann Eason, Former Principal, Macleay Vocational College Kempsey

Tragically, many people described young people stealing because they are ‘starving’, and that ‘a lot of our young people start with crime because it’s survival. There’s no money at home.’

*We’ve found that a lot of people were talking about the couch surfing, the young people that go from house to house. First of all, looking for a feed to share or looking for a bed because their house might be full of visitors or they mightn’t have any money that week no one’s home, there’s no food, there’s nothing in the house. So they go looking for some action and the action has turned into more, it’s not just those main survival needs that the kids are looking for...they find trouble.*

Wendy Yarnold, DALMA Close the Gap Report Consultant

*I'm sad to tell you most Aboriginal kids at some stage in their life, given our appalling socioeconomic status at least nine out of 10 are going to face the reality. They're going to have to mungi or take some food, some tucker from somewhere, just to get by during the day.*

Nathan Moran, CEO Birpai Local Aboriginal land Council

Poverty was also described as an exacerbating factor in various forms. For example, many young people cannot afford to get their driver's licence. It was said that even if they could get their learner's permit, many Aboriginal young people cannot afford the lessons or do not have access to a car to obtain the required hours to take their test for a provisional licence. This may lead some into the temptation to unlicensed driving.

*Licences – you've heard the old one before, what puts people into custody, particularly Aboriginal people? Unlicensed, the second time disqualified. Then drive and the Court start to look at prison alternatives.*

Magistrate Wayne Evans

Poor socioeconomic circumstances can also prevent young people from participating in healthy and positive activities. Poor public transport was raised by numerous people, the result being that, unless young people are able to access a car, they may be unable to attend sporting events or participate in activities. It has an additional impact in that, young people in particular, if unable to travel home may find themselves in unsafe circumstances or become caught up in offending.

## **9.6 Factionalism**

Factionalism within the Aboriginal community was noted by both Aboriginal and non-Indigenous interviewees as impacting on crime rates in Kempsey. Interviewees described different people vying for 'power' or to control resources; deep seated animosity between families, sometimes going back generations; or disputes between people from different nations who had been forced onto the same country.

Specific crimes were associated with conflict between factions including home invasions and violence or pay back crimes, which were said to be often fuelled by alcohol. Many people referred to an occasional flurry of AVOs being sought as particular incidents escalate and create a ripple effect, capturing several generations of family members.

*... there's an enormous amount of generational family violence, but also more recently quite an escalation in community violence. That can be like a community targeting a woman because her partner is in gaol, and the family is outraged about that, because he's in gaol for family violence. Then the community, and or family will target her.*

Manager, Kempsey Women's Refuge

The impractical nature of AVOs in some circumstances was also noted, especially in relation to young people who may go to the same school, people who live across the road from each other or belong to the same social group or family. When so many are in existence, they may lose their effectiveness.

*You can breach them and breach them but I don't know how well and effective a breach of an AVO is as well. So that's an issue.*

Community worker

Government policy was argued to have entrenched and worsened factionalism by creating 'haves and have-nots', through its methods of allocating resources to particular organisations.

*The factional issue is very, very important because it means that the governments, state and federal, have created another strata namely the 'haves and have nots' in the Aboriginal community as opposed to those 'haves and have nots' that we usually recognise by virtue of their position and socioeconomic situation. This is an echelon and it's causing a real problem in the community because if you're not in the team or your family's not part of the team - the jobs go to the mob, and if you're not in that group your family member could well be disadvantaged.*

Magistrate Wayne Evans

### **9.7 Unemployment**

The boredom, poverty, and low self-esteem that correlates with intergenerational unemployment was also linked to high crime rates, with concern that the situation would only worsen on completion of the bypass. Unemployment was described as a chronic problem in Kempsey, where most Aboriginal people would be in receipt of 'welfare payments of one description or another'.

Interviewees attributed the particularly high rate of unemployment for Aboriginal people in Kempsey (31.3 per cent) to two main factors. First, that businesses in the town tend to be family businesses that employ family members, providing few opportunities. Second, that opportunities were not forthcoming because of the racist character of the town. Several interviewees noted that it was unlikely that you would see Aboriginal people employed in local businesses.

Furthermore, unemployment for Aboriginal people in Kempsey was said to be affected by the large number of people who might have criminal records and are prevented from taking up government jobs.

There was also disillusionment about identified positions when they were unlikely to lead to career advancement or opportunities for promotion. Training for job opportunities that do not exist was perceived as demoralising.

*I mean there's so many young Aboriginal men and women that have got certificates. They've been to every training course going but they've never, ever gained employment and never likely to because there's just not the work or the jobs in their community.*

Community Offender Services Worker

The phasing out of CDEP was felt to have had a negative impact on the town as the program had kept people connected, gave meaning and purpose to peoples lives and kept them in contact with services they may not have had access otherwise.

## **10 KEY FACTORS CONTRIBUTING TO YOUTH CRIME**

The story told by many interviewees of the life of Aboriginal young people in Kempsey is one of hardship and lack of support, where ambition is stifled and where role modelling is frequently negative. Interviewees working with young people observed that the perception of young people was generally negative and that there were many negative stereotypes. As noted previously, Kempsey has a large youth population and there was a great deal of concern expressed about youth crime, especially in relation to

young males but with recognition that young females were increasingly becoming involved as perpetrators, especially when involving family feuds.

*For most young blokes on missions and that they've all had trouble with the law since they've been 12, 14. Very few ever come through to be 18 year old and have not had some sort of contact with the police and been picked up for something or other. So most of them have got a record*

Community Offender Services Worker

The strongest theme that emerged from our discussions was that of young people having little hope or ambition, such that criminal or 'deviant' behaviour appears to be a relevant option, particularly when the system might fail them or they feel they have been let down by significant people in their lives.

The related factors most commonly raised as impacting on youth crime were that of the impact of family and parenting. In a similar vein, a large number of interviewees spoke about the lack of positive role models and a perceived lack of alternatives, such that crime is a rite of passage. Many people discussed the role of education and schools as places that can either nurture or stifle ambition. Lack of serious consequences for youth was also raised as an issue that contributed to youth re-offending.

Other factors that were repeatedly raised and in no particular order were poverty and hunger, lack of structured and safe activities, drug and alcohol use, and unsafe and overcrowded homes.

### **10.1 Role of family and parenting**

The most frequent response from interviewees relating to the causes of youth crime was to reflect on the role of family and parenting. It was said that inadequate supervision leads to boredom, which leads to vulnerability around other young offenders, which ultimately leads to crime.

Home as an unsafe environment was raised by many who work with young people. Several people spoke about the SAY (Save Aboriginal Youth) Program that involves volunteers patrolling the town in a bus on Friday and Saturday nights to take kids home or back to the Police-Citizens Youth Club ('PCYC') if they so choose for activities and a meal. A number of people observed that, all too frequently, it is not possible to drop kids at home because children feel unsafe and refuse to go there or no one is at home. If they cannot go to an aunty's or nan's or a friend's house, then there is likely to be police involvement as a last resort, which is hardly desirable.

*It would break my heart when I'd talk to kids that were saying well we've got to sit outside. You know, they go to an activity and they come home, but they can't go inside because they've got to wait until the people in the house go to bed. Until it's safe for them to come in because everyone's partying or playing, or drinking or whatever. So they'd be sitting out on the street or wandering around, waiting to go to bed and in mainstream it's the reverse, you know? The kids are trying to stay up and stay out and have a good time and hope that mum and dad will go to bed so that they can sneak out or whatever. But it's actually the reverse that's happening with a lot of families.*

Wendy Yarnold, DALMA Close the Gap Report Consultant

The cyclic nature of young parenthood, disengagement with the education system and long term unemployment was raised by a number of interviewees. Many people

described a progression from parents being unwilling or unable to supervise their children, to disengagement with the education system that their parents also had not embraced, to young parenthood themselves. The challenges faced by young people coming to terms with adulthood and parenthood at the same time were emphasised.

*Each time they become disengaged [from the education system] it's harder to pull them back in, and keeping in mind that ... – it's more than likely they're going to a young parent but some of the boys are trying to work out what it's like to be a man and a father at the same time and it's a catastrophe.*

Fred Kelly, President, Macleay Valley Local Aboriginal Education Consultative Group

*They haven't got the skills. A lot of young parents, not employed, obviously left school early, haven't got the skills to help their children that are going to primary school. So, yeah, it's likely to be trans-generational unless something's done.*

Fred Kelly, President, Macleay Valley Local Aboriginal Education Consultative Group

As one person observed, delaying the onset of parenthood is critical, allowing young people to potentially realise their dreams. However, breaking the cycle of young parenthood, however, is a particular challenge where becoming a parent and having your own family is what you understand to be 'normal' or healthy, or provides you with a sense of belonging.

*It's a big need. If young girls had an opportunity to better understand themselves and what they're getting themselves in for. Getting tapped up every fortnight or whatever is just not good for you, but they think that's okay and that's normal in any kind of relationship. Again that goes back to the role-modelling of other adults around them because that's probably what their parents did as well. It's that inter-generational stuff. How do you deal with that inter-generational thing? You can try. You break the cycle in one family but it continues in another and you get one person speak up, who do you think you are telling us what to do?*

Community worker

The normalisation of young parenthood may also be affected by the extent to which young people have a parenting role pressed upon them. Interviewees also observed that teenagers frequently have responsibility for raising their brothers and sisters and so are de-facto parents at an early age.

The 'breakdown of family' was described by some interviewees as being a direct result of government policies of 'dumping people' in the Kempsey region, thereby separating them from their own families and from policies of child removal which, said to still be heavily applied to the region. Several people described the 'Stolen Generations era' as having a profound impact on people's ability to parent effectively, noting that they were left without the kind of support required. The fear of child removal has resulted in a degree of distrust for Community Services (formerly DoCS). Aligned with that distrust was a perception that the authority to discipline children has been removed and that children are threatening to report their parents to Community Services when faced with punishment.

## **10.2 Crime as a rite of passage and older offenders as role models**

As noted previously, there was a strong perception in Kempsey of young people experiencing stifled ambition and helplessness, and of crime being accepted and violence normalised, that is intergenerational. Therefore, it is unsurprising that many

interviewees spoke about paths to offending, with a kind of inevitability and a 'right of passage'.

*Unfortunately going to Juvenile Justice is like their initiation. They're up there with the rest of the mob, they're getting fed - they've got three meals - they're getting education, they get looked after. But you've got to give them the self-esteem that they can't [maintain]. They all want to change but when they come back and then they're in the same environment it's not as easy. Then the shame factor; if they don't get re-involved in it then you're a do-gooder, you think you're better than us. So it's all that sort of stuff that goes on.*

Community Engagement Manager, PCYC

The lack of positive role modelling was repeatedly raised and several people spoke about young children being 'groomed' by older, more experienced offenders.

*The five, six and seven year olds who are being enticed into the crimes because they're little, we can put them through smaller windows. So they're being born into it from that age and it's just normal. They've seen brothers, sisters, aunts, uncles, dads, mums being engaged in that system. They just don't know any different. As horrible as that sounds, they really just don't know any different. It's just the culture of their community.*

Community Youth Worker

However, there are initiatives that seek to focus on positive outcomes for young people, attempting to break the nexus between aberrant behaviour that has you held in high esteem. Mission Australia runs a program seeking to reward youth leadership that works with the two local high schools who refer students who they have identified as having leadership potential to the program which provides after school activities, holiday programs, and in 2009 a visit to Sydney to attend the Deadly Awards. The program also includes culture camps with Elders involved.

### **10.3 Boredom**

The lack of structured and safe activities for young people was identified as a key factor contributing to youth crime.

*The stuff around young people and their crimes is basic. It is around the fact that there's minimal things to do in Kempsey for young people. There's hardly anything structured and organised for them to be involved in and it's the Thursday night, Friday night, Saturday night when their parents are off and out living their own lives and forgetting that they have kids at home.*

Community worker

The success of midnight basketball hosted by the PCYC seems to demonstrate that young people will take advantage of safe structured activities when they are available. A number of people referred to a dramatic drop in juvenile offending when the program started.

*It's funny how silly little program where you're picking the kids up, to drop them home, feed them, play basketball affects crime rates. It's affected juvenile offending because they've got something positive to do.*

Legal Professional

#### **10.4 Alcohol and drug use**

Many interviewees, particularly those working in the criminal justice system, observed the young age at which offenders and other young people start to drink alcohol and, in some cases, take drugs. This early onset drinking is often not officially acknowledged until a young person offends. An all too familiar story was that there was very little support for youth who may wish to address drug and alcohol issues.

*A lot of children that get into trouble start – it's common – they start drinking and bonging at 13, 14, 15 years of age. There's no specialist drug and alcohol workers for children. No projects targeting Youth and Drug & Alcohol issues. Juvenile Justice has one worker that covers the Mid North Coast but to get his involvement, you're too far down the track. There needs to be more intensive intervention targeting the youth in Kempsey*

Kevin Henshaw, Solicitor Aboriginal Legal Service

*...self-medicating is huge for our young people because they've got so much trauma from their past they're just staying out of it all the time or drinking or - so they don't have to deal with that stuff. It just becomes the way of life as well.*

Community Youth Worker

Numerous people described children as young as nine years of age as experienced drinkers with alcohol often supplied to them by their parents or others responsible for their welfare.

*We can't get the proof of it until they're committing offences and that usually isn't until they're 12 or 14 when we start to ask for reports unless they've got a dual diagnosis, and at 14 we learn that at nine years of age they were using alcohol which in itself is a worry, but presumably to a degree that makes them dependent upon alcohol or other drugs. It is not unusual for it to be supplied by family members including their parents.*

Magistrate Wayne Evans

#### **10.5 Unrealised hopes and dreams**

One theme that strongly emerged from discussions on a range of issues – whether relating to the role of family or school, or lack of activities for young people or why young people might be accessing alcohol or drugs – was the incapacity of young people in Kempsey to be able to achieve their dreams.

*They don't have that projection of hope, I suppose. Without hope where are you going to go, and what are your plans? I see all these beautiful children come through this refuge, and you think what's their future? If we don't make changes, there is no future that is profitable ... for that young person.*

Manager, Kempsey Women's Refuge

People seemed to describe a life for young people lacking in self-esteem, devoid of rewards for positive behaviour and with little sense of being valued. Misplaced expectations or perhaps, lack of positive expectations of young people from powerful people in their lives was said to 'set them on a predetermined course.'

Some people working with young people described Kempsey as a town with negative attitudes towards young people and where negative stereotypes prevail. In particular, the perception that, in general, police have little respect for young people and are reluctant to support their initiatives. Aprilla, an initiative of several youth agencies, was a major youth festival that 500 young people attended without incident. In our



conversations, there was considerable frustration that the organisers 'had to jump through hoops' with a perception that the police had tried to 'squash the event.'

### **10.6 Mental health issues**

Whether related to reasons for offending, it was reported that a large proportion of criminal offenders have behavioural or mental health issues that are often not diagnosed until that offender comes into contact with the criminal justice system. The frustration that people seem unable to obtain an earlier diagnosis and assistance was widespread among interviewees.

*The court doesn't have a court clinician to deal with mental health issues. ... The common thread as I mentioned was mental health. A lot of these children are diagnosed with different ADD, ADHDs and other disorders but there's no support, no backup to work with them and hence, the combination with cannabis, alcohol, their exposure to violence means they're not getting the support and hence their recidivism.*

Kevin Henshaw, Solicitor Aboriginal Legal Service

*Juveniles. Mental health issues aren't usually identified in offenders until they're in prison at about 30 odd years of age. Those mental health issues are a big contributor to recidivism and ongoing issues as well as the trauma they have faced – kids – from abuse and whatever. When they first go into custody, as part of the assessment done by juvenile justice there should be a psychological assessment. So if there are any mental health issues or grieving issues or issues that need addressing, or even alcohol and drug issues, they can be identified and addressed to try and get on top of the issue early.*

Kevin Henshaw, Solicitor Aboriginal Legal Service

The inadequacy of services for supporting those with mental health issues was referred to by a range of interviewees working in the criminal justice system.

*Why drug and alcohol and mental health services were never the same service has got me beat. When 80, 90 percent of all clients in there have all got drug and alcohol issues to go with their mental drug induced psychosis. Not very much of it is actually inherited. It's all drug induced. Still today they're fighting over whether we should see them or you should see them instead of hey let's both see them, let's see if we can sort out a good care plan here.*

Community Offender Services Worker

*All because [services] won't act early enough and this law about police can't intervene till they commit a chargeable offence, well straight away what happens? They get charged with something, they go to court, they go to jail. Instead of scheduling them, putting them in hospital and building some more mental health units where people can get the care they need. Instead of that they get locked up out here at Kempsey*

Community Offender Services Worker

## **11 CRIME PREVENTION AND RESPONSES TO THE CRIME RATE**

Kempsey appears to lack any coordinated, community initiated and community wider response to crime prevention. Although there are some initiatives, we did not get a sense of there being a long term, community based vision for dealing with crime.

There is an Aboriginal Community Justice Group and Crime Prevention meetings are hosted by the local council, but their effectiveness is hard to gauge. It was also noted by a community member that there were very few grass roots responses to crime. Therefore, responses to the crime rate and crime prevention strategies tend to be

mainstream responses. Most interviewees when asked about strategies referred to policing and associated issues.

### **11.1 Police and policing**

Tension exists between local police and the local Aboriginal community in Kempsey and the overwhelming perception from those we spoke with was that of a lack of respect, support and cooperation from both parties. It is apparent that this is a complex relationship that had been created over a long period of time that would require a significant change in attitude for resolution. The fact that a number of people referred to an intergenerational lack of respect suggests that resolution is not likely in the short term. Several people reported that the community was 'fed up' with the current situation and levels of crime but there was little sign of potential cooperation.

The lack of respect is demonstrated in a variety of ways. On the one hand, numerous people complained that there are certain areas of town – especially areas with high proportions of Aboriginal people – that the police are reluctant to attend. On the other hand, there were also frequent references to police being attacked and abused. One person noted that the reluctance of police to patrol certain areas can lead to the escalation of problems.

*We have parties happening all over the place to the stage where police just don't go there because it's too scary for them and if one gets caught up then that'll be a big riot. So police tend to stay away from areas where they should really be [patrolling] streets and making sure they're safe for the residents. If you've got a party of 30 or 40 just spilling out onto the street, they just don't go there. Then that causes a whole lot of other assaults. The follow up is there after all that but if they would have been able to close it down sooner, it might not have got to that stage at all.*

Community worker

When asked about the allegation that police were not responsive in particular areas, police explained that having to prioritise responses sometimes results in a slower response time than people would consider ideal. The explanation given by police was that as 24 hour stations, Kempsey and Port Macquarie are required by legislation to have a specific number of staff for each shift. If they are unable to meet these numbers within the town, then police will be recruited from within the Local Area Command, which may impact on staffing and in turn, slow down response times.

Interviewees demonstrated a strong preference for community policing, focused on developing positive and cooperative relationships, and disappointment that this approach was not being forged. There are apparently a number of forums that are designed to facilitate discussion between Aboriginal people and the police and the broader community such as the Aboriginal Community Justice Group and liaison officers in the hospital and jail that assist police where needed. However, concerns expressed about the relationship suggest that communication can be improved.

The relationship between police and the Aboriginal community is also inevitably harmed by a lack of cooperation with police investigations (discussed above). Much to the frustration of police officers and some community members, investigations into crime, including violent crime, are often impeded. In particular, the suggestion that the alleged perpetrators of a serious crime may have been hidden caused some disquiet.

One worker in an Aboriginal organisation noted that interaction is minimal. Others complained that they had repeatedly attempted to have police attend fun days or NAIDOC events so that community members could interact with police in a different way but were unsuccessful.

*You know, you don't often hear from the police. There's none of that positive community relationship. The only time I've ever heard of them, and I've been in this position for nearly 12 months now, is when they want us to donate towards their police newspaper or police calendar type thing.*

Community worker

There appears to be a fundamental mismatch between the early intervention and preventative role that community members desire from the police and the actual role of the police. One police officer observed that, to some extent, people have unrealistic expectations of the police, whose role it is to respond to crime that has been committed. While it is vital that offenders or potential offenders have the support to deal with any issues that may contribute to their offending, this is not what the police do.

Many suggested that their dealings with the community would benefit with having police live locally. Education about working with Aboriginal communities to ensure cultural competency, and improved communication generally were also suggested improvements. There is a perception that police only come to Kempsey to get 'their points up and then they move somewhere nicer' and so have little interest in engaging. On the other hand, one police officer asked why police officers would live in the town when they would be subject to the abuse in their private lives that they experience during the work day.

*The police need education, serious education on how to deal with Aboriginal communities. Communication and active listening is a key skill to have when you're communicating with any Aboriginal community. You get police officers who just get real angry because they can't understand what [Aboriginal people] want or what they need and they can't interpret.*

Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

One particularly concerning suggestion made by several people working with victims of domestic violence that police officers 'don't always take it seriously.' Specific concerns ranged from police not acting on allegations that a perpetrator of domestic violence had breached an AVO, to challenging victims' accounts of violence, to failing to refer women to appropriate services. One person even noted from her observations, that the Domestic Violence Liaison Officer (DVLO) was treated like the 'tea and cake lady' by her colleagues in the Police Force.

*Again, a woman's experience of violence comes down to the police response. If you've got someone on who doesn't have an understanding, or the experience, or even an ability to comprehend the complexities, it's just a very negative experience.*

Manager, Kempsey Women's Refuge

*So that's a big issue. We have is the women who come here and they go look we called the police you know 60 times and they're still not acting on it. They're 000 so they're recorded so the police have to act on them anyway but I mean they go out a couple of days later and take a statement. Usually they say well you don't have enough evidence to be able to prove the breach so it's little things like that. It's hard.*

Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service,  
Kempsey office

*Women have been told that they'll come to the desk to make a complaint, finally, with a support worker, and they'll be asked where are your bruises? It's the same old, same old. Where are your injuries? Or the police won't come into certain areas of town. Women are told we can't come in there, get over it, go home. All the things I heard 10 years ago. I find it quite shocking that that's often a woman's experience when she finally gets to the police.*

Manager, Kempsey Women's Refuge

It was also said that the failure to fully understand the issues can result in a waste of limited resources. For example, the police often remove women from the home rather than the perpetrator, which can result in women staying at the safe house to the exclusion of women with more complicated problems. In that sense, a program entitled Staying Home, Leaving the Violence, which removes the alleged offender from the premises and refers them to emergency accommodation, was considered to be underutilised.

*We don't have them understanding that it's a far better option to exclude the male, if that's the perpetrator in that instance, to exclude him and allow the women and children to stay, then that frees up us to bring in complex women, rather than women who should really be able to stay in their home.*

Manager, Kempsey Women's Refuge

It was said that the police cannot leave domestic violence as an issue to be dealt with by the DVLO but that all police officers need the training and commitment to treat domestic violence as the crime that it is.

*But they actually need to get trained as well; identify the factors; know how to approach Aboriginal community; how to approach DV in Aboriginal communities more successfully; and to know how they can be more approachable, because once they see men in blue turn up, well it turns violent. You know Aboriginal people don't want to listen to them.*

Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service,  
Kempsey office

## **11.2 Aboriginal Community Liaison Officers**

The nature of policing and an extensive police presence in rural, regional and remote communities are often vexed issues, although the importance of having Aboriginal Community Liaison Officers (ACLOs) to alleviate some tension was acknowledged by almost everyone we spoke with. However, what is apparent from our conversations is the markedly different perceptions of the role. While police officers spoke about ACLOs being able to 'get information from people of what's happening in the community', to Aboriginal interviewees, the role was to 'promote better relationships with the Koori community'.

What was also acknowledged was the difficult challenges faced by ACLOs and, in fact, all those in liaison positions in having to balance competing expectations, while being treated with suspicion by other community members. It is well known that stress and burn out are occur frequently for Aboriginal people in liaison roles and at the time of our visits, the two ACLO positions in Kempsey had been vacant for 18 months.

It follows that appropriate recruitment of ACLOs and other liaison officers is crucial and difficult. Different opinions were expressed with some suggesting that it is better to recruit from within the community, while others considered that recruitment was best from outside. However, as one person noted, success in the role probably comes down to the individual and the level of support they receive.

There was support for the expansion of the role both in terms of increased presence in the community to provide a 24 hour service and a balance of male and female ACLOs. Some women expressed frustration that requests for the appointment of a female ACLO have not been heeded.

*Liaison positions just don't work that good if they're nine to five, Monday to Friday jobs. It's that after hours stuff that's more critical. That's when the community's likely to get caught up in situations.*

Community worker

### **11.3 Police and young people**

Perhaps unsurprisingly, given the depth of anti-police sentiment that was reported, a number of people also described a difficult relationship between the police and young people in Kempsey. Examples ranged from the lack of police support for youth activities such as Aprilla, to the suggestion of an intergenerational lack of respect for police, to the allegation that police are unreasonably targeting Aboriginal youth. Other workers alleged that they were accused of being hostile to police by teaching young people their rights in relation to their interactions with police.

*[Young people] don't even have respect for the police. So it's the youth stepping up now and following [the lead] of their parents. [They adopt] their parents opinion of the police, that's the interpretation they've taken..*

Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service, Kempsey office

*PCYC Police – the young people feel okay with them. The other Police – I would have to say they really don't give a toss about them. They don't see them as anything other than people who drive around in blue. They have no level of fear of them. They really don't care. That authority means nothing to them in reality.*

Community Youth Worker

### **11.4 Profiling/targeting Aboriginal people**

Several Aboriginal interviewees noted that Aboriginal people in Kempsey are readily observable or known to police and therefore, may come to the attention of the police more readily than non-Indigenous people.

A number of interviewees wondered why the front page of the local paper included pictures of several Aboriginal people with outstanding warrants and no pictures of non-Indigenous people. Other interviewees referred to young people being followed on release from detention.

The police, however, firmly reject that Aboriginal people are being targeted in any way. Instead, it was argued that police target offenders – Aboriginal and non-Indigenous – on the basis of the intelligence that they receive and their investigations into individual crimes.

### **11.5 PCYC**

The PCYC deserves special mention as an entity described by numerous interviewees as highly successful. In particular, it was claimed that it had an important role in crime prevention for young people and in assisting young offenders to avoid recidivism. Crucially, those running the PCYC provide positive activities that are entertaining but also educate, focusing on leadership, aspirational thinking and self-esteem. For example, midnight basketball, hosted by the PCYC, was raised as the most positive initiative for reducing youth crime. Midnight basketball was initially aimed at Aboriginal young people and over time non-Indigenous young people commenced attending.

While the PCYC provides a number of government funded programs, it is itself not government funded and relies on fundraising and community support, such as food donations so that it can provide free nutritious meals. Midnight Basketball – which was only spoken about in positive terms – and the SAY Program are predominantly run by volunteers. Unfortunately, despite the degree of perceived success, the PCYC cannot cater for the demand for activities that they currently provide and the range of new activities that they would like to provide due to funding restraints.

One key to the success of the PCYC was claimed by several people to be in providing a safe place for young people in Kempsey to go. Unfortunately, it was the initiative spoken about with such broad appeal. Safe, positive activities, by and large, lacking.

*The PCYC is doing some fantastic stuff for that young group in terms of diversion therapies; they've got Midnight Basketball and Safe Aboriginal Youth Program. They're doing some great work. But it's like anywhere; you can put something on and they're going to come but the minute it's over, what do I do now? Where do I go now? So - the crime rates on Friday nights when Midnight Basketball is on has dramatically reduced. But Saturday, Sunday, Monday, Tuesday, Wednesday, it's just going straight back up because they don't have anywhere to be. It's just part and parcel of living in this community.*

Community Youth Worker

### **11.6 Dunghutti Aboriginal Community Justice Centre**

The Dunghutti Aboriginal Community Justice Centre has emerged as an initiative of the Kempsey Aboriginal community to provide a culturally appropriate, central hub to support Aboriginal people and their families, in their dealings with the criminal justice system and crime prevention. It will exist as a venue for Dunghutti Aboriginal Community Justice Group meetings, a referral centre for Aboriginal people in their negotiations with the criminal justice system, a venue for workshops and meetings such as the recent Legal Aid workshop on dealing with fines and negotiating with SDRO, and will house a range of services.

At the time of writing it houses three specific services, namely the Aboriginal Family Development Justice Worker, the Macleay Valley Community Safety Collaboration Coordinator and a Job Services Australia agency, and will soon be hosting a lawyer one day per week to provide advice on civil matters. It is also in negotiations with several other government departments who would like to have a 'kiosk' presence in the Centre. The Centre has no recurring funding but has come into existence through a one off establishment phase grant and donations of office equipment and volunteer time.

## **11.7 Kempsey Against Crime**

At the time of our visits to Kempsey, a community group had formed, titled Kempsey Against Crime, largely using Facebook as a means of communication. A number of Aboriginal interviewees were particularly concerned about the group's potential for vigilantism. There was also frustration that this group had been able to succeed in attracting very senior police to one of their meetings when invitations to the Aboriginal Justice Group had not been accepted.

## **12 CRIMINAL JUSTICE ISSUES**

### **12.1 Failure of juvenile detention and jail**

A strong theme emerging from the interviews – and especially from those who we spoke to who work in the criminal justice system – related to the failure of juvenile detention and jail to deter criminal activity or to teach offenders the life skills they need on release. In fact, it was suggested by a number of people that the effect of incarceration was to teach offenders 'new techniques'.

It was forcefully argued that incarceration needs to be genuinely an option of last resort and that people should be assisted to address any issues – whether drug or alcohol dependence, literacy, numeracy, lack of skills – that may have contributed to their offending. In particular, it was argued that attempting to address the over-representation of Aboriginal people who are incarcerated by, for example, instituting early release was pointless if that person had not received active support for rehabilitation and was, in a sense, 'setting them up to fail'.

Of great concern, is the suggestion that some community services have previously taken the view that certain young people are safer in custody and so do not oppose their incarceration when it could be avoided. Of further concern was the suggestion that some community services do not have the resources to support young people so that they might avoid detention, or extremely worryingly, will not oppose detention because Juvenile Justice is seen to have more resources than other services. If it is true that the welfare system is forced to rely on the criminal justice system because of its lack of resources, then this is tremendously alarming.

*That's why we've got up to 70 per cent incarceration rates in our youth today. Since Royal Commission into Aboriginal Deaths in Custody things are just getting worse and worse. The system itself won't take a break from itself and have a good assessment and take a break and realise that reconciliation was the only one recommendation government followed up on, they ignored the treaty recommendation. It continues today where we're sending all the black kids to juvenile detention centres at 12 and 13 years old at unprecedented levels- you're keeping them there until we get them a carer, but then at best the carer only keeps them for two years and the cycle goes on. It's the system that has got to pull up. It's not. It just feeds itself. Australia seems to have continued its penal colony mentality towards its first nations. It's a very sad reality, no one seems to want to assess policies or programs that are not achieving any positive change but are in fact entrenching our status quo*

Nathan Moran, CEO Birpai Local Aboriginal Land Council

*They're quite happy to let the kids go to a detention centre because the kid can't get bailed because he hasn't got an address. It's too much effort for them to assess an address for him or to even pay for him to go to the refuge. They can't afford it so they're happy to let a child go to custody who shouldn't be there.*

Kevin Henshaw, Solicitor Aboriginal Legal Service

*Kids have to be given a chance. Not just lock them up because no parent will want to look after them. You can't just refuse them bail because they haven't got a home to go to. That happens too often. They have to sit in jail because they haven't got a home. Kids. You've got to try and rehabilitate*

Community Service Provider

### **12.2 Lack of alternatives and options for magistrates**

As we have heard repeatedly in a number of rural and remote communities, magistrates in Kempsey do not have an appropriate range of sentencing options, the net result being greater numbers of people ending up in custody.

*So this is an area with a lot of problems and yet we don't have the appropriate sentencing options, and as case law says, you don't go down a notch for sentence. You've got to look at going up.*

Kevin Henshaw, Solicitor Aboriginal Legal Service

*I've got a feeling that too many of our young – well our Aboriginal youth are fast tracked into the Juvenile Justice system. Discretionary powers that can be used aren't used like the cautionary system – three cautions and that. I don't think that that's happening in a good way. So they're fast tracked into court because we haven't got any diversionary programs really. So for a first offender, there's really nowhere for the magistrate or Juvenile Justice to refer them to try and straighten them out.*

Fred Kelly, President, Macleay Valley Local Aboriginal Education Consultative Group

For example, due to the unavailability of appropriate supervision, offenders are frequently given a suspended sentence instead of being given a Community Service Order. This has serious implications because if that person commits any offence during the period of the suspended sentence, it is revoked and they could be jailed. Thus, it was argued that Aboriginal people in rural and remote areas were more likely to be put into custody than their regional centre or city counterparts.

*You can't fine them the appropriate amount of money because they can't pay it. So not only me – and I try to avoid it but it happens with me – and other magistrates tend to put them on Section 9 bonds [Good behaviour bonds] so there's some element of supervision. The problem with that is, if they break that you go up to the next rung of sentencing, and in the meantime there's no community service [available]. Now a lot of these sentencing options which are available in Sydney are just not available here. That accounts for a large proportion of the people we have that go into custody early because we give them a chance, we try, they don't acknowledge it, they break the law and the only punishment is up the next rung and it's despicable and we don't have the options.*

Magistrate Wayne Evans

We were also informed that there are a number of Aboriginal organisations that would like to provide activities for community service orders but that adequate supervision may not be possible and so these opportunities are lost.

Attempts by the courts to manage available sentencing options to provide equitable outcomes with other regions might explain why some people consider them to be too lenient.



The specific issue of fines and penalty notices as being an inappropriate sanction for people who cannot afford to pay was emphasised. The progression from fines that cannot be paid to loss of licence to driving without a licence to jail was said to be commonplace. On the other hand, issuing fines needs to have a deterrent effect and so must be meaningful. An alternative system whereby people can work or study to pay their fines was considered to be a better approach.

*Fines: you've got to look at their capacity to pay as a factor in sentencing. Well you can't keep fining them \$50. That becomes ridiculous because it's no deterrent to other people in their community. You can't fine them the appropriate amount of money because they can't pay it.*

Magistrate Wayne Evans

A second area of marked deficiency in options for magistrates identified by a number of interviewees was that of diversionary programs and 'second chance' facilities. One diversionary program identified as being successful is the Magistrates Early Referral Into Treatment (MERIT) program that enables defendants to enter into a voluntary treatment program as part of the bail process. Participation and successful treatment can then be taken into account by the Magistrate when sentencing. On the other hand, difficulties in accessing treatment appears to be a question of resources.

Second chance facilities, such as that of Balund-a at Tabulam provide a residential diversionary program for offenders. 'Its aim is to reduce re-offending and enhance skills within a cultural and supportive community environment.'<sup>42</sup> Magistrates are able to sentence offenders to Balund-a after conviction, or accept offenders subject to community-based orders, or refer defendants as a condition of bail.

Cultural legitimacy appears to be one of the aims of the program as most residents are from the Bundjalung Nation, resident in a facility on Bundjalung country, being mentored by Bundjalung Elders. 'Local Elders provide support and assist residents to recognise, restore and value cultural links with their land and history.'<sup>43</sup> A range of programs are offered, 'most from the local community, delivered in a culturally sensitive environment.'<sup>44</sup> Crucially, 'it aims to develop partnerships with community organisations in order to support resettlement, allowing continuing support after the resident leaves.'<sup>45</sup>

In addition, it was observed, especially by workers in the criminal justice system, that a dramatic incapacity to deal with mental health issues for offenders or potential offenders might be a factor in increased levels of incarceration, especially for young people. Mental health issues that go undiagnosed or untreated combined with alcohol or drug use are, unfortunately, a common combination leading to recidivism.

*This court doesn't have a court clinician to deal with mental health issues. The Nambucca Valley definitely doesn't have any sort of assistance. ... The common thread as I mentioned was mental health. A lot of these children are diagnosed with the different ADD, ADHDs and other disorders but there's no support, no backup to work with them and hence say the*

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<sup>42</sup> Corrective Services NSW, *Balund-a (Tabulam)* <[http://www.correctiveservices.nsw.gov.au/offender-management/correctional-centres/balund-a\\_tabulam](http://www.correctiveservices.nsw.gov.au/offender-management/correctional-centres/balund-a_tabulam)>.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

*combination with cannabis, alcohol, their exposure to violence means they're not getting the support and hence their recidivism.*

Kevin Henshaw, Solicitor Aboriginal Legal Service

In an emergency, the defendant with the mental health concerns is often put into custody until they can receive the appropriate referral and assessment.

*So what happens if I get an emergency, I either put the person in custody and send them to Port Macquarie or adjourn them in custody till the next hearing – and this is a person with a mental health issue – so that if the court clinician from Port Macquarie can fit in the time he will come here and assess them. If I get them at Macksville I've got to leave them in custody probably for a week, and similarly with Bellingen.*

Magistrate Wayne Evans

Finally, the need to focus on early intervention or preventative measures before people enter into the criminal justice system was emphasised. For example greater use of community justice mediators to help resolve issues could be used to great effect. As one person noted, in relation to the number of people who breach AVOs, perhaps the better course is to avoid needing to take them out in the first place.

*So it's total madness. ... Whether you get someone into - a mediator in before it gets to that [taking out an AVO] but I don't know how. If they're just taking the AVO as an AVO or they're trying to do some kind of mediation before it gets to that point by saying okay, this is an issue, let's send out some people so that you actually become proactive and deal with the issue rather than putting a legal label on it, saying I got an AVO out against you without trying to resolve what the issue is. That's going to be an ongoing issue.*

Community worker

### **12.3 Circle Sentencing**

Circle sentencing, an alternative sentencing court for adult Aboriginal offenders, was referred to by a number of people as a successful initiative that has, anecdotally at least, noticeably reduced reoffending. Unfortunately, it was also noted to be less successful in Kempsey where crime is an accepted part of life, than in some other towns with different attitudes to law and order and where Elders emphasise what an embarrassment the offender is to the community. It was introduced in Kempsey in 2005 and after raising awareness through community meetings the first Circle Court began in 2006 with 71 offences heard up until 2010.

There was said to be resistance to its introduction from non-Indigenous people – and some Aboriginal people – and it was necessary at the time of its proposed introduction to convince the broader community that circle sentencing was not a lenient option. By contrast, some Aboriginal interviewees noted that 'facing the music' before your community was always going to be a more difficult option, to the point that some eligible offenders refuse to go to Circle, preferring instead to go through the mainstream system.

*It's not like a local court where you come in here and sit up there and all you see is the back of your solicitor who is talking a lot to a man that's sitting up there in a black dress. It is all about you in the Circle Court. You're responsible for your actions and the like and the camera's on you. I think one bloke said it was like sitting in a room full of mirrors.*

Community Service Provider

In fact, the success of circle sentencing is attributed to the high degree of accountability before your own community that it involves.

*The main strength I believe is that it's putting the onus back on the Aboriginal community. They're having a say on what's going to happen to their people. That's a big strength. ... [Elders should be considered to be] judicial officers that have all the powers just like [the Magistrate] when they're in that court. They should be treated with respect just like [the Magistrate] in his court and even when they're in the community. That's their strength, they own it. [Circle sentencing has] given it to them. Here it is. It's yours. The onus is put back on them. So I think that's a big strength that it's been put back to the Aboriginal community now to deal with their own.*

Community Service Provider

The Aboriginal interviewees who raised circle sentencing were generally supportive and, apparently, a range of people and organisations are advocating that the concept of a panel of Elders could be useful in a number of other instances. The benefit of circle sentencing was seen to be in reminding offenders of their obligations to their community but it does not always succeed:

*They do circle sentencing here for when you've got young people that offend they go to circle sentencing. They get drilled by the Elders because it's disrespecting them as well as their parents and the Aboriginal community. But it's not always successful because some of these Aboriginals are just too trained in their ways. They'd even go into court or go into juvie and coming back out they're not going to change.*

Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service,  
Kempsey office

One issue that was contentious, however, was the appropriateness of circle sentencing for domestic violence offences. It was suggested that it was not appropriate as it is 're-victimising the victim', who has to sit there 'while the Elders and everyone talk to [the perpetrator]'. This was contrasted with the court process, where the victim can distance themselves from the process and receive some level of protection.

*Even reading out a victim's impact statement - which I've done a few times at circle sentencing - it's too traumatising for her to have to sit there and even look at him again or rehash what's happened and all that type of stuff.*

Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service,  
Kempsey office

*You know she's endured a lot so I don't think she should be re-victimised by going through circle sentencing. At least with court she doesn't have to turn up. The police, the prosecutor does everything for her, so she's not being re-victimised. She can go on with her life knowing that the police are there to protect her and so is the court order.*

Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service,  
Kempsey office

While it might be appropriate for other forms of assault, especially those involving young people, it was argued that the experience was far too lenient on the offender in relation to domestic violence. It was argued that an apology and commitment not to re-offend could in no way make up for the traumatising of another human being that had occurred and lack of closure.

*It's too lenient. They need to be responsible for their actions and they're not. It's like going under the radar again, you know. It's not getting out into the community... There's no*

*court sentence, there's no criminal conviction. It's too lenient and the victim just goes through too much.*

Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service,  
Kempsey office

It should be noted that this issue is the subject of current research. Professor Elena Marchetti from the University of Wollongong is currently researching the Circle Court in Kempsey and six other Indigenous sentencing courts to analyse the impact of using such courts on victims and offenders of intimate partner violence.

## **13 WHAT'S WORKING AND WHAT'S NOT WORKING**

### **13.1 Government funding – how much is enough?**

There was stark criticism about how organisations and programs have been funded in Kempsey. Interviewees frequently commented that the available services and community well being do not correlate with the amount of money that has been 'poured into Kempsey.' It was suggested that this was the result of allocation of funding that was not strategic. It, therefore, has had little effect on helping to address some of the chronic issues raised by community members and is incapable of fulfilling community aspirations.

*There were reportedly 53 agencies receiving money to help Kempsey. There's next to nothing shown for it. The government is entitled to be concerned at continually pouring money in to Kempsey and getting no results and some times even a lack of accountability.*

Magistrate Wayne Evans

Further, it appears that there is some tension between organisations about which organisations receive funding, how that is spent and acquitted. Concern was expressed that some organisations receive funding to advance Aboriginal specific issues but are not delivering on the ground. However, most interviewees agreed that funding short-term, band-aid solutions that only address the symptoms are not the answer. Similarly, duplicating services and reincarnating programs that have never been evaluated is also unlikely to succeed. There was also consensus that it was a common occurrence to see some successful programs ceasing at the end of their funding cycle, only to reappear under another guise a few years later, disrupting continuity and making it difficult to maintain staff and morale.

Kempsey has a number of organisations offering vital front line services that have not had any increases in recurrent funding to enable them to increase staff as the service expands and organisations frequently rely on piecemeal funding to offer innovative service. Thus, some organisations that have previously offered specialist services now only offer generalist support leaving significant gaps in both the crisis services and in the continuum of care for individuals.

Some organisations also found that the time spent with a client with chronic issues or in crisis could be restricted by funding criteria that specified outcomes, which often exceeded possibility.

The move towards 'regionalising' services was also criticised as a model that failed to be culturally appropriate and with possible negative outcomes in the long term.

*You should read the PSA, you should read the probation and parole report and see what's not available. You should see the history where they say, these are their issues, these are there needs, this is what they need to address. It's got that paragraph, 'programs to assist'. There's no community service available. So the things that they need, the things that they've identified for three pages that they need to do and in four lines, they say, they're not available. It's – what's the point? It's futility you know.*

Legal Professional

### **13.2 Service delivery**

Kempsey has a local office for almost every major federal and state government service and an abundance of programs flowing from these services. However, whether these services are effective was questioned.

*This would be a common thread with all major Indigenous centres throughout the country [in relation] to the appropriate support services. The government will say they've got this and this available but if you look at the real availability, it's just not there.*

Kevin Henshaw, Solicitor Aboriginal Legal Service

There has also been a recent injection of infrastructure, including a new police station and correctional centre. For many community members the government's focus on this type of infrastructure causes some concern about what this may mean for a town with a large Aboriginal population and a high crime rate.

*A jail does, while it brings prosperity for the people that are working in the area, it also brings with it some underlying problems.*

Inspector Sullivan NSWPF

However, in the presence of all these services there appears to be large gaps in what is needed on the ground on both a preventative and reactive level. There are large gaps in easily accessible local mental health, drug and alcohol services, crisis accommodation, and refuges for both women and youth. Kempsey has a high rate of domestic violence and relies on the services of one refuge that can only accommodate four women at any given time.

Consultation with Aboriginal people about the delivery of services consistently finds that there cannot be a 'one size fits all' approach to communities, that programs need to be long term and that there needs to be more Aboriginal specialists delivering service to Aboriginal people. However, most interviewees find that this is just not happening.

*Back again to strategies, each community is different with different dynamics and if we're going to look at the rates of Aboriginal offending we've got to look at tailoring the response to each individual community. Problems in this community are different to the community down the road, definitely different to communities over the big hill and further west. Each community is different.*

Kevin Henshaw, Solicitor Aboriginal Legal Service

*It's no good having six white women working in this service when 80 per cent of our clients are Aboriginal.*

Manager, Kempsey Women's Refuge

There is also strong recognition of a lack of collaboration between services and in many cases duplication with government departments operating with little

communication between them. Another prevalent factor is the 'band-aid' approach to issues requiring longer-term vision and funding commitments.

*The 'band-aid' approach that we often experience in this community, with the duplication of services, many of the organisations that depend on funding all vying with and against one another to grab whatever dollars come into the valley does little in the long run to systematically and effectively address these circumstances. I believe that this community could benefit significantly if reports such as the Vinson Reports were investigated more thoroughly and some of the well performing sectors of the community were given an opportunity to participate in a more co-ordinated, equitable mid to long-term program, for example over a four to eight year period. 'One-hit' wonder programs which last for twelve months to two years are rarely successful in addressing significant systemic change.*

Jann Eason, Former Principal, Macleay Vocational College Kempsey

The need for culturally appropriate support for Aboriginal offenders was also raised

*They need some type of mentor who can say well I'll be with you until you get on track. Not probation and parole, not any of them because they're just - it's government you know They need someone from the local community who can be there for them you know step by step like an elder, like appoint an elder.*

Aboriginal Specialist Worker, North Coast Women's Domestic Violence Court Advocacy Service,  
Kempsey office

### **13.3 Specific issues**

In addition to the general comments noted above about government funding of services and preferred approaches to specifically tailored services, interviewees identified particular areas where service delivery was lacking and required urgent attention. These included:

- Youth services;
- Adequate housing;
- Drug and alcohol treatment services
- Mental health services;
- Family support and support for women; and
- Education and training.

The urgent need for local drug and alcohol treatment and support services and mental health services was addressed above as drug and alcohol use and mental health issues were identified as factors contributing to the rate of crime in Kempsey. The other issues raised will be discussed briefly in this section.

#### **Youth services**

A long list of currently available services and programs, including a leadership program, study and homework groups, was compiled from our discussions, and at the time of our research a youth interagency group was meeting once a month. Three Aboriginal young people were also members of the Youth Advisory Council that advises the Shire Council. As noted above, the PCYC was held in high esteem and a very successful youth festival, Aprilla, had been staged.

However in Kempsey, the broad perception was that there is not much collaboration between services. The failure in collaboration was, in some instances, attributed to the

need for confidentiality where services, would not, or could not, share relevant information.

*There's not much collaboration between the youth services, and if there's any collaboration it's really only window dressing. There's no real commitment from all the youth service providers to get together. Sometimes there's confidentiality that come into it. Sort of like I've got my participants, I don't tell anyone who my participants are.*

Fred Kelly, President, Macleay Valley Local Aboriginal Education Consultative Group

A range of people from different services spoke of young people being 'over case managed', which could have the effect of putting pressure on those who may also be dealing with serious life and home issues. It was said to be 'not practical' to 'have someone case managed by five people when you could probably have a more collaborative approach.' One caseworker talked about how sometimes it worked best to take a more informal approach.

There was some discussion around the adoption of programs targeted more generally at youth more likely to stay on in school to year 12 that preclude youth that are on any disciplinary action at school. This model is seen as an alternative to the more common approach of targeting those youth caught up in the Juvenile Justice system.

### ***Housing and overcrowding***

The availability of emergency, affordable or subsidised short and long term housing in Kempsey is in crisis. Overcrowding, homelessness and couch surfing, particularly for young people, was considered to be largely a hidden phenomenon, masking an area of urgent need. These were issues raised by most participants and most services felt that there was a crisis in this area with one participant making the link between insecure accommodation and young people's involvement in the justice system. This was seen to be having a damaging impact on children's safety generally and their ability to attend school.

*We've got a lot of young people floating through the community. That's quite real. They'll often come to us and they've been with friends for months. That could be three or four different sets of friends.*

Manager, Kempsey Women's Refuge

This crisis is further worsened by a private rental market that at the time of our visit was said to have seen a price increase of up to 20 per cent due to the influx of construction workers employed to work on the bypass. Expensive rental accommodation is likely to impact heavily on the Aboriginal people of Kempsey, given that 76.5 per cent of the Aboriginal population rent accommodation in the town.<sup>46</sup>

The private rental market was also said to discriminate against women, youth and Aboriginal people specifically.

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<http://www.censusdata.abs.gov.au/ABSNavigation/prenav/ProductSelect?newproducttype=QuickStats&btnSelectProduct=View+QuickStats+%3E&collection=Census&period=2006&areacode=ILOC0302905&geography=&method=&productlabel=&producttype=&topic=&navmapdisplayed=true&javascript=true&breadcrumb=LP&topholder=0&leftholder=0&currentaction=201&action=401&textversion=false>

*You can't get a real estate place if you're a young Aboriginal person...if you're Aboriginal, or if you've got a large family, or an income set by Centrelink, you're going to go way behind all of the people who are maybe just male and female, working, with a dog.*

Community worker

There are a number of organisations in Kempsey that have housing stock including but not limited to the Local Land Council –that have about 70 houses managed by agencies - Housing NSW and Aboriginal Housing, and Community Housing for people on a low-medium income with 80 properties throughout the Macleay Valley. There are two exit units managed by YP Space that are dedicated to housing low needs youth for up to 12 months. They are also assisted with independent living and financial skills and leave with a valid rental reference which can assist them when they enter the private rental market. But as noted by one participant, there can be up to 150 young people at any time that might require emergency housing.

The lack of housing options was raised by some as being associated as placing people at risk, particularly those recently released from prison who are often placed in a local caravan park and women and youth who have limited options.

*Housing options are virtually zero for those young people [15-17] which makes that even more difficult because they're being put back into couch surfing, they're being put into overcrowded situations where the drugs and alcohol and the violence is occurring over and over and over again.*

Community Youth Worker

Post release services were also said to be stretched for both adults and youth and identified as an area of great need:

*On our books there would be probably anywhere from 500 to 600 Aboriginal clients. That's between Taree, Port Macquarie, Kempsey and Coffs Harbour offices.*

Community Offender Services Worker

### ***Family support and support for women***

Goorie Galbans, an Aboriginal service for women that provides assistance, support and referrals has an open door policy and appears to be connected to the community that it serves.

Although having high levels of domestic violence there is only one women's refuge in Kempsey which has four beds, few staff and a clientele that consists of approximately 80 per cent Aboriginal women. In the previous year, the service very rarely had vacant beds and it was not unusual for them to have to turn away women and refer them elsewhere or to work in an outreach capacity.

Although there is a young mothers group in Kempsey that is seen as being very successful which works collaboratively and a Transition to Independent Living Allowance ('TILA') program which financially assists young women setting up independence, there is an absence of support for young fathers which was identified as a gap.

At the time of our visit a Shine for Kids program was in its early stages of operation in the Mid North Correctional Centre. The program which runs for 10 weeks is a child and family program that assists with connecting Aboriginal men in custody to their children,



involving partners, extended family and Elders the program advocates healthy relationships. At this early stage, it is not possible to gauge its success, however it was reported anecdotally that the children involved are very responsive to the program and that men were enthusiastic about participating.

There are very high rates of child removal in Kempsey and the out of home care community is quite large. This was raised as an area of concern for those working directly with women experiencing domestic violence.

This removal of children and the resultant breakdown of family was spoken by many as an intergenerational problem where some families had now seen up to four generations removed. The negative impacts of child removal was seen as many as creating or exacerbating cycles of difficulties with parenting, particularly with young mothers with large families.

### ***Education and training***

Kempsey has two public secondary schools with an Aboriginal student enrolment of about 300 combined and three private secondary schools in the area. A vocational college in South Kempsey has been operating since 2002 with their Aboriginal student enrolments starting at 23 per cent and growing to anywhere between 50-70 per cent as the school year progresses.

North Coast TAFE houses the Djigay Centre of Aboriginal Excellence in Education that was established in the 1980s in response to the Aboriginal community's call for the need for culturally appropriate education and training pathways that could lead to employment opportunities.

Booroongen Djugun College was also highlighted by interviewees as a very successful Aboriginal controlled Registered Training Organisation (RTO). It offers high quality courses to Indigenous people in business and management, health; conservation and land management; hospitality; and community services. Its programs are in great demand, with 315 students benefiting from having completed 89,576 hours of accredited industry training in 2011.

Crucial to its success is that it offers courses and programs that focus on the dual requirements of mainstream job readiness and workplace competency on the one hand, aligned with cultural competency on the other. In all its activities, it seeks to embody an Indigenous perspective, offering culturally competent and holistic training and programs that incorporate Aboriginal values, traditions and customs into the training experience. The College's Council of Elders assists in setting the direction for the College, actively participating in the decision-making and planning, and ensuring cultural competency. Self-determination and empowerment are central to the College's approach, aimed at benefitting its Indigenous students, their communities and the wider Australian community.

The crucial role of education in enabling or disabling young people's hopes and ambitions has been emphasised throughout the report. Unfortunately, it appears that mainstream educational policies and methods do not have sufficient flexibility to assist all students.

Some people were focussed on the transition from education and training into employment and considered that there are not sufficient vocational opportunities for young people, especially those who do not have academic aptitude or inclination. Others argued that a variety of means were required to engage all students, including through creative pursuits – music, dance, art and sport.

Even with the strong commitment shown by some of those involved in the sector who were demonstrating capacity and building cross community partnerships, the resources needed to provide much needed alternatives to the conventional academic approach require enormous amounts of administration or were unobtainable. For example, while the benefit of offering broader curriculum alternatives or providing flexible modes of learning were described as much needed, inadequate resources will continue to keep some students locked out of the mainstream system.

Kempsey has high rates of truancy and suspension with the exception of the Vocational College, which reported high participation rates and a good success rate for school leavers with a reported 93 per cent participating in further education or work. It was reported by a number of interviewees that the Vocational College has an important role in providing opportunities for students who had been expelled or were not a good fit at the other schools.

In the education sector there were mixed opinions on the effectiveness of the Education Department's suspension policy with some applauding its tough approach and the message it sends to the community about not tolerating inappropriate behaviours. The theory behind mandated long suspension for certain behaviours, including violence is that there would have been earlier indicators that problems were developing and schools would put strategies in place to deal with those issues so that suspension was a measure of last resort.

Others observed that inflexible policies result in students who need the most assistance forced out of the system with little opportunity of returning. It was argued that while schools have a duty of care to teachers and other students, this duty shouldn't come with the expense of deliberate exclusion. While there is a Suspension Centre for students on long suspension, it was perceived that many suspended students are unsupervised and become further and further behind while not at school:

*but the department rationalises it – well when we sit and we do the partial suspension, we say they'll be put in the care of the parent from 11 o'clock till 11.30. So it's up to the parents. But my argument is that if parents aren't there or the parents are working or they don't care, who's looking after that child? You've just left them from school where they should be getting any education, to go on the street.*

Community Engagement Manager, PCYC

There was also concern that this policy may be predominantly impacting on Aboriginal students, particularly with longer suspensions and that some students were being punished for things that were beyond their control. For example, it was said that teachers needed to investigate why students might not have books or other essential materials and realise that punishing them may just be worsening their existing difficulties.

# GUNNEDAH

## 14 GEOGRAPHY, DEMOGRAPHICS AND HISTORY

The town of Gunnedah is located 440 km from Sydney in the Upper Namoi Valley in the north west of New South Wales. Eighty five per cent of Gunnedah Shire is flat, constituting the 'sweeping plains' of the Dorothea Mackellar poem. It is in the centre of the Liverpool Plains, an area of rich, black soil, ideal for wheat, assorted crops, oil seed and cotton, and for raising cattle and sheep. It also situated in the Gunnedah Basin upon one of New South Wales' largest coal seams. Thus, agriculture and mining are two important industries to Gunnedah, although they have come into recent conflict.

Outlying villages include Curlewis and Breeza to the southeast, Carroll to the east and Tambar Springs and Mullaley to the southwest. The nearest major centre is Tamworth, just 72 km away with a population of approximately 47 000.

According to the Australian Standard Geographical Classification, Gunnedah is classified as an outer regional area, which has been recently criticised. The inequity is said to arise as professionals such as GPs are given the same incentives to live in Gunnedah as Rockhampton (pop 76 000), Hobart or Port Macquarie with many more professional and social facilities and services.<sup>47</sup>

### 14.1 Demographic data<sup>48</sup>

Gunnedah has a population of 7 542 (ABS 2006), 12.3 per cent (931) of whom are Indigenous. The broader Shire of Gunnedah has a population of 11 525, 10.2 per cent (1 171) of whom are Indigenous. Noticeably, the vast majority of Indigenous people in the Shire, live in the town of Gunnedah itself.

The Aboriginal population of Gunnedah is significantly younger than the total population of the town, including Aboriginal residents. According to the 2006 census, 43.7 per cent of the Aboriginal population were children aged 14 years or under<sup>49</sup> compared to 21 per cent of the total population.<sup>50</sup> By contrast, only 10.3 per cent of the

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<sup>47</sup> Kate Ramien, Gunnedah doctors 'disadvantaged' under relocation incentive scheme, Namoi Valley Independent (18 October 2011) <<http://www.nvi.com.au/articles/o18-doctor.html>>.

<sup>48</sup> Note that this data is based on the 2006 census and thus will be out dated. At the time of writing, the 2011 data is not available.

<sup>49</sup> Australian Bureau of Statistics, *2006 Census QuickStats : Gunnedah (Indigenous Location)* (25 October 2010) <<http://www.censusdata.abs.gov.au/ABSNavigation/prenav/LocationSearch?locationLastSearchTerm=gunnedah&locationSearchTerm=gunnedah&newarea=ILOC0501501&submitbutton=View+QuickStats+%3E&mapdisplay=on&collection=Census&period=2006&areacode=ILOC0501501&geography=&method=Place+of+Usual+Residence&productlabel=&producttype=QuickStats&topic=&navmapdisplayed=true&javascript=true&breadcrumb=PL&topholder=0&leftholder=0&currentaction=104&action=401&textversion=false&subaction=1>>.

<sup>50</sup> Australian Bureau of Statistics, *2006 Census QuickStats : Gunnedah (Urban Centre/Locality)* (25 October 2010) <<http://www.censusdata.abs.gov.au/ABSNavigation/prenav/LocationSearch?locationLastSearchTerm=gunnedah&locationSearchTerm=gunnedah&newarea=UCL136800&submitbutton=View+QuickStats+%3E&mapdisplay=on&collection=Census&period=2006&areacode=UCL136800&geography=&method=Place+of+Usual+Residence&productlabel=&producttype=QuickStats&topic=&navmapdisplayed=true&javascript=true&breadcrumb=PL&topholder=0&leftholder=0&currentaction=104&action=401&textversion=false&subaction=1>>.

Aboriginal population was 55 years or over<sup>51</sup> as opposed to 31.9 per cent for the total population.<sup>52</sup> Combined, these result in a median age of 17 for the Aboriginal population,<sup>53</sup> markedly contrasting with the median age of 41 for the total population.<sup>54</sup>

The overwhelming majority of Gunnedah residents were born in Australia with only 3.7 per cent born overseas compared to 22.2 per cent of the Australian population that was born overseas. Of residents born overseas, the majority came from England, followed by New Zealand, Germany, Scotland and Philippines.<sup>55</sup>

## **14.2 History of the region**

Gunnedah, on the Namoi River, is in the traditional country of the Gunn-e-darr people of the Kamilaroi language group or nation, a dispersed group of people sharing common linguistic, social and cultural traditions and who recognise themselves as part of a single culture distinct from other peoples. It is and was one of the two major nations of the Murray Darling basin in NSW (the other being the Wiradjuri) that may have numbered as many as 10 000 before European 'settlement', after which smallpox and other European diseases took their toll.<sup>56</sup>

Kamilaroi country extends from as far south as Murrundi on the Great Dividing Range to southern Queensland. From Murrundi, the eastern boundary follows the Great Dividing Range to the Moonbi ranges near Tamworth and from there to Manilla, Barraba, Bingara, Moree and Mungindi and across to Collarenebri and Walgett along the Gwydir and Barwon Rivers. The western boundary extends a little east of Coonabarabran to the dividing range north of the Gwydir River and up to Saint George.

Resistance to colonial 'settlement' by the Kamilaroi was evident from the outset. Conflict between Kamilaroi people and shepherds and stockmen was recorded as early as 1827, within the first year of their entry onto Kamilaroi land as cattle runs were established from Coonabarabran through the Upper Mooki Valley to the Peel River near Tamworth.<sup>57</sup> Conflict was often revenge based – squatters killing Aboriginal people for the loss of livestock and Aboriginal people seeking revenge for the kidnap of young Aboriginal women – at times escalating into ongoing vendettas or large scale battles or massacres, including in the Mooki Valley in the 1820s, Narrabri in 1833-34 and several times in the Gwydir Valley in 1837-38.<sup>58</sup> Often Aboriginal people were targeted for the benefit of 'private enterprise', although sometimes it was the state that did the killing, specifically the troopers of the Mounted Police.<sup>59</sup>

Settlement of Kamilaroi country occurred quickly. On his return from his expedition, Mitchell reported good grazing land beyond the 1831-32 frontier, prompting a decade of intense land acquisition, as squatters advanced broadly in two directions: out along

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<sup>51</sup> ABS, 2006 Census QuickStats: Gunnedah (Indigenous Location), above n 49.

<sup>52</sup> ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.

<sup>53</sup> ABS, 2006 Census QuickStats: Gunnedah (Indigenous Location), above n 49.

<sup>54</sup> ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.

<sup>55</sup> Ibid.

<sup>56</sup> Michael O'Rourke, *Red Kangaroo war-chief of Gunnedah: The Ewing Texts* (2005), 34

<<http://www.scribd.com/vasilefs/d/23310373-Red-Kangaroo-war-chief-of-Gunnedah-The-Ewing-Texts>>.

<sup>57</sup> Ibid 53-54.

<sup>58</sup> Ibid 56-57.

<sup>59</sup> Ibid.

the Namoi River and northward from the Peel River into the Gwydir Basin.<sup>60</sup> 'Gunnedah' – a sheep and cattle station – was established probably in 1835 on the Namoi River consisting of a slab hut (homestead) and woolshed.<sup>61</sup> Over time, several huts or houses were built at 'The Woolshed' (as the village was known) and it became a major camping ground for bullock drays taking supplies to stations further out and a node on one of the droving routes from Darling Downs. It was gazetted in 1856.<sup>62</sup>

The name 'Gunnedah' was adopted for the town in 1859 with the white population growing rapidly from 300 in 1864 to 1 362 in 1891, with banks, the telegraph, a courthouse, schools, the clergy etc following suit.<sup>63</sup> With the advent of the railway arriving in Gunnedah in 1879, it became the commercial centre of the north-west and continued to expand. Interestingly, the provision of alcohol was one of the towns earliest facilities with at least four establishments serving alcohol as early as 1860.<sup>64</sup>

In addition to grazing, wheat production and coal mining were two early industries. Coal was discovered on Black Jack Hill in 1877 and mining commenced in 1899-1900 and continues to be a major industry in the region. By 1891, 6 000 tons of coal had been raised from shafts. Wheat growing expanded dramatically during the 1890s, trebling by 1901.

At the same time that the colonists were expanding in population and acquiring more and more land, the Aboriginal population in NSW was falling dramatically. After a century of white settlement, the Aboriginal population of NSW in 1888 had fallen to 7 485.<sup>65</sup> European diseases: tuberculosis, measles, smallpox, influenza, and venereal disease had a devastating effect on Aboriginal people. At least a third – and probably more – of the Aboriginal population of inland NSW died during the smallpox pandemic of 1830-32.<sup>66</sup> The impact of disease was worsened by malnutrition and starvation as the Aboriginal economy was destroyed as Aboriginal people were prevented access to the most abundant river sites, and as sheep and cattle trampled ponds and lagoons, destroyed surrounding grassland and drove away kangaroos.<sup>67</sup> Added to the high death rate was a low birth rate as Aboriginal women experiencing disease, malnutrition and the effects of alcohol had few children,<sup>68</sup> the cumulative effect of which was to decimate the Aboriginal population.

In some areas, the Kamilaroi were densely populated with John Oxley reporting 'a great many smokes arising from the fires of the natives' downstream from Tamworth.<sup>69</sup> There were campsites in several places in the Gunnedah region and a major burial ground existed on the outskirts of the town. It was from this burial ground that the local doctor – Edward Haynes – excavated the grave of the Kamilaroi warrior chief, Gambu Ganuurru, disrespectfully treating his remains as some kind of artefact of scientific interest, much to the scandal and deep distress of the local Aboriginal populace.

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<sup>60</sup> Ibid 55 .

<sup>61</sup> Ibid 75.

<sup>62</sup> Ibid 84-85.

<sup>63</sup> Ibid 87-92.

<sup>64</sup> Ibid 87.

<sup>65</sup> Ibid 96.

<sup>66</sup> Ibid 60-61.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid 61.

<sup>69</sup> Ibid 63.

There is, however, little information about relations between those inhabitants and the first white settlers, apart from a comment from Joe Bungaree:<sup>70</sup>

*Plenty whiteman coming all about – and bring plenty cattle. Tribe get small. White men take our young lubras. Young warriors go away for lubras down Nammoy River, never come back no more.*

In 1882, the Aboriginal population of the district was 45 men, women and children with 'full ancestry' men greatly outnumbering women.<sup>71</sup> There were 10 women over 20 but only 12 teenagers and children aged under 20, suggesting that the women had few surviving children.<sup>72</sup> They were employed on cattle and sheep stations and none were receiving government aid, but no children receiving any education.<sup>73</sup> The population further fell to 38 in 1891 and just 17 in 1896.<sup>74</sup> Whether the falling population was connected to the reduced employment that may be assumed to arise from the carving up of large squatting runs to be sold in small blocks to small graziers and farmers during 1884-1890 is not clear.

The NSW Aborigines Protection Board set up supervised estates or 'Aboriginal Stations'. The people on these so-called 'missions' came under the control of NSW government officials. There was also a large number of old and new 'reserves', where small groups of Aborigines camped free of supervision, except for the irregular control exercised by the police and any employers of casual labour.<sup>75</sup> The reserves were just small portions set aside for Aborigines: parcels of land not available to white farmer-selectors. By 1896, there were 110 Aboriginal reserves across NSW, including a reserve at Gunnedah gazetted on 1 October 1895.<sup>76</sup>

The creation of reserves heralded a new era in interference in Aboriginal people's lives and separation of families. The philosophy was that 'full-blood' Aboriginal people would, over a generation or two, die out. For their part, 'half-castes' were expected to live a lifestyle identical to that of white citizens, adopting western norms and values.<sup>77</sup> To facilitate assimilation, the NSW Government pursued a policy of restricting 'full-bloods' to living on the reserves and banishing people of mixed descent, with the intention that the latter would 'merge' into white society. However, white society itself was frequently, indeed almost universally, hostile to anyone with Aboriginal ancestry.<sup>78</sup> In many country towns white parents began to exert pressure on state schools not to enrol Aboriginal and part-Aboriginal children. Catholic schools continued to take in Aboriginal children, but after 1900 many received little or no schooling, further alienating them from the non-Indigenous community.<sup>79</sup> Ironically, at the time of the 1891 census, the 30 people living in the town of Gunnedah were not segregated and

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<sup>70</sup> Ibid 74.

<sup>71</sup> Ibid 94.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid 100-102.

<sup>75</sup> Ibid 104-105.

<sup>76</sup> Ibid 105.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

there was no 'blacks camp',<sup>80</sup> a position reversed by the later establishment of the reserve.

It was in the post-war period that the town of Gunnedah began to gather momentum. Soldier settlement schemes, such as the break-up of Goolhi station, brought new settlers to the district and wool prices boomed.<sup>81</sup> It was also during the 1950s that the Gunnedah Abattoir was established and for many years it was the 'jewel in the crown' of the processing industry, providing, at times, as many as 600 local jobs.<sup>82</sup> However, this prosperity was relatively short lived and the 1990s were marked by a series of reversals, in particular, the closure of the abattoir with the loss of in excess of 300 jobs and the depletion of coal reserves which led to the wind-down and eventual close of the Preston, Vickery and Gunnedah mines. The domino effect of job losses, combined with people leaving to find work led to the closure of a number of businesses.

In recent times, this downward trend has been reversed. Coal exploration and mining is said to be booming, although this is proving to be controversial. Expansion of mining activities on land currently used for agriculture has divided the community. Some argue that the 'preservation and security of the Liverpool Plains food bowl was under threat from increased mining activity', and said 'governments needed to ensure prime agricultural land and food security would be quarantined from mining expansion'<sup>83</sup> leading to a 'lock the gates' campaign. People have also expressed concern about the purchase of prime agricultural land by foreign companies and the impact such sales are having on property prices with some properties selling for more than ten times their previous value.<sup>84</sup> On the other hand, some are supportive of increased opportunities for the town and some sellers have made a great deal of money from the sales. In addition to the loss of farmland, there has been a great deal of concern around the prospect of 'fracking' – hydraulic drilling and fracturing to release natural gas from the coal seam.

2011 was an eventful year for Gunnedah as development and construction activity in the Gunnedah Shire surged to a 10-year high during, especially in the residential sector.<sup>85</sup> Approvals for a \$1.5 million motel development and expansion of the sale yards have been granted. In addition, a \$4.3 million GP superclinic is in the process of being constructed on the hospital grounds that will eventually 'house six general practitioners, including one GP Registrar, allied health professionals, three full-time practice nurses, optometry, diagnostic and pathology services and will provide integrated chronic disease management services.'<sup>86</sup> However, this has also proven to be

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<sup>80</sup> Ibid 100-101.

<sup>81</sup> Ron McLean, 'The Way We Were: Sequicentenary of Gunnedah 1856-2006' *Namoi Valley Independent* <[http://www.nvi.com.au/articles/WayWeWere\\_intro.html](http://www.nvi.com.au/articles/WayWeWere_intro.html)>.

<sup>82</sup> Ibid.

<sup>83</sup> Blake Hardy, 'Alan Jones steps on the gas at Gunnedah forum' *The Northern Daily Leader* (13 Oct, 2011) <<http://www.northerndailyleader.com.au/news/local/news/general/alan-jones-steps-on-the-gas-at-gunnedah-forum/2322121.aspx?storypage=0>>.

<sup>84</sup> Natasha Bitá, 'Chinese mine giant snaps up 43 NSW farms' *The Australian* (27 June 2011) <<http://www.theaustralian.com.au/news/nation/chinese-mine-giant-snaps-up-43-nsw-farms/story-e6frg6nf-1226082387428>>.

<sup>85</sup> Lucy Donoghue, 'Development, construction surges to a 10-year high' *Namoi Valley Independent* (November 29, 2011) <<http://www.nvi.com.au/articles/n29-construct.html>>.

<sup>86</sup> Nicola Roxon MP (Minister for Health And Ageing), 'First Sod Turned on Gunnedah GP Super Clinic' (Media Release, 4 May 2011) <<http://www.hirc.health.gov.au/internet/ministers/publishing.nsf/Content/mr-yr11-nr-nr077.htm>>.

controversial as a number of Gunnedah's GPs have decided to remain with their own practices and will not be moving to the new facility.<sup>87</sup>

## 15 COMMUNITY DYNAMICS

Given that Gunnedah has a relatively low crime rate, it was somewhat surprising that it was portrayed by many interviewees as a community separated by division and conflict. Interviewees described historical conflict between families and organisations within the Aboriginal community; division between Aboriginal and non-Indigenous residents; and conflict between longstanding Aboriginal residents and those more recently arrived.

Notwithstanding any division, it is apparent that the Aboriginal people of Gunnedah are ambitious and have generated a number of highly successful community led initiatives. Some specific initiatives that were spoken about include:

- An Aboriginal museum that is one of a small number in Australia and which is now promoted as a major tourist destination for Gunnedah;
- A highly regarded Community Development Employment Project (CDEP) that employed large numbers of Aboriginal people, ran several businesses, and provided training opportunities in a range of fields;
- A Kamilaroi language program incorporating summer camps and a program within the school that has generated a great deal of interest and is set to expand;
- Bush camps for young Aboriginal and non-Indigenous people to generate positive role modelling; and
- Economic development proposals designed to create relationships with the mining sector to generate traineeships and tertiary training.

### 15.1 *Relations within the Aboriginal community of Gunnedah*

Every Aboriginal person interviewed described conflict within the Aboriginal community in Gunnedah shown in different ways. Some described historical conflict between families going back generations that sometimes escalates into violence. Others described tension and non-cooperation between Aboriginal organisations that serve different groups within the town.

There are no formal Aboriginal representative bodies in Gunnedah but there are four Aboriginal organisations that provide a variety of services to the Aboriginal community.

*We have Min Min Aboriginal Organisation which is housing and health and education. Then you have Red Chief Local Aboriginal Land Council which is housing and heritage. Then you've got Gunida Gonyah which is housing and employment. Then you've got the traditional owners, Bigundi Biame Gunnedarr, which is a club where it is the original peoples from this area that belong to that club, who I guess buy in for mining rights and stuff like that.*

Aboriginal Community Member

Notwithstanding tensions between the organisations, there was broad consensus that they are generally efficient and effective, catering for the social, economic and cultural needs of Aboriginal people in Gunnedah and providing service delivery in housing, health support, employment and education and protecting culture and heritage. Bold

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<sup>87</sup> 'Gunnedah GPs rethink health centre move', ABC News (online), 10 November 2011 <<http://www.abc.net.au/news/2011-11-10/gunnedah-gps-rethink-health-centre-move/3657958>>.



economic development proposals and ventures such as the Kamilaroi language project demonstrate the level of ambition of Aboriginal people in Gunnedah.

Preference to utilise the services of any one organisation was described as occurring largely on family allegiance. As in many Aboriginal communities, the different organisations in Gunnedah are 'tied up with different families', who, in this case, 'don't see the common ground that they can stand on.' In addition to ongoing enmity 'from years gone by', divisions between the organisations are worsened by competition for scarce resources.

Just as there was almost unanimous acknowledgment of the tension between organisations, the majority of Aboriginal interviewees agreed that, while still not ideal, there had been significant improvement over time in communication and cooperation between organisations. One prominent example given was that representatives of the various organisations have been able to cooperate in the establishment of the Aboriginal Family and Children Centre. While the process was not without its problems, it was said to represent a model for different sectors of the community being able to work together to achieve aims that will support the entire Aboriginal community.

*It's like every community where there are a couple of Aboriginal organisations. A lot of people say there are three Aboriginal communities in Gunnedah. That's bull. There is one Aboriginal community. There are three organisations that service that community. Now go back a number of years, 10 years and there was huge, huge factionalism amongst those three groups. It's not like it used to be. It's not ideal. But it's well and truly on its way to becoming ideal, where our services are now being shared. But you still will get the people that will say well I'm not going to go because I don't like them. I'm not going to Lands Council because I don't like them. I'm not going to Gunida Gunya or Min Min because I don't like them or such and such is their chairperson or whatever and they don't go. So you're still missing people right across. But you would hope that somewhere amongst the three Aboriginal organisations, [everyone has somewhere to go].*

Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

Similarly, there was the overwhelming suggestion that attempting to come to agreement about how the organisations could interact more harmoniously would assist the effective operation of all organisations and would benefit the community as a whole. Having different factions moving in different directions was said to have a negative impact. A number of people – Aboriginal and non-Indigenous – called for positive leadership in looking for common ground, rather than focussing on personal differences. As one person observed, the success of Gunnedah in the future relies on trying to 'forge a sensible pathway that our kids can build on.'

*...all the organisations are caught up amongst their own petty jealousies, worrying that one organisation might be getting a little bit more or another might be doing something different. It shouldn't be about that. It should be about how we can combine our organisations to deliver better services to the community.*

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

*But what happens in the community is your leaders are not leading and pulling the teams together. If those leaders don't pull the teams together to keep it structured then everything falls apart.*

Aboriginal Community Member

There have been attempts to develop a protocol or memorandum of understanding between the organisations as to how they might interact, particularly around issues of cultural heritage. The hope was to come to agreement that would allow for a collective approach when negotiating with outside parties in relation to matters that affect the entire community, such as negotiating with mining companies in relation to cultural heritage matters or economic development. At the time of writing, it has not been possible to reach agreement. Nonetheless, there was optimism that the various sectors of the Aboriginal community will be able to find ways to work together. Community cooperation to establish the Aboriginal Child and Family Centre was cited as one possible model.

As discussed below, cluster housing and the relocation of Aboriginal people from other towns into Gunnedah by the Department of Housing was also described as a source of, sometimes violent, conflict. As described, Aboriginal people from different country have different ways of doing things that have the capacity to dramatically change the local dynamics. Ironically, it was also argued that the 'invaders' or 'outsiders' can, on occasion, have the effect of unifying Aboriginal and non-Indigenous residents against the newcomers. It becomes a 'battle for territory' against 'all these different mobs that come in.'

Notwithstanding interviewees' genuine concerns about conflict and division between families, organisations or factions, it was also acknowledged that care needs to be taken to not overstate it as a problem. Division and disagreement are normal dynamics in any community and the pressure on Aboriginal communities to present a united front on all matters or agree that there is only one way forward is just not realistic.

*In any organisation and in any race of people, it doesn't matter; you're going to have division anyway. You have a lot of people who say, oh you blacks all fight amongst yourselves. I say well that's true but so do you. Our Local Council and our school community staff argue and fight and in the community people fight. To me it is human nature it is impossible for everyone to agree.*

Aboriginal Community Member

### **15.2 Relations between Aboriginal and non-Indigenous people of Gunnedah**

Relationships between Aboriginal and non-Indigenous residents of Gunnedah were also described as being less than harmonious. The most common description of the relationship by Aboriginal interviewees was one influenced by 'under the radar' or covert racism. It was said that, unlike some other towns, people were not 'in your face' but there was racism, nonetheless. It was also said that non-Indigenous people in Gunnedah would not be able to recognise the racism in the town. Interestingly, while we make no comment as to whether racism does or does not exist in the town, the overwhelming majority of Aboriginal interviewees described Gunnedah as racist with the majority of non-Indigenous interviewees describing Gunnedah in relatively harmonious terms.

*You tell me a place that's not racist...Gunnedah is racist, but it's all covert here, that's the difference. A lot of places it's out there in your face, but here it's not...that's the difference.*

Danny Lickorish, Reconnect Practitioner, Gunnedah

One recurring example given of covert racism was the perceived lack of employment opportunities for Aboriginal people in private businesses. Most employed Aboriginal

people are apparently employed by government departments, NGOs or Aboriginal organisations. It was said that employment of Aboriginal people was dependent on the position being an 'identified position' or supported by a government subsidy. If the subsidy is withdrawn, then the position disappears. However, it was also made clear that, in this sense, Gunnedah is similar to other regional centres and small towns.

Further examples range from the lack of community support for NAIDOC week, or for programs predominantly used by Aboriginal youth, through to the commonly held misconception that Aboriginal people are given opportunities that non-Indigenous people cannot access, including being provided with free cars, to the more serious accusations that the police treat Aboriginal people differently to non-Indigenous people or that schools have lower expectations of Aboriginal students. Both Aboriginal and non-Indigenous interviewees described stereotyped prejudices as being ingrained in families and the entire community and that the phrase, 'I'm not racist but...' was expressed to be relatively common.

As seems to be a common complaint in Aboriginal communities, one of the sources of tension between Aboriginal and non-Indigenous people arises from the failure of non-Indigenous people to understand that the norms and values of the Aboriginal community might be quite different to their own. Therefore, the complexity of authority and who may exercise it within the Aboriginal community and over what issues is unlikely to be appreciated by non-Indigenous people. Thus, exhortations from non-Indigenous people that Aboriginal 'leaders' need to step up and 'exercise responsibility' and 'work with your own people' seems to cause annoyance, if not bitterness at the lack of understanding that such an attitude displays.

Acceptance of Aboriginal people by their non-Indigenous neighbours was perceived to depend on conformity with mainstream norms. Several interviewees – Aboriginal and non-Indigenous – referred to the emphasis on Aboriginal people 'fitting in', on getting a house and a job, embodied in the attitude of 'there are some good blacks out there, aren't there?' One non-Indigenous person described a commonly held attitude that there was equality in the town because, 'I treat the hardworking Aboriginal people the same way that I would treat anyone else' but that there was a certain amount of intolerance for others.

This pressure to conform to mainstream values seems also to create tension in the Aboriginal community. We were told that the tall poppy syndrome was alive and well. Several people noted that some Aboriginal people were denigrated as 'coconuts' or 'uptown', which created further division.

In a similar vein, there was said to be 'reverse racism' and some frustration that some issues were considered to be Aboriginal business, which may lock out non-Indigenous people who may have an interest in the area. One person observed that you 'have to be mindful that you cannot tread on their territory.'

However, despite these perceptions of ingrained racism, the town is apparently not segregated on racial lines but was widely acknowledged to be segregated on socioeconomic grounds, particularly through the location of public housing. An area called 'The Hood' or 'The Bronx' by many interviewees provides housing to Aboriginal and non-Indigenous people and was observed to be a site of poverty and hardship. It was also identified as a location for many of the town's criminal incidents.

More optimistically, however, was the hope that racism is a generational matter and that, just as attitudes have improved over decades, that racism is not prevalent in schools in Gunnedah today.

The challenge of creating an environment of mutual respect and acceptance of both Aboriginal and non-Indigenous aspirations and perspectives is complex. The benefits emerging from relationship building was referred to.

*Non-Aboriginal people, they're not jumping on ships tomorrow and sailing out. They're here to stay. ... So, how do we make that relationship stronger? How do we get to the point where the word reconciliation is just not a pretty word that everybody writes in an application or throws out in a speech. ... Everyone uses that word. It's just so overused. We want to leave a legacy for our children. Instead of saying it, actually do something tangible. Do something about accepting what we have now and moving forward from there.*

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

### **15.3 Respect for Elders and cultural practice**

As in many Aboriginal communities, leadership and the role of the Elders is apparently a complex issue, not capable of simple analysis. In particular, 'respect for Elders', their influence and their potential to influence young people 'to keep them out of trouble' seems to depend on the context. Several people noted that, as a general rule across the community, young people do not necessarily respect Elders – that respect must be earned. That respect was said to be earned through strong leadership and positive role modelling. Action, not words, is required.

*I think, we've got to show some strong leadership. We've got to show some strong commitment to a specific cause, whether it be languages, or cultural identity. Contained within that cultural identity are Aboriginal languages and today's contemporary culture. The arena of sports offers kids alternative opportunities, teaching them new skills, self esteem, communication, team building skills and sometime how to have simple fun. Acknowledging those in our community who are great ambassadors, who get along with everyone, and are involved in the wider community in a number of ways. It is these ambassadors who make the greatest strides in breaking down barriers. They take the steps into place where others may not be sure enough to enter, they educate the wider community in simple ways, and then as a role model make it easier of other to follow in their footsteps, accessing education, health services and employment.*

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

*I think if you've got a group of Elders....men and women, not just blokes, who can involve young people in positive activities...it doesn't have to be camps...it could be dances, music festivals, bush tucker days with various activities, anything....all get together and talk about what people want....I think if you can actually involve young people ...and when you've got them together, if you can afford somehow to have positive role models come and spend a weekend with them....and talk to them...and do it regularly....positive role models do not have to be footballers necessarily ...they can be soldiers, boxers, actors, whatever...athletes, anyone who is an achiever with maturity and a positive attitude, and I am talking about women and men....women need to be with the girls, and men with the young blokes at certain times throughout the program..*

Danny Lickorish, Reconnect Practitioner, Gunnedah

On the other hand, where the family structure continues to be solid, that respect for Elders continues, at least within the family.

## 16 SOCIOECONOMIC PROFILE AND ECONOMIC PARTICIPATION

Unemployment is high in Gunnedah for all residents but markedly so for Aboriginal people. While 9.7 per cent of the total population was unemployed in 2006 (compared to the national average of 5.2 per cent),<sup>88</sup> a dramatically worse situation for Aboriginal residents existed with 24 per cent unemployed in 2006, a much higher rate than the national average for Aboriginal people (15.6 per cent).<sup>89</sup> Closure of the CDEP program has arguably had a dramatic impact on Aboriginal employment and training opportunities, with the loss of two businesses in Gunnedah and Walhallow.

The top five occupations, in order of the most common responses were labourers, technicians and trades workers, managers, professionals, and clerical and administrative workers. Employers in order of most common industries of employment were school education; local government administration; cafes, restaurants and takeaway food; supermarkets and grocery stores; and sheep, beef cattle and grain farming.<sup>90</sup> This can be contrasted with the employment profile for Gunnedah Shire where the largest industries by employment in 2006 were rural production; retail trade; and health and social care. The next largest industries were manufacturing, education and training, accommodation and food, public service and other services.<sup>91</sup> It will be interesting to compare this data with that of the 2011 census, given the apparent mining boom that Gunnedah is experiencing.

Income earned in Gunnedah is significantly lower than the national average. The mean individual income for Aboriginal people is \$277,<sup>92</sup> which equals the national average for Aboriginal people but is lower than the mean individual income for the total Gunnedah population (\$356).<sup>93</sup> Median household income for Aboriginal residents (\$624)<sup>94</sup> equals that of the median weekly household income for the total population (\$654)<sup>95</sup> but is dramatically lower than the Australian average (\$1 027).<sup>96</sup> Given the financial hardship that many people described, it will be interesting to identify any increase in income that may arise from the mining boom and similarly, to what extent the median weekly rent (\$130 in 2006) has increased.<sup>97</sup> Increasing rents will presumably impact more adversely on Aboriginal people in Gunnedah, given that the majority rent accommodation (66.3 per cent)<sup>98</sup> compared to a minority of the total population that rents (31.5 per cent).<sup>99</sup>

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<sup>88</sup> ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.

<sup>89</sup> ABS, 2006 Census QuickStats: Gunnedah (Indigenous Location), above n 49.

<sup>90</sup> ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.

<sup>91</sup> The Public Practice Pty Ltd for Gunnedah Shire Council, *Gunnedah Shire Economic Portrait 7* <[www.infogunnedah.com.au/shire.../Gunnedah-Economic-Portrait.pdf](http://www.infogunnedah.com.au/shire.../Gunnedah-Economic-Portrait.pdf)>

<sup>92</sup> ABS, 2006 Census QuickStats: Gunnedah (Indigenous Location), above n 49.

<sup>93</sup> ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.

<sup>94</sup> ABS, 2006 Census QuickStats: Gunnedah (Indigenous Location), above n 49.

<sup>95</sup> ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> ABS, 2006 Census QuickStats: Gunnedah (Indigenous Location), above n 49.

<sup>99</sup> ABS, 2006 Census QuickStats: Gunnedah (Urban Centre/Locality), above n 50.

There was common reference to a time when Gunnedah was prosperous, when it was a thriving mining and agricultural centre with an international abattoir, which provided a range of employment opportunities, especially for those without academic leanings. However, there needs to be caution placed around these assertions, as it was also claimed that it was in reality, prosperity for the few.

*When I first came here 40 years ago...it was a prosperous little community at that time...they had coal mines here who employed locals...an export abattoir ...it has changed...housing was far more affordable and more realistic then. Nowadays rents and the cost of homes are proportionally much higher than then, and my concern is that it is starting to get harder and harder for ordinary people.*

Danny Lickorish, Reconnect Practitioner, Gunnedah

*In the past Gunnedah was actually a very affluent place. So here we are talking that now Gunnedah has got one of the lowest socioeconomic status in the State. I think it was the early 70s when it actually had one of the highest per capita incomes in the State. That was because of the summer cropping, because it is such a rich agriculture area. A lot of the businesses in town catered for this.. The abattoirs and the mines – the abattoirs in particular [provided] employment for people who weren't on the land. You could be quite unskilled and get a job there, get a good job, rear your family. So that was fine. Then they had the mines. So it's a funny town in that it had miners who traditionally got big bickies, like they were on huge income when all the rest of us were on nothing. Then they the farmers and whatever, and then they had the abattoirs. Then the abattoirs closed. Every mine in Gunnedah closed and our commodity prices went through the floor for... agricultural products. So there was a huge change, huge change.*

Community Sector Worker

Coal mining has returned to Gunnedah, although there is consternation that it may not bring as many benefits to the town as originally hoped. In particular, concerns were raised about the fly-in, fly-out workforce who spend their wages out of the town and the impact of the additional housing required by the industry that is forcing rents to unaffordable levels.

### **16.1 Economic development within the Aboriginal community**

The desirability for opportunities for economic development were described as crucial, especially in relation to providing employment opportunities for Aboriginal people in Gunnedah. Two Aboriginal organisations in particular, Gunida Gunyah and Red Chief Aboriginal Land Council have been proactive in this area.

As discussed below, Gunida Gunyah has been and continues to be the prime provider of employment and training programs and until the cessation of the Community Development Employment Program (CDEP) was a significant employer. It also provided a range of traineeships and other training opportunities with reportedly positive outcomes in mainstream employment and the establishment of other businesses. It continues to maintain a number of business enterprises, including firewood and tree lopping, labour hire, office administration and property management.

Red Chief Local Aboriginal Land Council is currently in negotiations with mining companies in relation to an ambitious proposal involving school-based traineeships, opportunities at TAFE or at university and economic sustainability in agriculture, agronomy, horticulture, veterinary science and carbon farming.

## 17 CRIME IN GUNNEDAH<sup>100</sup>

### 17.1 Crime statistics

Unpublished BOCSAR crime statistics from 2007 to 2010 demonstrate that of the major 17 offences, the most common crimes seen within the Aboriginal community in Gunnedah are assault – both domestic violence and non-domestic violence related, motor vehicle theft, break and entry and malicious damage to property.

On average, across the four years, rates of domestic violence incidents were equivalent to the NSW average, but were particularly high in 2008 and 2009. Domestic violence is clearly a problem across the community, and the Shire was ranked 24<sup>th</sup> in NSW by rate of domestic violence incidents in 2010<sup>101</sup> and there is concern, as there is in all communities, about incidents actually being higher due to a culture of under-reporting. Indeed, BOCSAR reported in May 2011 that less than half of 859 survey respondents who had been the victim of a domestic assault in the previous 12 months reported the assault to the police.<sup>102</sup>

Similarly, rates of non-domestic violence related assault were approximately equivalent to NSW rates over the four years, except in 2010 when they were markedly higher.

On average, over the four years, malicious damage was approximately equivalent to NSW rates, except in 2010 when they were slightly higher. Break and entry varied from year to year but on average was also approximately equivalent to the NSW average from 2007 to 2010. One exception was that of break and enter non-dwelling, which was markedly higher than the NSW rate in 2009.

One notable observation is that motor vehicle theft was significantly higher than the NSW rate in three of the four years, yet was an issue that was rarely mentioned by interviewees.

Public order offences vary from year to year but approximate NSW rates except for offensive conduct, which is significantly higher than the NSW rates in each year, being particularly high in 2010. Of the justice related offences, breach AVO is much higher than the NSW rate in three of the four years, which might lend support to some interviewees comments that AVOs require reconsideration in Gunnedah.

Possession or use of cannabis increased each year but possession or use of other drugs was virtually nonexistent. Other crimes, including sexual offences, stealing and robbery rarely occurred with only a few incidents over the four years.

### 17.2 Perceptions of crime – crime rates

The research team has found it a challenging exercise to reconcile the commonly held perception within Gunnedah of a town with an extremely high crime rate with the statistics that are much more moderate. Ironically, Gunnedah was chosen for the case study based on crime statistics that would suggest that the town has a relatively low crime rate, yet this was challenged by a number of research participants – both

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<sup>100</sup> See Appendix 1 for a breakdown of the 17 major offences.

<sup>101</sup> Katrina Grech and Melissa Burgess, *Trends and patterns in domestic violence assaults: 2001 to 2010. Issue Paper No 61* (May 2011) 12

<[http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll\\_bocsar.nsf/pages/bocsar\\_pub\\_byyear](http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_pub_byyear)>.

<sup>102</sup> Ibid 8.

Aboriginal and non-Indigenous interviewees – who insisted that the statistics were incorrect.

It appears that many of the people that we spoke with, obtain their information about crime rates and the types of crime being committed from the local newspaper, which provides a comprehensive coverage of matters relating to crime and the criminal justice system in Gunnedah. Several people referred to frequent coverage of inadequate police staffing, insufficient harsh sentencing by the local magistrate and high rates of violent crime.

*You only have to read the local paper to see about what crime is about in town. That's the stuff that gets caught. We often have almost two full pages of who's been to court and what they've done. It seems like people are getting bonds all the time and getting off.*

Community Service Provider

Not all research participants agreed with the perception of the town as having a high crime rate. In particular, a number of interviewees working in the criminal justice system, observed that crime in Gunnedah was no worse than any other regional town of similar size. Indeed, Gunnedah's size was argued to affect perceptions of crime in that a small spike in incidents or an affray that may not be noticed in a larger town, might 'give the general impression of lawlessness.'

*... Anecdotally, people in town think that crime is completely out of control in Gunnedah whereas the statistics that we're getting back, ... are of course indicating that crime in general, not just Aboriginal crime but crime in general is quite low in comparison.*

Community Sector Worker

Some research participants suggested that the local paper's detailed coverage of crime, policing levels and response times, and court appearances, in addition to being 'extremely stigmatising', may lend weight to an impression of much higher crime rates than in reality can be justified. The problem with such focussed coverage it was argued, is that it is likely to keep incidents 'in the collective memory', resulting in a misleading impression.

Even among those who argued that Gunnedah's crime rate is high, there was general recognition that it was not the 'extreme problem' that it may be in other communities. However, people were concerned that police and others in the criminal justice system do not consider crime to be the problem in Gunnedah that it should be because it is largely 'petty crime'. However, the point was made, that to the victims, especially the elderly, it needs to be taken seriously.

A number of interviewees claimed that the disparity between the crime data and perceptions of crime was caused by under-reporting of crime in Gunnedah, discussed in a little more detail below, which they observed was a significant problem.

There is a strong perception that crime – especially violent crime – has significantly worsened over time. It was said that families who would have been 'considered rough' ten or fifteen years ago would now be considered to be 'positively tame'. Certain sections of town were identified as dangerous, with the observation that many residents would like to leave due to their concerns for their children but that they have no alternative. Crime, especially violent crime, was identified as occurring in those areas of



town and a number of interviewees observed that there were areas that they would not feel comfortable to visit.

*Violence is just extreme in Gunnedah. When you go back 10 years ago, people would walk up the street on their own and whatever. They don't do that now. It doesn't happen. You don't walk up the street by yourself after dark. There are certain streets in Gunnedah you just don't walk in because it's a violent area. Police presence is required in a particular part of town at least seven or eight occasions in a week. It's extreme.*

Local Community Member

One factor that may impact on perceptions of unusually high levels of crime for a relatively low population, is that the local court only sits for one week each month and, therefore, deals with a large number of matters during that week.

*I suppose the problem that we have is that we're there once a month for a week. So court's really, really busy during that week. But certainly I think if court was more than two weeks or something like that, we wouldn't feel it had a high crime rate. We wouldn't be that busy. But when [the Court has] 26 matters on a day, that's busy.*

Legal Practitioner

At the time of writing the same interviewee reported to us that court numbers had dropped since we spoke last and that the court is now only sitting two or three days during that week per month.

### **17.3 Perceptions of crime – types of crime**

When asked to identify the types of crime prevalent in the community, perceptions differed quite markedly among interviewees and, in particular, differed between those working in criminal justice and others. Our impression of inconsistent views as to the extent and type of crime committed is reinforced by reports of a community consultation undertaken by the local council in preparation of its five year crime prevention plan. The results of the consultation showed that perceptions of the extent to which crime is a problem and the types of crime predominantly occurring in Gunnedah depended on the sector of the community being surveyed.

*...different sections of the community were saying quite different things. So you know, the elderly groups representing aged care people, they were saying, well it's break-ins and it's not feeling safe in your own home. Then younger people were sort of saying, well, you can't go to the pub, you might get bashed up when you come out. Then the business people were saying, oh my God, you know, we come in every single Monday morning and our front windows are smashed ... that there'd be just a trail of smashed windows or something up the street or bins knocked over or bins thrown through windows or something. ... Everyone has a different take on what they think the crime is.*

Community Sector Worker

Generally, participants tended to differentiate between crime committed by youth, which they perceived to mainly consist of break and enters, graffiti and vandalism, and adult crime, descriptions of which centred around violence, especially alcohol related assaults and domestic violence.

The extent to which break and enters are a serious problem also seemed to differ among participants, described as a major problem by several people, a number of whom

referred to reports in the local newspaper but only mentioned in passing by interviewees in the criminal justice system.

In relation to crime committed by Aboriginal people in particular, interviewees employed in criminal justice identified street offences, especially offensive behaviour as frequently charged. Other offences discussed include alcohol related assault and domestic violence, driving offences, including driving while disqualified, stealing cars and family affrays. Although the following quote is not a specific observation about Gunnedah, it applies to the interviewees experiences in other towns with substantial Aboriginal populations.

*... in a community where there is a significant proportion of Aboriginal people you are going to have street offences. They are more visible on the street on a Friday night and minor incidents occur literally on the street outside the hotels that sort of thing, particularly where the policing is a higher ratio than locations where the Aboriginal population is not significant. Where there is significant Aboriginal population you tend to have a fairly higher policing rate and so these street offences are noticed and there are a lot of arrests.*

Joe Hillard, District Manager, Probation and Parole

Alcohol related crime, and particularly alcohol related assault and domestic violence were identified as prominent with some participants describing violence in Gunnedah as 'extreme'. However, it was also noted that alcohol related crime, while occurring within the Aboriginal community, is a community wide problem, especially in relation to assaults outside hotels and drink driving.

*[Crime in Gunnedah] is mainly alcohol related. Assault is the big thing. Domestic assaults are a large percentage of those assaults obviously. I would say by far, the vast majority of them are – I think it was quoted as 70 per cent but I think it's probably higher than that – are alcohol related. The assaults, and malicious damage is mainly alcohol related. Obviously traffic offences are drink driving, that sort of thing.*

Sergeant, NSWPF

There is access to a Domestic Violence Abuse program for offenders which has also identified other factors contributing to the prevalence of domestic violence such as power struggles within families with some other participants citing jealousy as a factor, especially as power dynamics between men and women appear to be changing in Gunnedah.

Arising from people's perception of a high degree of conflict in the community, a number of people referred to frequent family affrays or street brawls. However, there were markedly different perspectives on the extent to which family affrays are a significant problem in Gunnedah and under-reported. Some interviewees described frequent 'family brawls' occurring on a regular basis but with low levels of prosecution, because when the police arrive, 'everyone scatters'. Others described disputes that would escalate into affray from time to time but definitely not on a regular basis, 'one or two a year'.

*It just seems to flare up and then die back down again and everything goes along and then there's another flare up. So it's not constant, constant, constant. There just seem to be these flare ups and then things go on as normal and then yeah. It's not that often they flare up anyway.*

*Every so often [assaults] seem to perhaps boil over into an affray situation or small riot, which occurs from time to time. You might get – I don't know – one or two a year where groups – and it can occur in the Aboriginal community – where one group get upset and it usually spills over into the streets.*

## **18 FACTORS RESULTING IN LOW CRIME RATES**

In a sense, this research project had some difficulties in achieving its aim of understanding why Gunnedah had a relatively low crime rate, given the prominent perception by both Aboriginal and non-Indigenous interviewees that crime is a major problem. Worryingly, the most common explanation given for Gunnedah's relatively low recorded crime rate was due to the under-reporting of crime.

Two other factors emerged from discussions, however, the first being the impact of family and parenting in providing boundaries for young people, notwithstanding a perception of high levels of youth offending, and second that the town itself has a very high intolerance of crime of any description.

### **18.1 Under-reporting**

Unquestionably, the most common reason given for the relative low rates of crime in Gunnedah was that large numbers of criminal incidents go unreported, leading to inaccurate statistics as to levels of crime in the community. However, this was not a view shared by all interviewees and, notably, the perception of a high degree of under-reporting was not held by police or those in the criminal justice system. One exception was that of family violence, where it was acknowledged that under-reporting is a phenomenon in all communities, everywhere.

The allegedly high levels of under-reporting were said to occur for a number of reasons, ranging from fear of retribution to the failure of police to act against informers, to the inability of the police 'to do anything', especially in relation to malicious damage, stealing from cars or break and enters.

It was also argued that, in an endeavour to 'catch the big fish', the police would ignore low-level dealing or possession of drugs. In relation to violence in particular, we were told that one reason for the under-reporting was that many people 'settle it amongst themselves or just put up with it'. It is only when it 'becomes major' that people will report the incident, otherwise the process is 'just too invasive'.

Further, there is a strong narrative in Gunnedah relating to the need to have a 24 hour police station. It was argued that one of the causes of under-reporting was that people were frustrated at having to wait for police to come from Tamworth.

One police officer noted that, if the allegations of under-reporting are true, then this would have a detrimental impact on the town, in that the town would not be receiving the level of policing that may be warranted.

*... you'd hate for [under-reporting to be occurring] because we are statistically driven. If crimes are not being reported, we can't say - we have got a problem there, we do need to*

*put more resource into it. If they're not reporting, well, then it's to their detriment really because they're not going to be getting any more police until we realise there is a problem there.*

Detective Sergeant, NSW Police

### **18.2 Impact of families and parenting**

As many people described, Aboriginal community – with all the difficulties surrounding the definition of ‘community’ – is based on family structure. It must be said that the majority of references to family and parenting during our interviews were to express concerns about the prevalence of teenage parenthood. Other comments related to a lack of parental supervision and positive role modelling, parents who don’t value education or were instilling a welfare mentality in their children, or suggestions that respect within families is diminishing. However, these tended to be general comments and, with the exception of the lack of parental supervision, were not directly related to crime by interviewees.

However, there was recognition, admittedly not broad recognition, that positive parenting and supportive families in Gunnedah were influential in relatively low rates of crime by young people. Interviewees noted that the role of family and supportive parenting that equips young people to resist negative peer pressure is perhaps one explanation for Gunnedah having a lower crime rate than other equivalent towns. The suggestion was that many parents set boundaries for their children and to some extent are able to control them, which allows them to choose positive behaviours.

The value placed on Aboriginal culture varies from family to family in Gunnedah but it was said that families with high levels of cultural identity and awareness are more likely to be ‘successful’, but again we note that different people will have quite different views on what it is to be a ‘success’.

### **18.3 Tolerance for crime is extremely low in Gunnedah**

Although not articulated explicitly, one of the most prevalent themes to emerge from the interviews to the extent to which crime – and *all* types of crime – is just not tolerated in Gunnedah. As one person expressed it, ‘One crime in Gunnedah is one too many.’

A number of people nostalgically referred to a time in Gunnedah when people did not have to lock their doors, when it was a sleepy, easy going town and it was safe to walk anywhere after dark.

*You know, how people just in the street and particularly older people, they’re saying, you know, 50 years ago I used to be able to leave my door open and now I’ve got the house barred up and grills on the windows, and I’m not game to leave the house after dark.*

Community Sector Worker

There seemed to be a sense that if the right controls were put in place that Gunnedah could return to a more idyllic time. There was evident frustration that not everyone in town – particularly the police and those working in the criminal justice system – was on the same path.

There is a high degree of vigilance in relation to criminal offending and aberrant behaviour. Aboriginal and non-Indigenous interviewees were very aware of

problematic behaviours and were able to give numerous examples of behaviour that should be stopped so that it does not escalate. Behaviours ranged from skateboarding or riding without a helmet or on the footpath at one extreme to breaking windows to break and enters or car theft to allegations of extreme levels of violence at the other extreme. Activities of young people are scrutinised and it is evident that certain clear standards exist as to what is acceptable.

As noted, the town has a vigilant local paper and proactive Crime Prevention Committee that attempt to hold police and the criminal justice system to account.

## **19 KEY FACTORS CONTRIBUTING TO ADULT CRIME**

Given many interviewees strong impression of serious problems with crime in Gunnedah, it may not be surprising that, rather than reflecting on positive influences reducing crime rates, there was a much stronger narrative relating to factors contributing to high rates of crime. Again, these tended to be divided into the two categories of adult and youth offending. In relation to adult offending the main factors identified included:

- the prevalence of alcohol and drugs;
- pressures created by cluster housing; and
- a perception of Gunnedah as a town in decline with fewer opportunities than in previous times.

### **19.1 Alcohol and drugs**

While there was almost unanimity that alcohol was the most common, recurring feature of offending in Gunnedah, there was no such agreement as to the extent of drug use or impact of drugs on other crime.

Without question, alcohol was identified as having a direct correlation to crime and other social problems in the community. It was claimed that most Community Services notifications, assaults, domestic violence and malicious damage were in some way related to alcohol. Notably, there was said to be a direct correlation between the failure of the voluntary local alcohol accord (discussed below) and an increase in assault and domestic violence; 'a return to the old days.' Police and members of the Crime Prevention Committee observed that there had been a marked reduction in statistics relating to domestic violence and assaults for the duration of the accord, but they were beginning to see a reversal of the downward trend with its cessation.

Further, the impact of alcohol as a contributory factor to poor parenting and neglect of children, which in turn was said to be one factor underpinning high rates of youth offending was also raised as a phenomenon not limited to Gunnedah.

*[Alcohol and drugs] would be part of [young people's] lives. Whether it would be through themselves or through their parents. Once again, they don't have the ability to be parenting properly at home or they're alcoholics or drug dependents. Then all they want is to look after themselves, they're not looking after the kids.*

Detective Sergeant, NSW Police

*I would suggest that a lot of the crime that does occur with break and enters comes back to a drug problem or alcohol problem somewhere. Whether it's the parents not giving the*

*kids food or money and the kids are then doing break and enters to get money or whatever or boredom, if the parents aren't giving them things at home.*

Detective Sergeant, NSW Police

There were markedly divergent opinions, however, on the extent to which drugs are of significant effect in Gunnedah. A number of Aboriginal interviewees observed increasing usage of drugs and the associated increase in break and enters and stealing to finance that use. It was also suggested that 'kids are starting earlier and getting hooked earlier' and that drug use is beginning to be a prominent issue among women in Gunnedah.

It was also claimed by a number of people that the nature of drug usage in the Aboriginal community had also changed significantly over time. Whereas once, it had been limited to 'yarndi', it was suggested that 'now there is a smorgasbord' with ready availability through house dealing or street dealing. It was argued that Gunnedah has 'huge drug issues' that are 'swept under the carpet because people aren't charged.' As observed above, there was some speculation about why people were not charged, including that some offenders are informers or that police were more interested in targeting those higher in the food chain. It must be noted that police rejected those allegations.

On the other hand, interviewees in the criminal justice system pointed to a much stronger correlation between alcohol and crime than drug use and crime, across the entire community. One police officer observed that Gunnedah would not need half the police that the town has if it did not have alcohol.

*That's the bane of Aboriginal society, the alcohol. That's the main problem around here. We don't have any trouble with people sniffing or anything like that, like they do way out west, but alcohol however, is a different story.*

Sergeant NSWPF

## **19.2 Pressures created by cluster housing**

There was one issue about which we heard diametrically opposed opinions; that of the impact of clustered Department of Housing homes, now community housing.

While there was general consensus that crime and 'anti-social behaviour' was significantly higher in these specific areas in town, there were entirely different views as to the desirability of the cluster housing model. On the one hand, some argued that it was beneficial to 'contain problems', making it 'much easier for the police.' However, the overwhelming majority of research participants opposed the clustering of social housing – some vehemently – and argued that grouping families of low socioeconomic status or disadvantaged circumstances was inevitably going to create major problems and was in itself a cause of crime.

Interviewees described circumstances where unemployment or lack of other meaningful activity leads to boredom, which in turn leads to high levels of consumption of drugs and alcohol. Volatile situations arise when people are clustered together, resulting in assault and family violence, and where family disputes may flare up leading to street brawls.

*Our organisation is dead set against clustering people with the same social economic background into one area. We believe that that ... you are heightening issues that happen. You're heightening the violence, you're heightening antisocial behaviour, drug taking, alcohol, kids not going to school, the whole thing because there are no peers that you can use as role models. You know, this is how our house should look or our yards should look, this is how we behave. We don't resolve our issues by throwing a bundi stick over the fence. We go out and we talk to each other and things like that.*

Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

Instead, it was argued that the model that should be adopted is the model used by the Aboriginal housing providers in town. Aboriginal housing in the town is supplied by Gunida Gunyah, Red Chief Local Aboriginal Land Council and Min Min Aboriginal Corporation and is spread throughout the community. Inevitably, demand outstrips supply but each provider was described as providing high quality homes that were well maintained and well cared for by their tenants.

The situation is worsened by two additional factors in Gunnedah, namely the lack of affordable private rental due to a developing mining industry and the relocation of families by the Department of Housing from Sydney or Moree that change the dynamics of the Gunnedah community. It was observed that problems emerge when you move people 'onto another mob's country.'

*We've got people from different countries that are living in Gunnedah. They've transferred through the Department of Housing or whatever. They have changed the dynamics of our community drastically. ... Family groups from different country come in and they just do things differently and behave differently and it changes the whole dynamics of our community. It has done over the past 10 years. Which is a bit concerning. ... Even though they're still Kamilaroi, it's totally different dynamics.*

Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

Interviewees were strongly of the view that Aboriginal housing needed to be under the control of local housing managers. The problem with the Department's approach, it was argued, is that they treat it almost as a mathematical equation – 'there's a vacant house, here's someone who needs housing.' Locally based community organisations know the community and understand potential alliances or tensions and can take these considerations into account in allocating housing.

Similarly, several interviewees claimed that where particular families might be 'out of control', the Department of Housing will relocate them, which again was described in positive and negative terms. One person claimed that the practice was 'a very positive force in controlling really anti-social behaviours' when referring to the relocation of families out of Gunnedah but, the flip side was argued to be the detrimental effect when 'bad families' are relocated to Gunnedah from elsewhere.

*I think some of the movement is based on [the fact that] they sort of burn their bridges in the community that they're in, so they look to relocate into another. They lose their housing, they're not able to sustain the tenants there or employment or education. The kids kicked out of school, so they move town. They bring the baggage with them and that continues on. That's a huge issue amongst the Aboriginal community.*

Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

When Aboriginal families relocate, it is not a nuclear family relocating but is an extended family, which puts pressure on already overcrowded housing environments.

The second exacerbating factor is the very expensive rental market in Gunnedah due to the current mining developments, which reduces people's accommodation options. We were even informed of people being evicted from their homes so that landlords can charge higher rent to mining employees. Low rent private housing is really only available within or nearby the former Department of Housing areas. Therefore, people who may wish to move from these areas are left with little choice but to remain.

### **19.3 Gunnedah – a town with limited options**

A strong narrative emerging from our interviews is of Gunnedah as a town with high levels of financial hardship and declining opportunities. The lack of employment opportunities in particular for 'unskilled' workers was repeatedly raised as a major deficit in Gunnedah. Aboriginal families were claimed to be 'at the bottom end of the scale in terms of livelihood and meaningful employment.'

Many research participants observed that Gunnedah was once a prosperous town, relying on an export abattoir, coal mining and agriculture. By contrast, Gunnedah is now ranked by the ABS as a 'Decile 3' in terms of its socioeconomic disadvantage in New South Wales (with 'Decile 10' the highest). The abattoir was especially significant, as it was a large employer of 'unskilled' workers. It was also said that it had been non-discriminatory, being a major employer of Aboriginal people. 'As long as you were prepared to work, you could get a job.' The mining industry, however, then as now, was 'more selective'.

The closure of the abattoir and mines had a serious impact on Gunnedah, creating unemployment for those least likely to obtain work elsewhere. Falling commodity prices also adversely affected seasonal agricultural work. Many people left Gunnedah entirely, or travelled elsewhere for work during the week, returning on weekends. This was said to have a negative impact on family life with absent parents less able to supervise their children.

The mining industry has recently returned to Gunnedah but there seems to be a high degree of scepticism as to how beneficial it will be to the town. People expressed concern that locals are not being employed. Instead, outsiders come to town for a few days at a time on fly-in-fly-out contracts, pushing rents up to exorbitant levels by local standards and leave, taking their money with them. Several people noted that the industry required employees with certain skills and experience, and that local people – and young people in particular – were not likely to have the required skill set and thus may not be providing as many opportunities for local people as hoped.

*There are not that many Aboriginal people that are employed with the mining companies. ... It's not easy for them to get employment, unless you're a tradie. So hence feeds all that, all getting together, boredom - boredom they go oh yeah well we'll try the drugs.*

Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

### **19.4 Unemployment**

The lack of employment opportunities for Aboriginal people in particular, appears to be across the board. A number of people commented that you will not see Aboriginal



people employed in the local businesses – there is no ‘visible presence’. It was observed that the majority of Aboriginal people are employed by different government departments, NGOs or Aboriginal organisations. People were cynical and disillusioned, demonstrated by the perception that Aboriginal people are generally employed when there is a specific funding source. If the funding is withdrawn, the position is withdrawn.

*Unless it's an Aboriginal identified position, there's no work. ... See how many Aboriginal people are employed in a non-Government funded position. ... Basically that's all Gunnedah is. Or they've been made [to employ Aboriginal people], like education or hospitals.*

Michael Steadman, Office Assistant, Min-Min Aboriginal Corporation

Several participants made a connection between unemployment and depression, lack of self-esteem, and boredom, claiming that these factors in turn lead to drug and alcohol usage. One person described the importance of companionship at the workplace and opportunity to discuss problems and interests with co-workers, emphasising the positive effect for the individual and the community at large.

*If you're unemployed you seem to get pretty depressed. I think anyone does. If you can get a bit of self worth, get out and do a bit of work, instead of sitting around doing nothing, and if they've got nothing to do they're going to smoke drugs or do something else, aren't they? Yeah, get themselves into trouble.*

Sergeant NSWPF

A number of people expressed concern that the lack of employment opportunities over a long period of time have adversely impacted upon the aspirations of young people, who have only ever experienced their parents and, in some cases, grandparents as unemployed. Differences in prosperity for some people was said to create some degree of tension as the ‘have-nots’ disparaged the ‘haves’ when a more healthy response might be to ask yourself how you could get yourself into the same position. The concern is that without motivation and role modelling, you ‘see young people drifting from problems at school, then leaving school without much of an education or qualifications and drifting into other trouble.’ The lack of local opportunities for young people was also said to be compounded by their reluctance to leave family and friends to pursue potential employment elsewhere.

### **19.5 The demise of the Community Development Employment Program**

There was also widespread bitterness that the Gunnedah Community Development Employment Program (CDEP), which was perceived to be highly successful and very well managed, had been closed down. Gunnedah’s CDEP ran for 12 years, providing full time employment for up to 110 employees in ‘an employment environment’ – people had to work for their money. Gunnedah now provides employment for only 16 people. In addition to successful employment outcomes, Gunnedah CDEP was widely admired for its training opportunities. It owned two cafes for hospitality training purposes and provided a variety of other traineeships including business administration, horticulture, Indigenous land management, civil construction and forestry. It also provided childcare training and was the host employer to local preschools. Other training provided to increase job readiness included computer skills, first aid certificates and OH&S Greencards.

Several people alluded to the pride and self-worth that comes from having a job and expressed disappointment that those opportunities are now gone with one interviewee saying:

*It was a great thing when it was bigger and running better, because it gave them a reason to get out of bed in the morning. A lot of the young fellows that had been causing a bit of trouble had a bit of pride in themselves, going to work and making a bit of extra money. Just filling their day in, out working rather than being at home, sitting at home smoking dope or whatever, and sleeping of a night because they'd been working all day. So yeah, that was really good.*

Sergeant NSWPF

The end of the CDEP government initiative was seen to be another example of governments' 'one size fits all' approach to government policy. It was acknowledged that some CDEPs had been ineffective and may have deserved to be closed down, but that the decision should have operated on a case-by-case basis. The closure of CDEP 'for the sake of the few that didn't operate properly' was said to be 'crazy'. It was noted that the blanket end of the scheme also had the effect of preventing the mentoring of less successful CDEP providers by more successful providers.

Having been seen to be so successful, there was concern expressed about the potential negative effects emerging from its closure on its former participants, on the businesses that were run through CDEP subsidies and on employment opportunities for Aboriginal people in Gunnedah more broadly.

Interestingly, one of the hidden potential adverse impacts of the closure of the program is that the program brought a large number of Aboriginal people into contact with services that they may not otherwise access. The supervisors were reportedly able to identify broader health, social or other issues impacting upon their participants and make appropriate referrals. This close interaction and opportunity to refer people to appropriate services has now ended.

## **20 DESCRIPTIONS OF YOUTH CRIME IN GUNNEDAH**

A number of interviewees described youth offending as a major problem in Gunnedah, referring, in particular, to high levels of break and enters, graffiti and malicious damage. Several people referred to young people being truant from school and breaking into houses while people are at work during the day or 'roaming the streets' smashing windows at night. At the time of our first visit to Gunnedah, the town was apparently experiencing a spate of cars stolen by young people but the offenders were said to be from Tamworth.

Several people claimed that there were high levels of under-reporting of youth crime, especially in relation to break and entry and malicious damage. One person contended that people do not report petty crimes such as the spray painting of buildings because they know that young people will only receive a warning, so there is no point in engaging with the police.

As with adult offending in Gunnedah, the actual extent of criminal activity is difficult to ascertain. As one person suggested, one potential reason that youth offending is perceived as a significant problem by Gunnedah residents is the public nature of their activities.

*Maybe [people perceive youth crime to be a major problem] because the kids probably do the break and enters and the stealing which affect other people where the adults are probably driving matters and the assaults and the affrays and things like that which affect people but not sort of the wide community understand that. So that's probably why the community's upset about the kids. But I mean there are never gangs of kids wandering down the road or anything in Gunnedah that I ever see. I think we've had one bag snatch or something like that. ... There are a lot of elderly people in Gunnedah. One bag snatch is pretty good isn't it?*

Community Member

Further, the number of young repeat offenders may give an impression of greater numbers of offenders than is the reality. One person in the criminal justice system observed that there are several offenders who 'keep coming back'. The level of repeat offending was described by some people as an issue of particular concern in Gunnedah. However, this can be contrasted with an observation from another person working in the criminal justice system to the effect that repeat offending is the backbone of the criminal justice system in Gunnedah and elsewhere. The vast majority of offenders will offend once or perhaps twice and will not be seen again. The system deals in the main with those who continually offend.

## **21 ISSUES RELATED TO YOUTH CRIME**

Two main issues were recognised as having an impact on youth crime. The first was boredom and the lack of positive activities for young people. The second was the impact of drugs and alcohol. Interviewees also raised concerns in relation to the Education Department suspension policies, which might result in students 'roaming the streets' unsupervised. These observations tended to be aligned with discussions around boredom and the lack of positive activities, and inadequate parental supervision or engagement.

### **21.1 Boredom**

Every research participant who spoke about youth offending described boredom and the lack of activities that positively engage young people as the main factor contributing to juvenile offending, particularly at night. This lack of positive activity was described both in terms of social activities and in terms of educational and employment opportunities.

*They're not doing it because they're bad kids. They're doing it because they're bored and they get into trouble, particularly those young people that are into a lot of drugs and alcohol.*

Mel McCulloch, Caseworker, Gunnedah Family Support

Perhaps analogously, one police officer observed that for some young people, the adrenaline rush was a factor in youth offending and that young offenders had reported that they steal cars, for example, for the sheer thrill of it.

A number of people referred to inadequate parental supervision or support. The suggestion is that young people are 'wandering the streets at night' and getting into trouble when perhaps they should be at home.

*It comes back to the home environment. The parents are letting them out, run around, at three or four o'clock in the morning, they're going to get in trouble. Doesn't matter what*

*colour they are, or who they are. Kids that run around that time of the night, they're going to get themselves into trouble. It's probably because they're not going to school so they're staying up all night and going around doing break and enters and that, and then they're sleeping in when they should be at school.*

Sergeant NSWPF

On the other hand, as noted above, other interviewees commented on the role of family and positive parenting that equips young people to resist negative peer pressure as one explanation for Gunnedah having a lower crime rate than other equivalent towns.

## **21.2 Drugs and alcohol**

The impact of drugs and alcohol was also frequently raised as a factor contributing to youth offending. Alcohol in particular was noted to be a serious issue. Several people referred to young people – as young as 11, 12 or 13 – drinking in public places – by the river or in parks. A number of people also referred to binge drinking as a precursor to offending and noted that alcohol was usually supplied by parents or other adults with responsibility for the young people. There was some suggestion that adults were selling alcohol and cigarettes to young people but this did not appear to be a widely held view.

The ready availability of a range of drugs was also perceived as a problem. As described above, interviewees describe an environment in Gunnedah with an increasing availability of an expanding array of drugs. Whereas, the predominant drug of choice was – and still is – yandi, over time the availability of speed, ice, ecstasy and to a limited extent, heroin is increasing. The availability of these drugs to increasingly young people was also described.

## **21.3 Impact of the Department of Education's suspension policy**

The role of education and training in providing positive experiences for young people was also emphasised. In particular, schools' roles in balancing the demands of providing intensive support for problematic students and not undermining the education of the majority was emphasised. Schools have an obligation to provide a positive and safe environment for students and disruptive or violent students can undermine or prevent schools from providing such an environment.

*There's not enough discipline in schools. The school generally works quite well. The school tries as hard as it can with whatever means they have. They just can't keep suspending them because there are guidelines. In the end they do as much as they can and when they can't they just sort of go oh well I've done all I can. That's it. Then the kids just get worse and worse and the environment up there at the school is pretty foul. The language is disgusting. Kids go to school stoned.*

Community Service Provider

However, a number of people were concerned that the Department of Education's suspension policy was inadvertently resulting in young people being suspended for long periods and 'getting into trouble.' One person said it was 'making criminals because they're out of school and getting into trouble.'

A number of people described a need for support for those students on suspension, including potentially through a 'suspension centre' that would supervise such students. The former police youth case manager based at the PCYC was apparently providing that

type of supervision, which was described as very successful for her clients. That kind of approach was seen as desirable for a broader audience.

Interestingly, several interviewees in the education sector referred to social media as creating discord. The argument is that young people – especially teenage girls – are using *Facebook* and mobile phones to bully others and to continue arguments. These arguments tend to escalate until others – especially family – become involved, resulting in, at times, physical fights.

## **22 CRIME PREVENTION AND RESPONSES TO THE CRIME RATE**

When considering responses to crime in Gunnedah, there was a powerful preference for early intervention initiatives that might prevent young people from offending in the first place.

In relation to existing responses to crime, interviewees referred to formal rather than informal bodies or responses, and in particular, discussed the role of the Shire of Gunnedah Crime Prevention Committee and of the police. There is no Aboriginal Community Justice Group in Gunnedah.

### **22.1 Need for early intervention**

Importantly, in reflecting on the successes or inadequacies of responses to crime in Gunnedah, several Aboriginal interviewees reflected on their frustration at the concentration of resources that are reactive rather than proactive. It was argued that existing systems don't really assist people not to re-offend – that it was too late by the time young people came into contact with the criminal justice system.

*That's another problem. People think that ... once certain things have happened in a person's life – with the court system if they've re-offended 10 times and been to gaol or whether they've been to gaol or not – they think they're just in that hopeless basket.*

Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

Their strong preference was for early intervention and prevention, although the extreme difficulty of even describing what prevention looks like was acknowledged. One feature of prevention that was identified was the need for the legal system to understand the 'whole picture' – to have a clear understanding of the reality of each offender's life and what might be motivating them to commit crime.

*Instead of waiting for a negative thing to happen and coming up with a reactive response, a prevention plan should be created and acted upon, which is much better than seeing our people go off to jail, and our teenager expecting as a right of passage to have some experience with the police or the justice system. It has been documented, that in Western NSW over 80% of the incarcerated youth are Aboriginal kids. This is a disgrace.*

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

*I don't know how they'd do it but when you recognise an early offender, and if you can cut them off at the pass and hopefully redirect their avenue of exercise or whatever they want to do, in some sort of counselling maybe, I'm not sure. An early detection, early prevention. I don't know where you can pick it up from or what you can do. ... Early detection, seeking to rechannel of destructive tendencies. I don't know how, I suppose schools are the best places to detect these but what they're going to put in place or how they're going to do it, I've got no idea. That's what I'd like to see, an early detection so you can deter these people.*

## **22.2 Gunnedah Shire Council's Crime Prevention Committee**

Discussions about existing crime prevention measures in Gunnedah centre around the Shire of Gunnedah's Crime Prevention Committee that is chaired by the Deputy Mayor. The Committee is vocal and proactive, although there appear to be different perceptions as to its effectiveness.

The committee has won an award for Excellence in Alcohol management with the Gunny Gets You Home project in partnership with Gunnedah Shire Council and other stakeholders, which, unfortunately, is no longer running. It has introduced initiatives such as CCTV, and has conducted community consultation to ascertain attitudes to crime for establishing a crime prevention plan. Perhaps the most significant initiative was its targeting of alcohol related crime and establishment of a voluntary alcohol accord, whereby hotel licensees agreed to limit sales of full strength alcohol after midnight. However, one licensee withdrew support for the accord and it has since ceased to have effect. Anecdotally, the accord had a significant impact on alcohol related assault and there is concern that this reduction will be reversed.

However, support for the Committee was not universal and there was the suggestion by some interviewees that the Committee's vigilance was responsible for causing an overreaction to crime in a community where crime rates are no different to other regional centres.

## **22.3 Police and policing**

Discussions around police and policing in Gunnedah seem to be particularly contentious. There was a widespread and firm view expressed that there was a severe shortage of police in Gunnedah and that a 24 hour station was urgently required. A number of people referred to a series of articles in the local newspaper highlighting that shortage and campaigning for a more significant presence.

On the other hand, as several people working in the criminal justice system observed, police deployments are driven by crime statistics. With finite resources, police resources are distributed according to highest need. Gunnedah has a relatively low crime rate and is said to be staffed accordingly.

*Yes, there probably is a need for more police - like every town - but the crime rates aren't that high in Gunnedah. ... [T]heir agenda is to have better policing. If they can reduce their crime by having more police, it would work. But they're not going to get more police while there's greater problems in other towns because statistics don't show that they have got a major problem there.*

Detective Sergeant, NSW Police

*In a perfect world you'd have as many police as you can covering three or four trucks on each shift and be able to deal with crime and prevent crime happening but we don't have that ability. So we've got to put numbers in places were crime is constantly higher across the board and that's why Tamworth is a focal point. If you had more police in every town, you'd reduce the crime across the state but we don't have that ability, the money or the authority to put more police in.*

Detective Sergeant, NSW Police

There was a view expressed by some that, due to the perceived shortage, police were unable to respond to incidents in the evening and that police from Tamworth – an hour away – would attend.

*... we need a 24 hour station. It won't happen. At night time - if something happened tonight, Monday night, there would be no one at the police station. You have to ring Tamworth an hour away. That is what would happen if you got into an emergency. Because they are so stretched, they can't respond to everything and they have a priority listing of whether it's important or whether it isn't.*

Community Service Provider

Again, there seems to be some disconnect between perception and the reality of 'running a small country police station'. It was explained that, in general, there would be two police working in Gunnedah in the evening. If they are attending a job, then the phone will divert to Tamworth police station, which would contact them by radio. If they are attending another job or are some distance from Gunnedah, then there would be a delay in responding. There is a small window most evenings when the police station is not staffed and, in those circumstances the call is relayed to two 'lock up keepers' who live next door to the station who will respond.

#### **22.4 Police responses to family violence**

One serious allegation made by a small number of people is that police in Gunnedah can be reluctant at times to attend to incidents of family violence where the person reporting the incident has previously made frequent complaints. It is widely understood that people experiencing domestic violence may repeatedly leave and return to a violent relationship. Several people described the frustration that police may feel in attending the 'same address, over and over again for the same thing, over and over again and nothing changes.' The police take action and the victim may refuse to cooperate or withdraw cooperation.

*Well, the police are sick of it. They're going after the same people all the time with AVOs and women are taking them back and then they're going back. ... They do get sick of coming up, fight, kick them out, next minute AVO. The next minute they're back up there again, fighting again, not even three days later. ... It's not entirely a police problem. I mean, you can understand why you get sick of going up, saying to people all the time, domestic violence, and they just have them back as soon as they walk out the door.*

Michael Steadman, Office Assistant, Min-Min Aboriginal Corporation

The more cynical interviewees claimed that the police became annoyed at doing the paperwork to obtain an AVO, only to have the victim refusing to attend court, or ultimately returning to the relationship.

It is apparent that police face a difficult situation when faced with conflicting attitudes as to what is the appropriate police response to domestic violence. Many people – women especially – have advocated for decades that domestic violence is a crime and should be treated like any other crime, regardless of whether prosecution is supported by the victim. Others described a disconnect between a support services approach, which would support victims to attempt to develop respectful relationships that may take time and perseverance and ongoing support, and the police, whose role it is to prosecute perpetrators of crime.

*[The police] come from a completely different perspective than us. [We look at it as taking] a woman seven times or nine times to leave a domestic violence relationship. So, we need to persevere and we need to offer support and we need to make sure that they know there are options out there. She may not want to leave but that's okay, whereas from their point of view, it's a criminal thing. He's done wrong; she needs to [act]. So, in that way, ... I suppose it is a prejudice against that household or those people because they aren't doing what the police think they should be doing. Saying again, I would never [criticise the police], they do a great job.*

Mel McCulloch, Caseworker, Gunnedah Family Support

The cycle of domestic violence and reconciliation that was reported by many has resulted in the police introducing a policy of not withdrawing domestic violence prosecutions even if not supported by the victim. Thus, the policy is that all matters are prosecuted and proceed to court, which may be one of the reasons for the large number of AVOs being issued in Gunnedah with the local court processing around 40 the day before our visit.

### **22.5 The relationship between the police and the Aboriginal community**

The importance of the Aboriginal community having confidence in the police was emphasised by a number of people, the touchstones being equality and consistency. Developing rapport through dropping in to visit Aboriginal organisations and attending social occasions was described as essential but generally lacking in all Aboriginal communities, not just Gunnedah. 'Police need to take the time to pull up, call in, say g'day and have a chat.'

*It brings about confidence and having confidence in someone that when they go to work and pull on the blue shirt to say, well yeah I'm here to help you and yeah I know where you're coming from and I do have that rapport with you. It's about, whether it just be with your work, you going around to the Aboriginal organisations and pulling up people on the street and saying g'day, how're you going.*

Aboriginal Community Liaison Officer, NSW Police

Building relationships with the community was also seen as desirable in removing the stigma of Aboriginal people as pre-disposed to violence or offending. Several people commented that the police were fearful of attending homes or social events where there would be a large number of Aboriginal people. The perception was that the police tend to assume that additional police will be needed in circumstances that Aboriginal community might consider unnecessary. .

*I guess it is a fear that when there's large numbers of Aboriginal people and they could be sitting around playing a game of football or doing things with footy that they sit back and say, well we need additional police here.*

Aboriginal Community Liaison Officer, NSW Police

Similarly important is the need for equal treatment that is also *seen* to be equal treatment. One example was given of police pulling over the patrol car to ask a group of young Aboriginal people what they were up to and to ask them to move on but then driving past a group of young non-Indigenous people a little further down the road. These incidents are noted by community members and can contribute to undermining of confidence.



*It's about policing and doing things the same, I guess, so there are no inequalities. It's about saying, well okay, if we're going to police Aboriginal people this way then everybody gets policed that way.*

Aboriginal Community Liaison Officer, NSW Police

However, any suggestion that the police are involved in racial profiling was firmly rejected. One interviewee claimed never to have 'met a copper who wanted to make more work for himself' and that, if Aboriginal people weren't committing the crimes, they wouldn't be getting charged. Instead, getting to an understanding of why people may be committing crime was argued to be vital in reducing offending and ultimately reducing the number of Aboriginal people in jail.

Discussions around the importance of a positive relationship and building effective linkages between police and the Aboriginal community of Gunnedah also raised the need for locally specific cultural awareness and the benefits that would flow from having Aboriginal Community Liaison Officers or Aboriginal police in Gunnedah. There was recognition that police now undergo cultural awareness training as an integral part of their formal training but that unless it had the input and endorsement of the local community, it would not succeed in breaking down barriers, or moving towards proactive community policing that was described as more desirable.

*The cultural education and training that they would get, in my view and opinion again, is nowhere near sufficient enough. It's not with the endorsement of local communities and the input from local communities. ... So I think that it's about taking the time and consulting your local community. So that if your local community, irrespective of whether they're police, teachers, court staff and they're coming into the community and that there is that education package there, you say, well okay; let's do this... Then it's endorsed by the local community so that they have that communication and the barriers are starting to break down hopefully right from the minute that they walk in.*

Aboriginal Community Liaison Officer, NSW Police

While it was generally agreed that there would not be sufficient need for a full Aboriginal Community Liaison Officer (ACLO) to be based in Gunnedah, the role of ACLOs in general was discussed by a number of interviewees (particularly those working in the criminal justice system) as having a vital role in building relationships between Aboriginal communities and the police force. Thus, there was general agreement that, if resources would permit, expansion of the role would benefit the NSW police force in building confidence in the police, providing a broader educative role in the community and allowing for more proactive community policing. It was argued that having a male and female ACLO, at least on a part time basis, would allow for significant strengthening of community police relationships but would also overcome some of the practical issues that confront the role, faced especially by ACLOs who are local community members with specific family allegiances. It would also potentially alleviate some of the difficulties in what is widely perceived to be a stressful role.

## **23 CRIMINAL JUSTICE ISSUES**

There was a clear divide between interviewees involved in the criminal justice system and other interviewees, as to its effectiveness. A number of interviewees outside the system were focussed on its inadequacies, arguing that the system was too lenient, giving too many chances to people to re-offend: 'the same old, same old.'

Others, however, referred to the lack of sentencing options available for magistrates, which they considered to be a major problem. One service, the Probation and Parole office in Gunnedah, was spoken of in particularly positive terms by a number of people working in the criminal justice system.

### **23.1 Perceived leniency**

Given the seemingly widespread perception of very high crime rates in Gunnedah, it is unsurprising that there also was apparent concern about the effectiveness of the criminal justice system. Some community members were strident in their view that penalties imposed by magistrates need to be tougher in order to deter criminal activity. For example, a community consultation conducted by the local council in preparation of its five year crime prevention plan revealed that people thought that the Magistrate's Court does not impose harsh enough penalties to have deterrent value. A number of people noted that within the town, there was a 'lock them up, throw away the key' preference.

*[People were] ... sort of saying, oh well, you know, these people, they break into your house today and then they go before the Magistrate and they get a slap on the wrist and out they come and do it again.*

Community Sector Worker

### **23.2 Sentencing options for magistrates**

By contrast, several interviewees involved in the criminal justice system highlighted the lack of appropriate sentencing options available to magistrates as being a significant problem in common with other rural communities. The main sentencing options available were fines, bonds, community service work (although with limited opportunities for supervision), newly introduced intensive community orders and imprisonment.

In particular, the absence of diversionary programs that may be available in larger or metropolitan centres was observed. Other options that were considered to have the potential to be highly effective but unavailable in Gunnedah included home detention, periodic detention (no longer available), the MERIT program, the CREDIT (**Court Referral of Eligible Defendants into Treatment**) program and community service orders. At the time of our community visits, intensive community orders had been introduced but no orders had been made at that time. A local Juvenile Justice presence in Gunnedah was also identified as being highly desirable.

### **23.3 Apprehended Violence Orders – useful or problematic?**

An issue raised in all of the communities that we have visited is the potential for Apprehended Violence Orders to escalate conflict. This is obviously an extremely difficult area. People are entitled to be protected from harm. However, AVOs are considered by many to be an inadequate to deal with the complex web of relationships and allegiances that make up Aboriginal communities.

*Apprehended Violence Orders (AVO's) within our communities would be an interesting study. They would be a big contributing factor in family breakdown and family issues. A dispute breaks out and before you know it, it is out of hand, and an AVO is issued as an ineffective resolution. This angers the other party and before you know it another AVO is being issued, and instead of resolving the problem, getting mediation, or finding out what*

*the actual problem is, the Law is involved and the rules are these two people cannot be within the vicinity of each other, and the later arguments have resulted in even more people being prevented from being together, eventually there are family breakdown, friendships broken and communities torn apart.*

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

### **23.4 Young people and the criminal justice system**

The fraught question of how to deal with young offenders was raised, as was how the use of police discretion exercised through the *Young Offenders Act* should be treated by the court. One police officer argued that the ability to caution young offenders through the *Young Offenders Act* – and even more effectively, youth conferencing, where young offenders are brought into contact with the victims to discuss the impact of their actions – provides a sufficient response to the 80 per cent of offenders who will not reoffend. Thus, it was argued, that the court should appreciate that the police have already undertaken a system of cautioning and that, if a young person was appearing before a magistrate, that the young person in question had been identified by police as a recidivist offender. The police officer contended that the court should not have the option of cautioning again, in those circumstances.

*By giving the opportunity to police to warn or caution or youth conference, we've already identified those who aren't going to re-offend or go into a life of crime. The ones that go before the court, the court should realise that and then say, you've been identified as being a recidivist offender, you're going to continue to offend, you've had your opportunity, caution, they shouldn't then have the option to caution again. The court should be saying, mate, you've been through the system, you've already had your three cautions for this matter or similar matters. Time's up. Whether it's a harsh rule, I don't care really, because we've ... we've already identified that they are that small minority that are going to re-offend. They are probably a large proportion of the problems for each town. So if we've identified them, we've put them before the court and then the court says, well, we'll give you another three or four chances again before they take action that's probably been warranted on three or four [previous] occasions...*

Detective Sergeant, NSW Police

*We've identified those who are going to re-offend by giving them a number of cautions, youth conferences, et cetera. It needs to be identified that those people are then going before the court, need to have whatever method it is the court uses, they need to have ownership of their problem. ... whether it's being sent to a detention centre or whether it's to do community service. We need to have that ability or the court should be taking directive to take some harder action rather than saying, well, I'll give you another three or four cautions. Because they've had that. That's my view and it's been a view of a lot of police. Because we see it day in day out.*

Detective Sergeant, NSW Police

However, others working in the criminal justice system were concerned that some police officers approached cautions as if there should be a limited number, after which you are automatically sent to court. Instead, it was argued, you need to look at each person and each offence individually. Some minor offences should always receive a caution. Some young people are referred to youth conferencing and never re-offend, others go to court, which is sufficient deterrence to re-offending, others will repeatedly re-offend. Putting a limit on cautions defeats the purpose and removes the discretion that is supposed to be applied.

Some advocated much tougher penalties for young people to show them that the community does not have to 'put up with their behaviour'. On the other hand, a number of people identified juvenile detention as being a failed experiment and that alternative approaches were urgently needed. Other alternatives such as youth conferencing were described as being more effective, due to the level of interaction with the young person.

*So unfortunately, some kids need to be shown that the community doesn't have to put up with their behaviour. Now whether it's incarceration or whether it's another form, whether it's community service or whatever, but there needs to be some form of punishment because the kids see a caution as nothing. Especially with the courts, how busy they are, the caution is, don't do it again and they get out. They haven't got the time, like at least the police cautioning system is, they sit down with them and their parents, they speak to them at length, it's not a five minute job. It's a lengthy process. Youth conferencing is even better. They actually have the ability to engage the police involved in the investigation, the victims have the opportunity to come. Other people, other family members can come and talk to the young person, so it's giving them more ownership of their mistakes that they've made. But if it's just the courts giving cautions, it's not going to work because they don't have time to sit down and to put more time into the way they need to be spoken to.*

Detective Sergeant, NSW Police

### **23.5 The inability of the criminal justice system to protect Aboriginal culture**

One interesting question that was raised was that of what constitutes a crime and what constitutes criminal offending, and from whose perspective the decision is made. It was observed that 'from the country to the cities and from the coast to the bush, we are all governed by the same laws and that we should all have an expectation that those laws will be administered justly, fairly and equally.' However, there is only one set of laws which only reflect one set of values. The system has the potential to criminalise behaviours that Aboriginal people might not consider to be criminal, leaving a whole range of crimes ignored, such as crimes against Aboriginal culture.

*The umbrella of crime is large, and it is not exclusively measured by petty crime, and the commonly reported crimes, it also involves cultural crimes. There are many police and justice initiatives to reduce crime, but rarely do hear that there is any kind of effort to stave off the crimes against Aboriginal Culture. When a farmer or a mining company clears the land destroying artefacts and culturally significant sites, where is the outrage heard and what steps are taken to prevent more of this occurring? Aboriginal culture is about the connection of people with the land and their environment. It is not about building monuments and amassing things. It is about caring for the land ensuring it is there strong and healthy for future generations and maintain the connection to that place and the fauna. Is it not a crime that many languages are all but lost, that stories and the art of some nations will never be heard or seen again, and the significant sites of the ancestors, have been wiped out by the invading European culture who decided they had a better use for the land than the insignificant natives, effectively destroying many peoples connection to their land? Although they thought they belonged to the land, the law said they did not own the land.*

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

## **24 SERVICE DELIVERY IN GUNNEDAH**

### **24.1 Service delivery – general observations**

In order to understand how Aboriginal communities might be being supported or otherwise, we asked participants what their particular service or organisation delivered

and what services, programs and initiatives in town were being offered and used by Aboriginal people. We hoped to gain a bigger picture of what service delivery models were seen to be effective or ineffective, and to form an understanding of how governments' alleged preference for an interagency approach, was working on the ground, if at all.

From our discussions it appears that a range of services exist in Gunnedah catering to the Aboriginal community, some of which were spoken of in very positive terms including services provided by Family Support Services, Community Health Service, Maarumali-li, Red Chief Land Council, Gunida Gunyah and Min Min Aboriginal Corporation. However, the persistent theme emerging from the interviews was of serious inadequacy in some areas, either because services do not exist at all, or because Aboriginal community members do not utilise them, or perhaps will attend an initial appointment but may not attend subsequent appointments or referrals.

In relation to Gunnedah's Aboriginal community in particular, a constant theme was that services need to be appropriate for the community that they serve. The need for cultural competency was emphasised – not in a generic 'cultural awareness' sense – but that service providers need to understand and appreciate local circumstances.

It was repeatedly argued that services must be holistic and meet the needs of local circumstances with outreach services being a vital component. It was claimed that there were some excellent service provision but only for the people who attended their office or centre. A number of services and organisations provide transport and support to community members to attend health and other appointments and this was seen as a necessary way of doing business. Reality checks were also considered important. For example, there is no point in providing advice about nutrition and suggesting that people eat steak when they cannot afford it. It is much better to tell them to cut the fat off the chops that they actually do eat.

Importantly, it was said that services need to be thinking about 'why' particular needs existed and that it was not sufficient to be responding to the symptoms.

*It's the thinking that we have to change. Unfortunately some services ... think it's black and white. [They say], 'Well if you weren't taking drugs this wouldn't happen' not 'okay why [are you] taking drugs in the first place?' There's got to be an issue, there's got to be a reason because we can all think for ourselves and we know that it's wrong. ... There has to be a reason why. I think the services are more about fixing the doing rather than looking at the why. Why are they doing that? Why are the kids down the street smashing windows? I think last week in the paper or the week before there was a big thing about the bricks or something being thrown through the windows and they arrested a young fellow. Why is he doing it? He just doesn't walk along and see a brick and say well I'm just going to throw that through that window. There's got to be a reason why. But rather than get help, he'll go through the court system which is no good.*

Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

A further deficiency – identified by almost all interviewees – is that certain vital services that are based outside Gunnedah do not have the requisite local knowledge to provide appropriate service.

*[Services based outside Gunnedah] travel here to see clients in Gunnedah [so] ... they're not involved in the community. ... There's not that level of participation, I suppose. They don't*

*know the families. We might say that's dodgy; there's something wrong here. On face value, it might look fine but because we know the situation and we know the family history and we know local information, we know that there's something going and vice versa. There might be a family who's on the surface, it looks really bad but when you delve a bit deeper and know that okay, they've got this person and that person and that person. This is okay and that's okay. That's frustrating for us.*

Mel McCulloch, Caseworker, Min-Min Aboriginal Corporation

Frustration was also expressed in relation to important services that are only available to people once they come into contact with the criminal justice system. For example, the work of Probation and Parole was spoken of in very positive terms and a number of programs that it offers described as effective, especially in relation to domestic violence and anger management. Given the negative effect on reputation and employment prospects of a criminal conviction or even contact with the criminal justice system in a town where everyone knows each other, a common wish was for early intervention or diversion that would prevent contact.

As noted above, while there was praise for a number of services operating in Gunnedah, there were particular areas that were identified as areas of specific need. These include services dealing with:

- young people
- mental health issues
- drugs and alcohol
- family/parenting support
- housing including emergency housing

## **24.2 Youth services**

The dearth of youth services and opportunities for young people were highlighted by the majority of interviewees, who considered these areas in need of urgent reform.

Several research participants raised their concerns about a high proportion of teenage mothers, with questions ranging from why charges were not being pressed against the fathers, to speculation about why young women were seemingly choosing to become parents, to concerns about the pressure on the teenage mother's own family and prospects for her children.

*That puts a lot of pressure on families. ... [I]t puts pressure on their parents because in the end it's the parents raising the grandchildren, because the kids are too young. They have no idea. They want to be running around outside at 10:00, 11 o'clock at night. They drag their kids with them. What kind of life is that for their kids? They weren't raised like that. They might have been raised a bit rough, but they certainly weren't raised like that. It has kind of escalated.*

Local Community Member

We did identify some positive services for young mothers, including those provided by Family Support and the Community Health Centre, although there is a strong need for services to support young mothers to stay at school or access training opportunities.

Sexual health education and family planning services were raised as issues of particular sensitivity but as urgently needed. Although not the standard practice and policy of

Family Planning NSW who do provide a confidential service to young people, some interviewees were of the belief that young people cannot obtain family planning advice without their parents' permission which was described as potentially having unintended consequences. Confidentiality in general is a problem for young people when, even attending appointments might be problematic. For example, they may need to travel to Tamworth by bus to access services, when it is likely that there will be somebody on the bus who will know them and be curious about where they might be going.

A second area of particular concern is the suspicion that levels of youth homelessness in Gunnedah are underestimated. While there is some awareness of youth who may be 'sleeping down under the bridge', it was said that couch surfing is masking true levels of homelessness.

*It's a real dilemma in a community like Gunnedah when you come across this if you cannot find a safe placement for them within family or friends of family.....Safe I emphasise is the word here we need to focus on.....All we can do is take them over to the youth refuge in Tamworth or wherever there is a vacancy [to see].if they can take them, because obviously they do not always have room, and they do a risk assessment as well, and if a young person is manifesting violent behaviour and things like that, well they won't have them there.*

Danny Lickorish, Reconnect Practitioner, Gunnedah

As noted above, the lack of positive activity for young people was another reported gap. Available activities or services include the skate park – referred to by the majority of interviewees in positive terms and the PCYC with a range of sporting activities, and council holiday programs with varying degrees of perceived success. For example, although there are a range of sporting clubs in Gunnedah, it was said that young Aboriginal people tend not to join them, especially on an individual basis. Similarly, the PCYC seems to be underutilised. Further, at the time of writing, there was no Police Youth Case Manager stationed at Gunnedah, which was described as a significant loss to the community.

At the time of writing, Gunnedah had one youth worker, which was described as 'woefully inadequate for a community of its size'. Contrasts were drawn with towns of comparable size that have five youth workers as an appropriate benchmark for Gunnedah.

One initiative that generated a great deal of enthusiasm was midnight basketball. At the time of our first visits to Gunnedah, preparations were being made for its commencement and people were hopeful of its success. Importantly, it emerges from a collaboration of a number of organisations, including Family Support, Gunida Gunya, Red Chief Local Aboriginal Land Council, Maarumali-li, *Healthy for Life*, the local council, Centrelink, PCYC and the Rotary and Lions Clubs, which in itself was considered to be positive. Aimed at young people aged 12-18, young people come along to the PCYC to play basketball and attend workshops on a range of issues including drugs and alcohol and sexual health and are provided with transport home at the end of the evening.

*That's what we're hoping we'll do [with midnight basketball]. Take a big chunk out of those kids who just have nothing to do on a Saturday night and nowhere to go. A lot of these kids don't have anyone who [will] listen to them. They won't stay home, or do as they're told or their parents don't care what they do - that's a good start anyway.*

Unfortunately, after a successful first season, at the time of writing Midnight Basketball had been suspended due to a lack of support. Young people had enthusiastically embraced the program, but there are not sufficient adult volunteers to maintain the activities. This was a source of great disappointment to those involved in getting the program off the ground and seen as a missed opportunity to engage with young people.

A number of people also spoke positively about informal youth camps that were run by Danny and Helen Lickorish, funded by Min-Min and New Train. These provided opportunities for young people to go camping and canoeing with other young people and adults, with the intention to provide positive role modelling.

*Min-Min used to fund a camp held by Danny and Helen Lickorish in conjunction with New Train. They used to take a lot of youths away. ... It used to give kids something to do once a month or something. ... It was more a team building exercise where they learn to do things together and you know, and communicate and all that sort of stuff. It was pretty good while it was going but whether it helped to lower the crime rate, I couldn't tell you.*

Michael Steadman, Office Assistant, Min-Min Aboriginal Corporation

### **24.3 Housing and accommodation**

At a time when the housing situation in Gunnedah is apparently moving towards extreme unaffordability and hardship, the impact of dramatic rent increases and eviction fuelled by demand from the mining sector is being felt most profoundly by those who can least afford it and is likely to impact profoundly on Aboriginal people who rent accommodation (66.3 per cent) at a much higher rate than the general population (31.5 per cent). The inevitable result, it was argued, was overcrowding and the resulting discord that it generates.

The lack of crisis accommodation in Gunnedah was widely identified as a major problem and a source of frustration to people who had been advocating for emergency support services for many years. Gunnedah does not have a women's refuge/safehouse and there seems little prospect that this will change. There are women's refuges in Narrabri and Tamworth that are said to be too close to make a refuge viable in Gunnedah. A number of people also described the catch-22 that, because women from Gunnedah were reluctant to utilise these refuges, this suggested a lack of need that bolstered opposition to the establishment of a facility in Gunnedah. In fact, it was forcefully argued that vulnerable women chose not to use them because they are too far away from the support of family and friends, who often will not have transport to enable visits and from other amenities such as their children's schools.

At present, emergency accommodation for women exiting situations of domestic violence is limited to accommodation at one of the local motels, which is often unavailable on weekends. Understandably, this was denigrated as completely inappropriate for the circumstances.

Gunnedah also has no accommodation for homeless youth and adults. Again, the level of need for accommodation for young people in particular was considered to be masked by couch surfing and requiring urgent attention.



#### **24.4 Drug and alcohol services**

Gunnedah also provides limited options for drug and alcohol treatment, which was considered to be of major concern in a town where levels of alcohol consumption were so high among Aboriginal and non-Indigenous people alike. Counselling is apparently very difficult to obtain and, crucially, there are no local residential rehabilitation services. Aboriginal residential rehabilitation services exist in Kempsey and Moree and other rehabilitation services exist in Orange, which requires people who have decided to act to move away from family and local supports.

#### **24.5 Mental health services**

The dramatic lack of mental health services in Gunnedah was also repeatedly raised, although it was also acknowledged that this may always be a problem in country areas. Depression linked to unemployment, poverty and helplessness, tied to alcohol and drug use was considered to be dramatically under diagnosed. There seems to be some discrepancy about the level of service available, with some suggesting that the only available service was emergency support at the hospital and a '13' number for a phone assessment, while others referred to psychologists at the Barwon Division of General Practice and in private practice, and a child and adolescent psychologist at Community Health. Mental health services also visit from Tamworth.

#### **24.6 Family support**

As noted previously, extended family is the base unit of Aboriginal community and while it was observed that strong extended families in Gunnedah may contribute to a relatively low crime rate, there was also widespread concern that the strength of the family is being undermined, particularly through the increased number of young mothers inexperienced in parenting. A large number of interviewees attributed this to an unintended consequence of the former lump sum baby bonus. The increasing number of young mothers was said to place a great deal of pressure on families because, in the end, it is their parents who have to raise the grandchildren.

*Has the government's baby bonus contributed to that? I've certainly noticed a number of kids coming through that are part of that. It's going to be even worse when those kids from that era, who possibly were only conceived for that reason and who weren't part of their [parents'] plans, now they are part of their plans because they have been born. You're going to contribute to the ongoing problem of parents not being able to or not having the ability to discipline their kids or develop their kids. That's a personal view.*

Detective Sergeant, NSW Police

Gunnedah offers a variety of services to support families and provide parenting guidance, especially through Family Support. That service has recently changed its focus and now concentrates more on early intervention, concentrating on self-esteem, cooking, nutrition, life skills and financial skills to 'support families before they get to a crisis point'. As a result, there will be less crisis care provided by that service.

The need for a coordinated family support services in Gunnedah has been recognised by the NSW Government and it has received funding for one of nine Aboriginal Child and Family Centres, designed to 'bring together a range of early childhood, health and family support services to improve the overall health and wellbeing of children and support for their families, such as supported playgroups, parenting programs and adult education

opportunities'.<sup>103</sup> The Centre has been launched and an interim service is being offered while the Centre establishes itself and recruits staff etc. Crucial to the Centre's operation is a holistic, integrated approach that deals with families as a whole on a referral and coordination basis. The ambition is that it will exist as a hub, drawing in the Aboriginal community and being able to refer families to available services and programs. Similarly, early learning programs will also have a family learning and family engagement element and have activities programmed until October 2012. While admittedly it is early days, responses to the Centre have been positive. In excess of 300 people attended a family day in a local park and a number of interviewees commented on its success in bringing people together from across the community.

Another area of need was said to be that of counselling as there is nowhere in Gunnedah to refer people for family therapy.

*I will tell you something that is an issue in country areas full stop.....If I want to refer a family for family therapy where do I refer them?.....Realistically, there is nowhere.....Lord knows I've come across a few families that I could refer on for family therapy, and that's just not an option for us.....actually, that's probably not an option for a lot of country areas, right across Australia.*

Danny Lickorish, Reconnect Practitioner. Gunnedah

There were different perceptions as to whether Community Services notifications or child removals were justified but people generally agreed that the focus must be on early intervention. Where removals do take place, it was seen as imperative that the children be placed with family and where that is not possible, with Aboriginal carers.

The lack of paediatric care in Gunnedah was described as 'criminal', worsened by poverty and lack of resources. One person noted that people do their best to support their children but that the waiting lists are horrendous. She noted that a non-Indigenous, middle class person can simply put their children or grandchildren into a car and drive them to Sydney for care but that these resources are just not available to many people in Gunnedah, whose children suffer as a result and which is a cause of significant distress.

#### **24.7 Education and training**

The importance of a positive experience with the education system was repeatedly emphasised. A high quality education and training opportunities for young people were expressed as a high priority by many interviewees. However, the challenge for providing interesting, culturally appropriate education that engages all students in an environment of support and safety poses extraordinarily difficult problems and was described by some interviewees as an almost impossible task.

One theme that strongly emerged was the need for the education system to cater for 'non-academic' students. While it was acknowledged that there are many more options available for students than there used to be, including STEPS, vocational training and work placements, many people expressed a firm desire for more practical or hands on education and training for those who have aspirations to learn a trade.

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<sup>103</sup> NSW Government, Family and Community Services, 'Aboriginal Child and Family Centres' <[http://www.community.nsw.gov.au/parents\\_carers\\_and\\_families/support\\_for\\_your\\_family/aboriginalchildfamilycentres.html](http://www.community.nsw.gov.au/parents_carers_and_families/support_for_your_family/aboriginalchildfamilycentres.html)>.

*School is not for everyone. I think that's something that we've moved away from too. We went through that whole thing where everybody has to get an education. They've got to go to Year 12. That's not the case. There are a huge portion of kids and the Aboriginal kids and non Aboriginal kids that they're just not academic. ... They learn from experience.*

Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

*So if you like doing construction and you're 15 and you don't want to be at school and you want to be a builder, can't we let you do construction for the morning and then get you a traineeship or work placement out with somebody? Because if he's going to muck up and say well stuff you I'm not going to school, he's bored all week doing nothing. It comes to night time and the weekends, what are they going to do? They're going to go out and they're going to cause trouble. Let's be more positive and proactive and give them something - again, give them incentive. ... We want to get these kids who don't want to be at school and are good and creative with their hands, plumbers, electricians. Even with a traineeship working as a road work - I don't care what it is. They can be the street sweeper. If we can direct their energies to something they want to do, we're not going to be fighting them all the time and we're breaking the gap of this spiral that I don't go to school, I'm not going to work, I don't want to do anything.*

Community Service Provider

*[Vocational training] happens in Year 11 they can do that. But a lot of these kids aren't getting to Year 11. They're not even getting to Year 8. I think if we could say well let's work on doing this. Let's see if you can do the first - say you do the first three periods every day in class, you've got to behave and then we'll get you out on work placement. Or you can assist here or we'll get you a traineeship somewhere else. Or you can go to TAFE and do metal welding or whatever you want to do. Let's work and try and have that flexibility in the curriculum that we can adjust it to keep these guys in.*

Community Service Provider

The inflexibility of an externally set curriculum and approach were also challenged as inappropriate. Frustration was expressed at an irrelevant curriculum leaving students 'totally disengaged and tuned out.' It was argued that the education department needs to 'think outside the square', perhaps with hands-on tasks. The current problem is that classroom teachers are constrained by a specific curriculum and if they don't teach it, then they are not fulfilling their duty of care.

*Schools have a set curriculum and they have to stick to it. There are some kids who just cannot hack the system it's too rigid for them. Let's face it not everybody's an academic. For some of these kids they need to go out and learn hands on skills like mechanics or shearing or whatever it may be. Those kids not coping in the system muck up and get suspended and therefore they cannot be placed onto alternative pathways because of their behaviour and they are told we can't take you whilst you're getting yourself into trouble.*

Aboriginal Community Member

The extremely difficult issue of how best to deal with those students who are almost entirely detached from the education system was also frequently raised. In this regard, the impact of the Department of Education suspension policies and the impact of truancy on students' ability to succeed – by whatever measure – were seen to be enormously challenging. The challenge is particularly profound in relation to those students who are so disengaged – either as habitually truanting or frequently suspended – that they cannot even access alternatives to mainstream education.

Some advocated an entirely new approach.

*A whole different type of school is needed for these kids. They can't learn in this system, it's too rigid. ... Don't get me wrong I don't know what the answer is, but it needs to be different and people need to sit and talk to find some different sort of answers.*

Aboriginal Community Member

This alienation was said to have an intergenerational impact, in that parents who had themselves been disengaged from school and education do not encourage their children, with one person asking the question 'how do you teach the value of education to parents?' Family support was described as crucial but that it was difficult to turn around the culture within families that may not value education. Getting parents, whose own experience of education may have been negative, to go to the school was said to be a major challenge.

*There are just so many people - it seems like the next generation missed something. It's like that they missed the importance of education for their children, not for themselves, for their children. It's like they missed that. They don't go to school..*

Jane Bender, CEO Gunida Gunyah Aboriginal Corporation

*There's not much more we can do until we get assistance from the parents. Their involvement is just paramount to any of us changing this cycle of mum didn't go to school, dad didn't go to school. They were kicked out, they wagged whatever. Now they've had kids and the kids don't want to go to school.*

Community Service Provider

*I think the [lack of positive role modelling and encouragement to succeed] is a big thing in town but we've got some mentors up here at the high school which is really good, Aboriginal mentors, for the kids. The main thing is trying to get the parents to value and love an education and tell them to go to school and keep off the grog, and that sort of thing.*

Sergeant NSWPF

A number of people described an environment of finger pointing or blame in the community around the question of how best to engage students who are currently not receiving an education. Some people described community meetings that degenerate into 'blame the school sessions' but without positive outcomes emerging and without recognition that the community must be engaged in educating young people.

*Well to me you've got to have parents, community, students and school. If these four do not work together as a committed team, well what are you going to get? School blames the parents, parent's blame the school and community blame both the school and community and on and on it goes around in circles with no-one winning.*

Aboriginal Community Member

Instead, successful educational outcomes are more likely to emerge from a cooperative approach, when all interested parties act as a team.

*The education system today is very different to the education system when I was a child. Many Aboriginal parents today still have that old view of the education system. They think, the school does not care about their socioeconomic problems, it is the school's job to teach the kids and look after them while they are at school, and the parent should not be expected to help with homework they don't understand (and never did when they were at school) when the kids get home. The education system is different today, especially with*

*the Aboriginal Education Policy, it is more about using the resources available to achieve a better outcome for the child. Not all schools have the same approach, and some schools are far more creative on how to engage the children and their families. But ultimately it is about a team of people, parents and teachers helping a child to get through school.*

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

The need for individualised solutions was another component of the puzzle that was described as essential, especially in relation to students who do not attend school. While some argued that students felt no discouragement from truanting because of a lack of consequences, there was broad consensus that there needed to be a much greater understanding on an individual level of why students were not attending school. The strong perception is that schools and educators need to deal with students' welfare issues before any action can be taken in relation to poor performance or truancy.

*But I'd like to see some sort of counselling or a sit down session for kids who have bad attendance and find out why. Why aren't you coming to school? What can we do to make school better for you? What can we do to make you come to school? What do you like about school? Can we make that thing you like more of a prolonged period?*

Community Service Provider

*The support mechanisms in the education system are sometimes very poor, but sometimes that may be lack of resources, sometimes is locality/remoteness, sometimes class sizes and the pressures of the curriculum. Some children do struggle with their studies, and if there is no one to notice they may need help, pretty soon the child is avoiding class, not going to school, finding other ways to make sure they don't have to go to school, a suspension is always a good way to break, and pretty soon they have fallen so far behind they are too embarrassed to admit they don't understand the work, and then as soon as they are old enough they are thinking of way to get out of school permanently.*

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

Ironically, it was argued that the requirement that students now stay at school until they turn 17 may be contributing to higher rates of truancy as students feel that they are forced to remain there. It was argued that the policy was treating the symptom rather than addressing the fundamental questions of why students choose not to attend school. An additional unintended consequence of the policy that several people described was the impact of the lump sum baby bonus on students who would prefer to leave school. Some students described those students as somewhat trapped, who are able to achieve a way out through parenting income.

*Government legislation ruling that a child must stay at school until they are 17 is sometimes not realistic for a child. School is not a one size fits all project, and there are some children for whom the school environment never is a good fit. Unless those children are lucky enough to find a committed educator who will help them adapt, those kids just find another way out.*

Wayne Griffiths, Traditional Owner and Custodian of the Lands in the Gunnedah area

One suggestion that seemed to be widely supported was the provision of programs or incentives for young parents – mothers in particular – to access education and training.

#### **24.8 Support for men and boys**

Finally, an area considered to be somewhat hidden, was the need to support men and boys to navigate a rapidly changing world and define their role as Aboriginal men

within it. Some interviewees commented that, in recent years it is the women who are the leaders, who have the jobs and are earning the income and who are interacting with other people leading to frustration, anger and jealousy from men, which on occasion escalates into violence. It was claimed that there is nowhere for men to connect with each other in healthy positive ways, this has apparently been worsened by the axing of CDEP that used to provide some of that opportunity.