

Clash of the Paradigms

Night Patrols in remote central Australia

Jennifer Turner-Walker

(aka Jenny Walker, Jenny McFarland)

Degrees and Diplomas:

Grad. Dip. In Development Studies
Deakin University, 1995

Bachelor of Arts, Anthropology major
University of Queensland, 1990

Grad. Dip. In Art (Photography)
Sydney College of the Arts, 1981
(University of Sydney)

Diploma In Art (Photography)
Alexander Mackie College, 1980
(University of NSW)

*This thesis is presented for the degree of Master in Criminal Justice,
University of Western Australia*

*Crime Research Centre, Faculty of Law
2010*

Abstract:

Clash of the Paradigms: Night Patrols in remote central Australia.

Introduction: *Includes a brief history of Patrol origins, and how they arose from the necessity to develop new forms of social regulation from a basis of extant cultural law after the colonisation of central Australia.*

Research Methodology: *Delineates the field work methods and action research with remote settlement Patrols that informs this thesis.*

Local Knowledge: *Describes some of the physical, cultural, and environmental factors that affect Patrols and their operations.*

Settlement Origins and Patrols: *Describes how the differing origins of remote Aboriginal settlements (mission or pastoral) impacted on the functionality of settlements and their Patrols.*

Risk: *Describes the most significant forms and sources of risks to health and safety in remote Aboriginal settlements in the region, with a particular focus on alcohol, substance misuse and violence.*

Culturally Specific Conflict: *Investigates some forms of Aboriginal conflict such as “jealousing” that have no non-Aboriginal equivalent. Functional Patrols, being cultural insiders, are particularly good at mediating and resolving these forms of conflict.*

Job Descriptions and Night Patrol Strategies: *Descriptive chapter, using the picture reports developed by RANP and data generated from them, to describe in some detail some of the most common challenges for remote settlement Patrols, and the Patrol strategies and responses that are used to address them. These are all based in the primary cultural imperatives of Aboriginal cultural law.*

Lost Opportunities: *The most significant threats to the functionality and sustainability of remote settlement Patrols are a result of the recent imposition of culturally alien operational modes and models, largely as a result of the Northern Territory Emergency Response (NTER, or the Intervention), and the simultaneously implemented new NT Shire system of local government. Conclusion is that the new operational Patrol regimes are not congruent with the essential basis in cultural law of remote Aboriginal settlement Patrols, and that this is the factor that represents the most significant threat to their ongoing effectiveness, functionality and existence.*

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Acknowledgements.

First and foremost, I would like to acknowledge and thank my Aboriginal colleagues from the remote settlements and Night Patrols of Central Australia, who shared their extraordinary skills and knowledge with me. I hope this thesis does them sufficient justice, and contributes to a broader cross-cultural understanding of what makes a functional remote Aboriginal settlement Patrol such a potent force for crime prevention, community safety, and justice.

I would also like to acknowledge and thank the Alcohol Education and Rehabilitation Foundation (AERF) for the Professional Development Grant that permitted me to work part-time, and focus on the writing of this thesis.

Tangentyere Council played a crucial role in supporting remote settlement Night Patrols by auspicing the Remote Area Night Patrol (RANP) program for many years. William Tilmouth (CEO, Tangentyere Council), Margaret Reilly (RANP Project Officer), Blair McFarland (first RANP Coordinator, currently manager of Central Australian Youth Link-Up Service (CAYLUS), and many others worked very hard to maintain Patrol continuity and support, in Alice Springs as well as in the surrounding remote Aboriginal settlements.

I would like to thank and acknowledge the support of my friends and colleagues from many other agencies and areas, who were prepared to discuss ideas with me, read my draft chapters and provide me with invaluable insights and comments. Among these people are my supervisor, Prof. Harry Blagg, NT Police Superintendent Kym Davies, Melinda Hinkson (CAEPR, ANU), Anne Mosey, and others too numerous to mention.

Chapter 1: Introduction

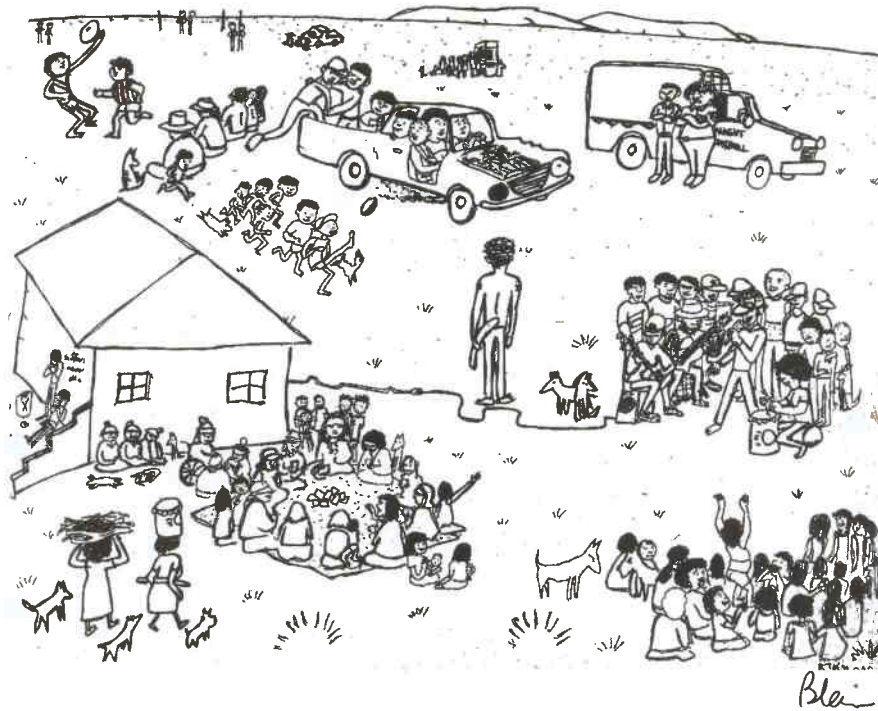


Fig. 1: "Community Life" by Blair McFarland

This research examines the crucial crime and violence prevention role of Aboriginal Night and Community Patrols in the 20 plus remote Aboriginal settlements of the Northern Territory region south of Tennant Creek. The research focuses on the period from the early 1990s with the appearance of the first remote settlement Night Patrols in the Northern Territory, to their demise as community owned services with the Howard Liberal government's Northern Territory Emergency Response (the Intervention) and the implementation of a Shire system of local NT government. These measures removed the last vestiges of remote Aboriginal community ownership of Patrols and other Aboriginal initiatives, thereby undermining the Aboriginal cultural and family imperatives that were the basis of functional Night and Community patrols.¹

Though there are some similarities to community safety initiatives in other cultural and geographic areas, Aboriginal Night and Community Patrols in

¹ Remote settlements are commonly referred to as "communities". The term "community" is a problematic one. My own preference is for the term "settlement", as it does not have the connotations of an illusory social cohesion and harmony inherent in "community". See Chapter 4 "Settlement Origins and Patrols" for a fuller explanation of my use of these terms.

remote regions of Australia are very locally and culturally specific. The intention of this thesis is to explore some of the enormous range of roles, strategies, and methodologies of remote Patrols during the time when they could have been viewed as stellar examples of Aboriginal self-determination in action, a genuinely grassroots wholly Aboriginal initiative to improve the safety of their families and settlements where the non-Aboriginal domain had so clearly failed.

The Patrols' local and cultural specificity has disadvantaged the patrols in their interactions with non-Aboriginal organisations such as police and government agencies, as their strategies and actions are largely opaque to the non-Aboriginal administrative, regulatory and social domains. The tendency is to try to understand Patrols in terms of equivalence to non-Aboriginal community policing initiatives such as Neighbourhood Watch, or security services. This does the Patrols a great disservice, and fails to recognise the extraordinary complexity of Patrol functions and strategies. It also overlooks the skill, commitment and determination of the Patrollers in undertaking to protect their families and make a difference to quality of life and safety in their home settlements.

Night and Community Patrols' major strengths are in harm minimisation, crime prevention and dispute mediation. As cultural insiders, they have a deep and intimate knowledge of the intricacies of family and individual relationships that comprise the remote Aboriginal political and socio-cultural milieu. This enables them to identify, manage and mediate potentially dangerous disputes and situations before they escalate to unregulated violence. Preventative activities are notoriously difficult to quantify, which has affected attempts by funding bodies and others to "benchmark" Patrol activities, and to implement appropriate and effective Patrol reporting systems².

Cultural outsiders such as police are unable to perform the functions of a Patrol, as they lack the cultural status and connectedness that supports the remote Patrols' mandate to take preventative action. These restrictions also apply to

² RANP designed a pictorial reporting system for remote settlement Patrols that was used to collect the statistical information in Chapter 7 of this dissertation. The pictorial reporting system avoided issues of varying levels of literacy, and the language differences in the region. There are more than ten major language groups in the southern region of the Northern Territory.

Aboriginal Police, as they are obliged to administer a culturally alien system of law, underpinned by non-Aboriginal legislation and coercive powers, rather than the Aboriginal cultural and family imperatives that underpin the remote Community and Night Patrols. Many Aboriginal Community Police Officers (ACPOs) have reported experiencing great difficulty with trying to juggle the competing and contradictory demands of their job with their family and cultural responsibilities.³

It is crucial that Patrollers have sufficient gravitas and cultural status, and are sufficiently well-connected within their families and home settlements, in order for Patrols to be effective. Patrollers do not have a codified legislative framework to delineate their roles, and have the same minimal non-Aboriginal legal powers as any other Australian citizen, with considerably less access to the more positive aspects of the rule of law. Non-Aboriginal law is largely irrelevant to remote Aboriginal populations, and Aboriginal law is the primary social and political construct that governs people's lives and behaviours. Patrollers' mandate comes from their insider knowledge of Aboriginal cultural law and the strength and extent of their family networks. If Patrollers lack cultural and family status and gravitas, they will not only be ineffective, but will also be exposed to considerable physical and cultural dangers.

There are marked gender differences between the cultural constructions involved in "looking after" family, and the approaches and methodologies of women's and men's Patrols. Broadly speaking, women operate in a less authoritarian manner than the men, with more emphasis on their culturally sanctioned role as menders and maintainers of social and familial networks. Men are often more direct in their exercising of authority, and are able to be "harder"⁴ than women. Both men and women are most comfortable and most effective when dealing with their own gender, as there are a number of cultural

³ Pers. comm. R. Hoosan, Aboriginal Community Police Officer, 2007. Pers. comm. Superintendent K. Davies, NT Police, 2005, 2007

⁴ Japanunga, a senior Patroller was explaining to me how he dealt with an outbreak of family fighting at a settlement sports event. Paraphrasing Japanunga - "I tell them to go back to their own country if they want to fight. I tell them, you go sit down over there (gestures to west). Really hard too." What Japanunga meant by being "hard" was not that he was finding being a Patroller difficult, but that he, by dint of his seniority and high cultural status, was able to resist or ignore accusations of "not helping" family that could have swayed a person of lesser status. Japanunga, 2006.

considerations that can expose people to cultural dangers; for example, breaching an avoidance relationship between kinship categories such as mother in law and son in law, or being vulnerable to “jealousing”⁵.

Above all, it is vital that the Patrollers’ roles and activities are viewed by settlement residents and family as “looking after” people, as this is congruent with primary Aboriginal cultural values, and supports the Patrollers’ mandate for action, negotiation and mediation.

A brief history of Patrol origins

Night and Community Patrols have their roots in pre-invasion Aboriginal cultural and social structures, but are a very contemporary adaptation of Aboriginal governance and social forms to the current conditions of remote settlement life. The Patrols are a grassroots movement, a wholly indigenous idea and as such, operate within and from their own cultural domain.

Night and Community Patrols first emerged during the era of the imposition of settlement life on previously nomadic Aboriginal groups in the Central Desert regions of the Northern Territory. Groups that would have avoided each other if tensions were becoming evident, or groups with traditional enmities and rivalries were forced to sit down together in a remote settlement, or gather around a rations depot as pastoralists claimed their land and were no longer able to use the “geographical” solution to avoid conflicts, i.e. moving to another area to avoid escalating tensions.

The gathering together of groups of people at rations depots and in the growing townships of the Northern Territory, and their subsequent movement into missions and settlements provided many opportunities for conflicts between Aboriginal individuals, families and groups to arise, escalate, and proliferate.

These disputes originally centred around negotiating the legitimacy of claims to country and resources, and negotiating interpersonal relationships and

⁵ Jealousing is a culturally specific form of conflict that has no non-Aboriginal equivalent. A more comprehensive examination of jealousing can be found in Chapter 6: “Culturally specific conflict”.

reciprocal obligations. Mediating disputes to avoid escalation of conflict required great skill and diplomacy on the part of the elders of the different groups and the traditional owners of country where different Aboriginal groups were co-located. Elders would walk around the new settlements, visiting their networks of relations, negotiating and brokering agreements to keep the peace and resolve disputes.⁶ As the Aboriginal political system is based on specific connections to family and country, negotiations between Aboriginal groups and people are complex, and ongoing - a cultural constant as circumstances change. These groups of elders were precursors to what later became the community and Night Patrols of the remote regions in the Northern Territory.

Patrol role and functions

In the early days of Remote Community Patrols, they were initiated and staffed by volunteers, and mostly operated on an informal and “response” basis; that is, they would respond to family and personal conflicts that they knew were escalating, or to an influx of grog or other substances into their community. Settlement life ramped up the complexity of managing interpersonal and intergroup communications, and reduced the possibilities for relocation if things were getting tense.⁷ Patrols most often consisted of a core group that were part of a larger, flexible coalition of key people from different groups and families, who were called upon as needed.

Since the early 1990’s, Patrols have been conspicuously present at intra and inter settlement cultural and sporting events, as disputes and jealous fights often flare up where different groups are in close proximity to each other. These events were sometimes viewed by different Aboriginal groups as opportunities to enact payback, “jealousing” (a culturally specific form of conflict), and family fighting. Some disputes between groups and families have a history going back for more than two decades; events such as major football

⁶ It was not always possible to negotiate a non-violent solution to a conflict. Part of the job of negotiating settlement of a dispute may also have been negotiating the terms and conditions of payback. (Pers. comm., Aboriginal elders and patrollers attending RANP Reference Group meeting at Hamilton Downs, 2001, confirmed by Blair McFarland and others).

⁷ More on this in chapter 4 “Settlement origins and Patrols”

matches have often been staging grounds for provocation and escalation of these long-running disputes.⁸

The Aboriginal Community and Night Patrols in this region were most effective at the regulation and prevention of culturally specific forms of dispute, such as “jealousing”⁹, domestic violence, family violence, internecine group conflict and some forms of criminal activity. These prevention activities were congruent with the Patrol “looking after family” models of behaviour that had the approval, support and sanction of settlement and family. Another important task for Patrols, congruent with their cultural sanction to “look after” family was looking for people who may have become lost, old people who had wandered off into the bush, or people who had not arrived at the settlement when expected.

Getting lost or experiencing vehicle breakdowns or accidents in remote regions is very dangerous, as the landscape and conditions are unforgiving, and perishing is a very real possibility if people are not found in time. Local Aboriginal people tend to use a network of station tracks and backtracks for hunting and travel between settlements. These tracks are not maintained and are used infrequently. There may not be a passing vehicle for considerable lengths of time that could raise the alarm, or assist people to get to safety. Looking for lost people and broken down vehicles was crucial to establishing the Patrols’ legitimacy and authority; their cultural and family mandate was to “look after” people, and failure to do so undermined the basis of their relationship to their community, and eroded their capacity for effective action. An alarming development since the Patrols’ administration has been handed over to the new NT Shires, is that they are no longer able to fulfil this crucial function, thereby undermining Patrol credibility and functionality in their home settlements, and reducing their effectiveness across the board.

Some years ago, a remote settlement in the region reported that a man with an intellectual disability had gone missing. He was on foot, had no supplies or

⁸ See Chapter 6 “Culturally specific conflict”.

⁹ “Jealousing” or “jealous fighting” is a term used to describe a range of culturally specific forms of dispute for which there is no non-Aboriginal equivalent. Please see Chapter 6 “Culturally Specific Conflict” for more detailed information.

water with him, and family were very concerned for his safety. Family turned out in force to look for him, but he remained elusive. The man's family then called in the troops – family from other settlements, including a men's Night Patrol who were related to the missing man and his family. When the Night Patrol sought permission from their home settlement administrator to join the search for the missing man, they were refused access to the Night Patrol vehicle and fuel. Stranded in their home community, they could only wait and hope the man was found. Their inactivity, even though it was not deliberate or intended, meant that they encountered considerable hostility from family, and were blamed when the missing man was found dead about a week later. The administrator who refused the Night Patrol access to the vehicle and permission to look for the missing man was indifferent to the lasting effect their decision to not allow the Night Patrol to join the search would have, and continues to have.

Members of the Night Patrol were blamed for the man's demise, and were threatened with payback. There is no statute of limitations that applies to payback, and it can be enacted at any time, even years later. The Patrols' inability to fulfil their cultural and family obligations created a permanent grievance between the Patrollers' families and the family of the missing man. The Night Patrol's credibility in the region diminished sharply because they did not "look after" family in the appropriate manner, and the Patrol members eventually had to cease work as Patrollers.

In the early days of Patrols, their operations were below the radar of many government organizations, which disadvantaged them in their access to resources such as vehicles and funding, but conferred advantages in that they were accountable first and foremost to their families and home settlements, and had considerable freedom in developing and implementing strategies that were congruent with their family and cultural obligations. It is something of an irony that broader recognition of the importance of Patrols to remote settlement and family safety, and the provision of funding for Patrol jobs has co-opted the

formerly “community owned”¹⁰ Patrols into a non-Aboriginal service model that prioritises administrative expedience over service delivery, and removes the basis of the Patrols’ legitimacy and effectiveness. The provision of resources is not the problem here – it is the way it has been done that is the issue. The operational and employment model under which Patrols are currently working was written by far away bureaucrats with little idea of what Patrols actually do, and even less idea of how to support Patrols’ functionality and community ownership.

Over time, as Patrols became more structured, Patrol volunteers were supported by workers employed under CDEP (Community Development Employment Program). Elders involved in Patrols were generally ineligible for CDEP support, or were compelled to surrender their pension and other social security entitlements in order to receive comparatively paltry and unreliable wages payments. Many older Patrollers opted to work on a volunteer basis rather than do this, as poor health and extensive family and cultural responsibilities compromised their ability to work on the basis demanded by the non-Aboriginal domain. As the legitimacy and mandate for Patrols to take action was partly based on the cultural credibility and status of the community elders involved, this is a poor reward for their often Herculean efforts.

When Patrols began to be a feature of remote settlement life, administrative support was scarce, inconsistent, and difficult for Patrols to access, as this was usually an extra job reluctantly taken on (if at all) by a non-Aboriginal CDEP supervisor or Community Government Council worker in a remote settlement.¹¹ Anne Mosey worked as the Yuendumu Women’s Centre’s Coordinator in the early 1990’s, and helped the Yuendumu women set up their Night Patrol, the first all-women’s Patrol in a remote Aboriginal settlement. A previous men’s Patrol in Yuendumu had proven to be ineffective, as they were unable to resist

¹⁰ See Blagg, 2003, and Blagg 2008. Blagg identifies community ownership, in the sense of Patrols enacting Aboriginal cultural and family imperatives, as being crucial to their success. Blagg also makes an important distinction between community owned initiatives such as Patrols, and community based initiatives, where local Aboriginal people are enacting an external agency’s agenda in their home settlement.

¹¹ Pers. comm., Anne Mosey, 1994.

the pressures and temptations of their grog-running relations, and suffered a credibility crash.

The Yuendumu women had heard of the successes of the Julalikari Night Patrol in Tennant Creek in reducing harm caused by alcohol and violence to Aboriginal people. Dissatisfied and uncomfortable with non-Aboriginal policing methods, the women wanted to operate their own service, congruent with Aboriginal cultural practices and mores. As cultural insiders, the women knew who was at risk, who was most likely to be running grog or gunja (marijuana) into their home settlement, and which family disputes needed some intervention and mediation before they escalated to violent conflict.

After a number of years of living in Yuendumu, and assisting the Yuendumu women to set up and run their Night Patrol through the Women's Centre¹², Ms Mosey left to work for the Drug and Alcohol Services Association (DASA) in Alice Springs. By 1994 Mosey had facilitated and coordinated the establishment of 14 remote settlement Patrols in the region, and had written a seminal report for DASA outlining the principles and practices involved in setting up and maintaining a successful remote settlement Patrol. Mosey's approach to setting up and maintaining the functions of Patrols was basically one of community development, where Patrols identified, managed and mediated local issues, using the human and other resources appropriate and available at the time.

Identifying the issues they were able to successfully manage was crucial for the Yuendumu Patrol women, in order to maintain their own safety, and to not exacerbate conflicts or trouble through confrontation. The flexibility of Mosey's community development approach meant that the remote settlements had a strong sense of ownership of their Patrols, and that they were, as a result, generally able to respond rapidly and appropriately (in Aboriginal terms) to events and escalations of conflict in their home settlements.

¹² The Yuendumu Women's Centre is a separately incorporated organisation. Its independence from the vagaries of local government and other organisations has been a very important factor in the longevity, sustainability, and considerable success of the Women's Patrol, enabling it to resist attempts at resource capture by other groups in the community. It has also meant that during periods of resource poverty, the women have worked as volunteers for extended periods.

It became clear to Mosey that the remote settlement Patrols would continue to need ongoing support and coordination. In early 1994, Mosey wrote a submission to get funding for an ongoing Night Patrol Coordinator's position to continue assisting the Remote Patrols. The proposal to continue the Night Patrol Coordinator's position was supported by high level staff within what was then Territory Health Services, who advocated strongly to get the position funded.

Mosey discussed the auspice of the Night Patrol Coordinator position with a number of organisations in Alice Springs. Tangentyere Council¹³ agreed to accept the auspice for the project, a submission was written, and in November 1994 the Remote Area Night Patrol Coordinator's position was funded through Territory Health Service's Drug and Alcohol program, Living With Alcohol (LWA). Blair McFarland, now one of the Central Australian Youth Link Up Service (CAYLUS) Managers, was the first Tangentyere Remote Area Night Patrol Coordinator. I subsequently became the RANP Coordinator for the next nine or so years.

For almost fifteen years, the Tangentyere Council Remote Area Night Patrol (RANP) program coordinated seeking funds (mainly one-off small grants, as this was generally all that was available for Patrols' support), funding submission and acquittal writing, facilitating Patrols' attendance at sporting events, drafting of job descriptions and rules for Patrol vehicles (important for minimising resource capture by a dominant group or family), coordination of training opportunities, and formation and facilitation of meetings of a remote settlement Patrol Reference Group. RANP also operated from a community development ethos of *supporting* the Patrols, enabling and facilitating their local remote settlement and culturally defined functions and issues. This is an important distinction, as the RANP model did not seek to challenge the

¹³ Tangentyere Council is an Aboriginal organisation based in Alice Springs. The focus for their programs is providing services to the 20 town camps in and around the Alice Springs region. However, they provide an administrative base and auspice for remote community programs such as Remote Area Night Patrol (RANP) and Central Australian Youth Link Up Service (CAYLUS). RANP is no longer auspiced by Tangentyere Council, and remote settlement Patrols are currently being administered (poorly) by the new Shires. The impact this has had on the Patrols is explored in chapter 8 "Lost Opportunities".

culturally embedded imperatives of Patrols, nor to co-opt them into a culturally alien service model.

Community ownership

Harry Blagg¹⁴ makes an important distinction between community *ownership* of programs and initiatives, as distinct from community *based* programs and services.

*“Community based services simply relocate the service to a community setting, rather than reformulating the fundamental premises upon which service is constructed”*¹⁵

Examples of community based justice programs are police and court services. The Patrols were community *owned* in the sense defined by Blagg; initiated by Aboriginal community members and families, and operating from a basis of their own cultural law and kinship structures.

In more recent times, since the Northern Territory Emergency Response (NTER, or the Intervention) and the inception of a Shire local government system in the Northern Territory, the Patrols have been co-opted by bureaucracies with scant understanding of, or sympathy for Patrols’ roles and capacities. In the limited understanding of the government agencies involved in the administration of Patrols, they are assumed to more closely resemble security services than to perform any “community owned” or defined roles. By removing community ownership of Patrols, and the capacity of Patrols to “look after” their settlement and family sanctioned needs, these agencies have also removed the Patrols’ legitimacy in the eyes of their home settlements and families. This is impacting adversely on the functionality and effectiveness of remote settlement Patrols.

¹⁴ *Crime, Aboriginality and the Decolonisation of Justice*, Hawkins Press, 2008, pgs 183-185

¹⁵ *Ibid.* pg 183

The Higgins Report

The Higgins Report, produced in 1997 approximately six years after the inception of official remote settlement patrols, was the first systematic evaluation done of indigenous community/Night Patrols (NPs) and wardens schemes (WS). Higgins noted:

“The authority (and powers) of NP and WS members are generally seen to come from their Aboriginality, and from their strength of character and practice of cultural protocols.”¹⁶

Higgins also comments on a successful patrol: *“The Np [sic] operates within accepted Aboriginal protocols, and there is constant feedback along the “grapevine”, which keeps the NP accountable to the community. If the NP operated differently, then the community would not accept it.”¹⁷*

Generally, remote settlement Patrols operated as networks, with a loose and flexible structure incorporating a core group of Patrollers, who were able to call on the support of a wider group of elders, traditional owners, the opposite gender, and appropriate family members as needed. Up until the Federal government allocated systematic funding in late 2007, Patrols were minimally funded, and scraped along from one small one-off grant to another. Their activities and effectiveness waxed and waned according to who was doing the patrolling, changing conditions in their home settlements, local use of alcohol and other drugs, and levels of support available in their home settlements and from the non-Aboriginal domain.

Higgins notes that:

*“.....the status of a particular scheme is known to fluctuate depending on the circumstances in the community”.*¹⁸ Higgins’ report was one of the first to make recommendations about support for Patrols, and his observations about Patrols

¹⁶ Higgins; “Best Practice for Aboriginal Community Patrols and Warden Schemes”, Report written for Office of Aboriginal Development, 1997. Pg 2

¹⁷ Ibid. Pg 81

¹⁸ Ibid. Pg 1

are as true as they ever were; however, like other Aboriginal grassroots initiatives, Patrols have been subsumed and co-opted into non-Aboriginal systems of governance in the interests of administrative expedience.

The remote Aboriginal Patrols in this region work under the most difficult of circumstances. They are confronted with political and bureaucratic indifference and often hostility to the Aboriginal socio-cultural imperatives that underpin their functions and *raison d'être*, plus considerable opposition and hostility from their own and other Aboriginal family members who conflate their rights as citizens with the right to drink to excess. Then there is the recalcitrance of the liquor industry in defending their right to sell as much alcohol as they can while refusing any responsibility for the results of their alcohol sales, poor or non-existent Patrol infrastructure, and a paucity of referral or other options for people at risk from alcohol, substance misuse, and violence. Patrols are remote settlements' first resort if conflicts are escalating, or there are disputes to be mediated. They are also the first to be blamed or questioned if there is a perceived injustice or failure.

Patrols' violence prevention, crime prevention and dispute mediation activities are largely invisible to the non-Aboriginal domain by dint of cultural, geographic, administrative, and linguistic isolation. To see a group of women sitting under a tree watching teenage girls play basketball looks like a peaceful scene of family relaxation. However, what is unseen is that the women under the tree are the aunties and grandmothers of the girls playing basketball, and that they are there to stop a jealous fight they know is occurring between two of the girls escalating to violence, or turning into a family fight. Culturally specific forms of violence such as jealous fights have the potential to draw in much larger groups of family to support the disputants, and can continue to do damage to people and families for decades.

A long running family fight that allegedly began with "jealousing" in the NT Central Desert region has been the cause of an alarming number of incarcerations for violent offences, and at least six deaths and innumerable injuries to the members of the families involved. Every death or injury escalates this dispute, and adds to an endless cycle of aggrieved payback. The fight has

been going on for close to twenty years now, and has become extremely complex as a result of the cycles of outbreaks of violence and payback. It is not necessarily only the active combatants who are harmed in family fights. People who are harmed as a result of a family fight are targets simply because they are members of the families that are in dispute. Some of the people who have been harmed as a result of this fight had not been born when the fight began.

When Patrols were community owned, each Night Patrol was able to reflect the individual differences between remote settlements, and the Patrols were shaped according to the social order needs, issues, and human and other resources available in the home settlement. Remote Patrols are accountable first and foremost to their own families and settlement populations, under their own systems of family and kinship based governance. Patrols' local specificity is difficult for the non-indigenous domain to understand, let alone administer and manage. The tendency is to collapse remote Patrol services into administrative categories that are convenient for non-Aboriginal bureaucrats and agencies to manage, and to "benchmark" their activities according to a set of culturally alien performance criteria, to the considerable detriment of the Patrols and their home settlements.

Chapter 2: Research methodology

The majority of the primary data for this research was collected in the process of my 9 years of work with the Remote Area Night Patrol (RANP) program (1996 to 2006) The program was funded from a variety of Federal and NT Government sources, and was auspiced by Tangentyere Council until 2008. The RANP Coordinator's position involved working as an advocate, liaison and support person for the remote Patrols in the RANP region (the NT remote settlements south of Tennant Creek). Resource hunting was an important part of my work as RANP Coordinator, as the majority of grants available for Patrols' support were in the form of non-recurrent grants of \$15,000 or less. Before ATSIC (Aboriginal and Torres Strait Islander Commission)¹⁹ collapsed, they provided recurrent baseline funding for Patrols in some settlements of up to \$20,000 per annum. This generally covered the costs of fuelling and maintaining the Night Patrol vehicle, with perhaps a little left over for top-up on CDEP (Community Development Employment Program) wages for part of the year.

The Patrols did not always get the benefit of the funding intended for their use, as it was not difficult for a corrupt or "captured"²⁰ settlement Council to divert the funding and use it for other purposes. Culturally and geographically distant resource providers and funding agencies were generally unaware that their resources may have been captured in this way, as accountability procedures and requirements relied on information relating to a different set of organisational and cultural imperatives than those that operate in the Aboriginal cultural domain. Resource and discourse capture are ongoing hazards to equitable resource allocation and accountability across the cultural divide, despite recent changes to local government regimes (now a Shire system

¹⁹ ATSIC was disbanded in 2001. There has not been an equivalent national Indigenous advisory and funding body since then.

²⁰ Briefly, the "capture" of a resource or discourse entails a mismatch of expectations, with a particular Aboriginal group, person, or family being viewed by resource providers and agencies as being representative of the majority of community or group interests. Generally the person/s or group who have captured the resource are protecting their own claims to and interests in the resource/discourse by ensuring other competing groups do not gain access.

rather than individual settlement Councils), and the Howard Government's Intervention (Northern Territory Emergency Response).

My work at RANP involved seeking out and writing submissions for funding grants, frequent consultations with remote settlement Patrols and funding agencies, convening and facilitating an annual Remote Patrol Reference Group meeting, producing a video newsletter²¹ (the minutes of the Reference Group meeting were produced in video form), the development of culturally appropriate reporting tools and administrative arrangements, and the writing of extensive reports to funding bodies. Each time I sent a report to a funding body, I included explanatory background and cultural and community information, as it was often the case that the project manager or person at the organisation I was reporting to had changed, and had little or no prior knowledge of Patrols and remote communities.

There are 24 remote settlements in the southern NT region (not counting outstations), most of which have had a Patrol at some stage. During the RANP era, there were usually between 12 and 17 operational remote settlement Patrols working in this region. Those settlements without operational Patrols often expressed a strong desire to have, or to revive, an operational Patrol. Assisting remote settlements to establish, re-establish and maintain functional patrols was the largest proportion of my work at RANP. The work was complex, as it involved taking into account not only inter and intra-cultural differences, but the differences between remote settlements, language groups, differing gender and age group approaches to Night Patrol work, and the sometimes volatile local family and settlement politics.

From January to May of 2008 I briefly worked as the Regional Night Patrol Coordinator of Central Desert Shire. The funding for my position (and the Coordinator's positions in the other Shires) came from the Federal Attorney-General's Department – but initially not from the NTER. The funding for

²¹ The video newsletter used as much material as possible in Aboriginal languages, and focused on issues and matters of interest to the remote settlement Patrollers. The use of video format avoided problems with varying levels of English literacy, the wide range of different Aboriginal languages spoken in the region, and provided a way of reporting to the Patrollers about RANP and funding body activities. Aboriginal people are largely a "client" population in this region, so do not often have the opportunity to be reported to in this way.

Patroller positions in remote settlements came from CDEP (Community Development Employment Program) schemes that were being “cashed out” in a bid to phase out CDEP, and the auspice of the new remote Patrol arrangements was handed to the nascent Shires, at the time not yet in existence as an administrative and legal entity.

Funding, employment and coordination for Remote Patrols were later bundled in to the NTER, and have changed the Patrols’ operating parameters, providing an improved but narrower resource base accompanied by tighter regulation and accountability requirements. The new funding and auspice arrangements have also created a new set of issues for Remote Patrols, as they are now having to deal with the loss of community/settlement ownership, the disenfranchisement of remote settlement women (the driving force behind many of the remote Patrols), and the Patrols’ co-option by non-Aboriginal bureaucratic and political agencies and agendas.

There is very little literature dealing specifically with remote settlement Night and Community Patrols, though there is somewhat more dealing with Indigenous urban Patrols. Some of the major publications that focus on, discuss, or make recommendations regarding Indigenous Patrols are:

- ❖ The Royal Commission into Aboriginal Deaths in Custody (RCIADIC, 1991)
- ❖ “*Little Children are Sacred*” report (Anderson and Wild, 2007)
- ❖ “Profiling Night Patrol Services in Australia” (Blagg and Valuri, 2002)
- ❖ *Crime, Aboriginality and the Decolonisation of Justice*, (H. Blagg, 2008)
- ❖ “Best Practice for Aboriginal Community Night Patrols and Warden Schemes” (Higgins & Associates, 1996)
- ❖ “Indigenous Community Engagement in Safety and Justice Issues”, (2004), “The Evolving Role and Functions of Remote Area Community Night Patrols in Dispute Resolution” (2005) - discussion papers written by Peter Ryan, NT Dept. of Justice
- ❖ “Remote Area Aboriginal Night Patrols” Anne Mosey, 1994
- ❖ Background papers written to inform the Northern Territory and Western Australian reviews of customary law.

The above list is by no means definitive, and does not include the many insightful papers and books that inform this thesis, written by Tim Rowse, Melinda Hinkson, Jon Altman, Blagg and Valuri, Hal Wootton, Marcia Langton, Ralph Folds, Virginia Burbank, Tess Lea, and many others. Other research materials and insights gained to inform this thesis come from the many stories told to me by the remote settlement Patrollers I have had the privilege of working with, remote settlement families and key individuals, many conversations and discussions with people such as Anne Mosey, Peter Ryan, Jackie Antoun, Professor Harry Blagg, NT Police Superintendent Kym Davies, Margaret Reilly, Blair McFarland, (the first Tangentyere RANP Coordinator), Phil Hassall, and Tristan Ray from Central Australian Youth Link Up Service (CAYLUS), and many others who have been prepared to generously share their experiences and wisdom with me.

The video newsletter, "Night Patrol News" was, as mentioned above, part of my RANP communication, networking and accountability strategies. The newsletter was produced twice a year on average from 1999 to 2006. The Night Patrol News covered many events in which the Patrols were key players, covered issues and Patrol strategies, profiled particular remote settlement Patrols and people, and recorded the minutes of RANP Reference Group meetings. The Night Patrol News has been a unique and invaluable research resource for this dissertation.

The aim of this research is to address some of the gaps in knowledge about remote Aboriginal settlement Patrols, and to highlight the dedication, creativity, variety and remarkable achievements of the remote settlement Night and Community Patrols in the southern region of the NT (south of Tennant Creek). The research seeks to add to the small body of work that has been done in this area, and will hopefully contribute to a broader understanding of the roles, activities, responses and effectiveness of the remote Patrols in Central Australia over the approximately twenty year period from the late 1980s to the first decade of the new millenium.

My hope is that this research project will inform the knowledge and understanding of policy makers and funding bodies, enabling improved program design and development, better use of resources, and more informed and effective policy and decision making. This, in turn, will hopefully influence the Patrol management and administration strategies used by government agencies at all levels, and will improve the levels, appropriateness, and consistency of support available to remote area Night Patrols, and other Aboriginal community safety strategies.

Chapter 3: Local knowledge

There are roughly 24 remote settlements in the southern half of the NT (south of Tennant Creek), and a somewhat larger number of outstations. Most of the outstations in the region are occupied only part of the time; some have been abandoned as services and resources have become more expensive, sparser and more difficult to access. Populations in these remote settlements vary from under one hundred people to more than a thousand. Populations are not constant; sporting events, funeral rites (sorry business), ceremonial and family obligations, needing to access services unavailable in the home settlement, or an outbreak of family fighting can unpredictably swell or diminish the numbers of people in a remote settlement.

Remote locations, poor roads, long distances, extreme weather, unreliable infrastructure, and cultural differences in and between Aboriginal settlements and outstations present considerable difficulties for non-Aboriginal service and supply agencies. It is expensive to live in remote settlements and to travel in remote regions, so there is considerable irony in the fact that the poorest people in Australia are the Aboriginal people who live in remote settlements. Basic supplies such as food and fuel have to be trucked in over considerable distances, adding to costs and prices. The prices of fuel and foodstuffs in remote settlements can be more than double what people are paying for the same goods in more major centres. There is no network of low-cost public transport available in remote regions and settlements, despite the high levels of mobility among remote Aboriginal populations between remote settlements, and into urban centres to access services and shopping.

There are considerable numbers of people in the region who exist on very sporadic or no income at all. Many of these people lack the skills to “hunt” for the necessities of life in the non-Aboriginal domain, and have been unable to fulfil the myriad administrative requirements for receiving income benefits and entitlements. They may be unable to read or fill out the paperwork involved in accessing entitlements. They may be underage, have been “breached” by a

social security agency, or their high mobility has proven to be too much for the agencies responsible for provision of benefits and entitlements to keep track of them.

These people subsist by using their family networks of obligation and responsibility to gain access to life's necessities. "Hunting" in one's own social milieu, where language, law and custom are known is far more personally rewarding, and far less challenging than acquiring the skills and jumping through the hoops required to access resources in the non-Aboriginal domain. It is generally the case that the majority of remote settlement Aboriginal families are subsisting on some form of welfare entitlement for much of their lives. People with an income in remote settlements are very often responsible for supporting an extended family group of impoverished and dependent relatives. This provides little personal incentive to engage with a world of work designed by whitefellas.

Colonial experiments in moving Aboriginal people off their lands and concentrating populations into settlements have often had disastrous consequences for Aboriginal health and social functionality. An interesting and pertinent health study was done in the Central Desert region of the NT in the late 1990s, covering a period of about seven years.²² The study compared the health status of a de-centralised Aboriginal group living on outstations to that of an Aboriginal group living in a centralised settlement, and found that the homeland groups lived ten years longer, had a lower incidence and later onset of the chronic diseases such as diabetes that shorten the lives of settlement dwellers, and had markedly fewer alcohol fuelled accidents and injuries. The authors concluded that though improved health was not a primary consideration for most Aboriginal people living on country in decentralized outstations, it was an important outcome, and had some powerful implications for service provision and preventative health initiatives.

²² Pg 657 "Beneficial impact of the Homelands movement on health outcomes in central Australian Aborigines" Robyn McDermott, Kerin O'Dea, Kevin Rowley, Sabina Knight, Paul Burgess *Australian and New Zealand Journal of Public Health*; Oct 1998

In practice it seems that Aboriginal people choose homelands living principally for cultural and social survival, and that considerations of physical health tend to flow from this, rather than form the main reason for living on homelands. This is consistent with Aboriginal notions of 'health as life' as a more global concept (including relationships with the land and cultural survival) than the Western biomedical model of health. The powerful effect of the social environment on host susceptibility to disease has been recognised for centuries but until recently has not been considered an important determinant of outcomes in epidemiological studies which have generally concentrated on analysing individual biological risk factors for disease and treating social variables as confounders.²³

Country and relatedness defines Aboriginal identity in ways it is difficult to imagine for non-Aboriginal people. Aboriginal people are born into complex and detailed social and familial networks that define their relationships, rights and obligations to their own and other families and groups. This intense relatedness and kinship is the elaborate and underlying basis of Aboriginal social forms and political life. Aboriginal people living away from their own country have little claim on status, social credibility and resources. Even if they are living on their spouse's family country, visits to their own clan country and family to renew links, connections, and sense of self are essential. Aboriginal people do a great deal of travelling to access services and supplies unavailable in remote settlements. They also travel extensively to maintain family connections and obligations, the basis of the Aboriginal political and resource allocation system.

There are only four urban centres in a more or less straight line through the centre of the Northern Territory, and one major north-south road, the Stuart Highway. The non-Aboriginal population of the Northern Territory (about 60% of the total population) is concentrated in and close to these urban centres. The reverse is true of remote regions and settlements, where the majority of the population are Aboriginal.

²³ *Ibid.* Pg 657

It is 1800 kilometres from the South Australian border to Darwin. The total population of the Northern Territory is approximately 215,000 people. Alice Springs, more or less in the centre of Australia, is 1,500 kilometres from Darwin, and has a population of approximately 28,000 people. About 19% of the total NT population lives in Alice Springs and the surrounding region. Tennant Creek, the next urban centre on the Stuart Highway, is 500 kilometres north of Alice Springs. Katherine, the next urban centre going north, is another 673 kilometres from Tennant Creek. Darwin is 317 kilometres north of Katherine, and is the largest urban centre in the NT with a population of around 80,000 people (34% of the total NT population). The area around Darwin has a further 21% of the NT population, in the Palmerston, East Arm and Litchfield regions.

The proportion of Aboriginal people living in the Northern Territory is considerably higher than anywhere else in Australia, at 31.6% (and rising) as opposed to 4% of the total Australian population, according to 2007 data from the Australian Bureau of Statistics²⁴. Remote settlements have predominantly Aboriginal populations; urban centres such as Alice Springs (18.8% Aboriginal population), Darwin (9.7% Aboriginal) and Katherine (24.2% Aboriginal) are predominantly non-Aboriginal. Tennant Creek has a somewhat higher proportion of Aboriginal population, at close to 50%, than other urban settlements in the NT.

The predominantly Aboriginal remote settlements present many challenges for the non-Aboriginal domain in terms of service models and delivery, appropriate and adequate resourcing, and accountability. It is widely acknowledged that “one size fits all” non-Aboriginal service models do not work in a remote Aboriginal setting. Each settlement in the region has aspects, people and resources that are unique to that settlement and the families that live there. However, service agencies have been demonstrably unable to make their service and accountability models sufficiently flexible or cross-culturally friendly enough to accommodate the variations in and between remote settlements. This has led to an almost universal overlooking and neglect of Aboriginal skills

²⁴ Will Sanders “The Political Economy of Self-Government”, pg.64, in *Coercive Reconciliation*, eds. J. Altman and M. Hinkson, Arena Publications Association, 2007.

and initiatives. Night Patrols are one example of a uniquely grassroots Aboriginal initiative that has been largely overlooked for many years.

The Patrols' co-option by the non-Aboriginal domain (via the Intervention and the Shire local government systems) is extremely risky, as it undermines the basis of Patrol mandate and credibility. The imposition of an operational model that takes no account of Aboriginal primary cultural imperatives, and enforces a service model more easily understood by bureaucrats - but not by Aboriginal people - will lead to loss of Patrol credibility and their eventual failure as a community safety strategy²⁵. The tragedy is that if this occurs, it will be blamed on the Night Patrols, rather than on yet another failure of non-Aboriginal administrative imagination.

Darwin is the administrative centre of the Northern Territory, something that causes a good deal of friction between other regions of the NT and the "Top End". Darwin-based government and other administrations are responsible for decision making, resource allocation and policy development across the entire Northern Territory. However, the electoral heartland of the NT is the northern suburbs of Darwin, who are viewed by the other NT regions and urban centres as exercising more than their fair share of political influence, and receiving more than their fair share of Territory infrastructure and other resources. There are many grumbles and references from more southerly NT regions to the "Berrimah line" (Berrimah is an outer satellite suburb of Darwin). Policy development, management, administration and resource allocations are mostly done in Darwin, and there is little perceived interest in other regions of the NT.

In the southern region of the NT, and particularly in remote settlements, it is difficult to attract and retain staff for schools, clinics and administrative positions. Trying to recruit local Aboriginal people to fill these positions is also complex and difficult, for many reasons. Some of the complexities are to do with very basic cultural differences, and widely divergent imperatives and socio-political systems. There is little "overlap" between the cultural domains where a

²⁵ There is a tendency for some remote settlement Aboriginal people involved in non-Aboriginal institutions such as Councils, committees and advisory boards to regard their role as largely ceremonial, as there is no Aboriginal cultural equivalent to non-Aboriginal notions of representative democracy. Aboriginal people advocate on behalf of themselves and their families. To do otherwise would be highly presumptuous, and possibly offensive and dangerous.

mutuality of purpose could even be assumed, let alone taken advantage of. The language map (see Figure 2 below) produced by Alice Springs based Institute of Aboriginal Development (IAD) gives some idea of the complexity of the cultural and linguistic landscape of the southern Northern Territory. Borders between clan countries and language groups are not discreet, but overlap and blend into each other, adding a further layer of complication for non-Aboriginal codified systems of management and law.

A succession of ever-varying agendas from both Federal and Territory governments, and the personal agendas of people working and living in remote communities have created a history of exploitation on both sides of the cultural domain (though non-Aboriginal people are usually far more successful at this, as resources are mostly in their domain). Mutual incomprehension and mistrust mark the boundaries of the different cultural domains. This is further complicated by the (ideologically) impersonal non-Aboriginal domain of jobs and administrations where it is the job that matters, and the person doing that job is a replaceable unit, as contrasted with the highly personalised Aboriginal domain, where who you are, and your position in the family networks are the most important things.

This has important ramifications for working with remote Aboriginal populations, as remote settlement people are very used to a rapid turnover of non-Aboriginal staff and project officers, to meaningless motherhood statements of intent and interest, promises made that are rarely realised, and to the abrupt cessation of functional programs and resources. Establishing credibility with Aboriginal remote settlement people takes time, active engagement, a working knowledge of Aboriginal family based socio-political systems, excellent listening skills, advocacy skills, and commitment. This is often more than largely transient non-Aboriginal workforces trying to juggle widely disparate corporate aims, agendas, and poorly understood Aboriginal imperatives can manage.

The old RANP operational area has been split between two and a bit shires, with 14 NTER identified communities in MacDonnell Shire (mainly Pitjantjatjara, Pintubi/Luritja, Eastern and Southern Arrernte communities), 11 in Central Desert Shire (mainly Warlpiri, Anmatjere, and Eastern Arrernte communities),

and 10 in Barkly Shire (mainly Kaytej, Warramungu, Warlpiri, Alyawarre communities). The remote Patrols that constitute the bulk of the research material discussed in this dissertation are located in the southern half of the Northern Territory, south of Tennant Creek. This area includes the settlements of Aputula (Finke), Mutitjulu, Imanpa, Kaltukatjarra (Docker River), Areyonga (Utju), Tapatjatjaka (Titjikala), Ntaria (Hermannsburg), Lytentye Apurte (Santa Teresa), Ikuntji (Haasts Bluff), Papunya, Watiyawanu (Mt Liebig), Walungurru (Kintore), Nyirripi, Yuendumu, Yuelamu, (Mt Allen), Laramba (Napperby), Titree, Atitjere (Harts Range), Engawala, Utopia, Ampilatwatja, Alpurrurulam (Lake Nash) and Ali Curung, plus a number of smaller outstations. The populations of the remote settlements range from between approximately 200 people up to 1,200.

There are more than 10 major indigenous language groups in the region, with a further 12 to 14 smaller language groups²⁶. The groups have historic alliances, alignments and hostilities between and within them. These rivalries and hostilities often find an outlet at events such as settlement sports weekends and football grand finals, where large numbers of Aboriginal people from different language groups and families congregate. Patrols have played an important part at these events in reducing access to alcohol and other substances, keeping the peace, harm minimisation, and mediation of disputes. Police have been very active in inviting Patrols in from remote settlements to Alice Springs and other regional centres for events such as the Lightning Carnival and remote settlement sports weekends to ensure that families and fans of the teams do not escalate their team and settlement allegiances to violence.

The closest remote community to Alice Springs is the Arrernte settlement of Santa Teresa, 80 kilometres east down a notoriously dangerous dirt road. The furthest in the old RANP region are Alpurrurulam (Lake Nash – mainly Alyawarre people), approximately 800 kms north east of Alice Springs, right on the Queensland border, and Walungurru (Kintore), a Pintubi settlement 550 kms west of Alice Springs. Road conditions vary widely, with savage corrugations, sand, washouts, potholes, bulldust, and wandering wildlife as regular features of outback travel. Road conditions can change without

²⁶ Pers. comm. K. Lechleitner, July, 2010.

warning, and it is generally best to travel at low speeds that allow plenty of time to respond to wandering cattle, a skittish roo, a sudden dip in the road, or corrugations that can bounce a vehicle off the road. Safe driving techniques may add to the overall time taken to get to a remote destination, but will increase the chances of arriving safely.

In early 2009, flooding from cyclonic weather in the Top End caused massive damage to the Barkly Highway (the bitumen surfaced main route into the Territory from Queensland), also taking out the Sandover and Plenty Highways (both dirt roads). A number of remote communities (one of which was Alpururrulam) were completely isolated by the floods and road damage.

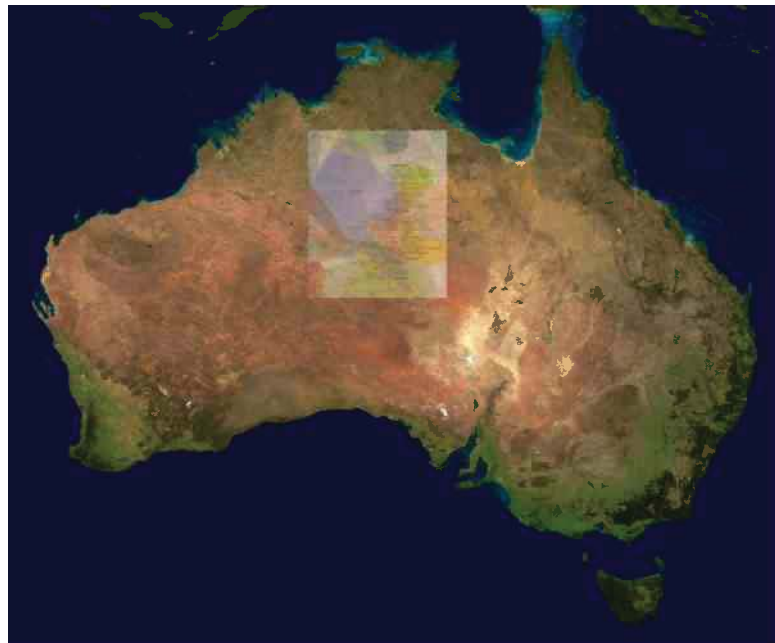


Fig. 2 Approximate area covered by Institute for Aboriginal Development (IAD) language map below.

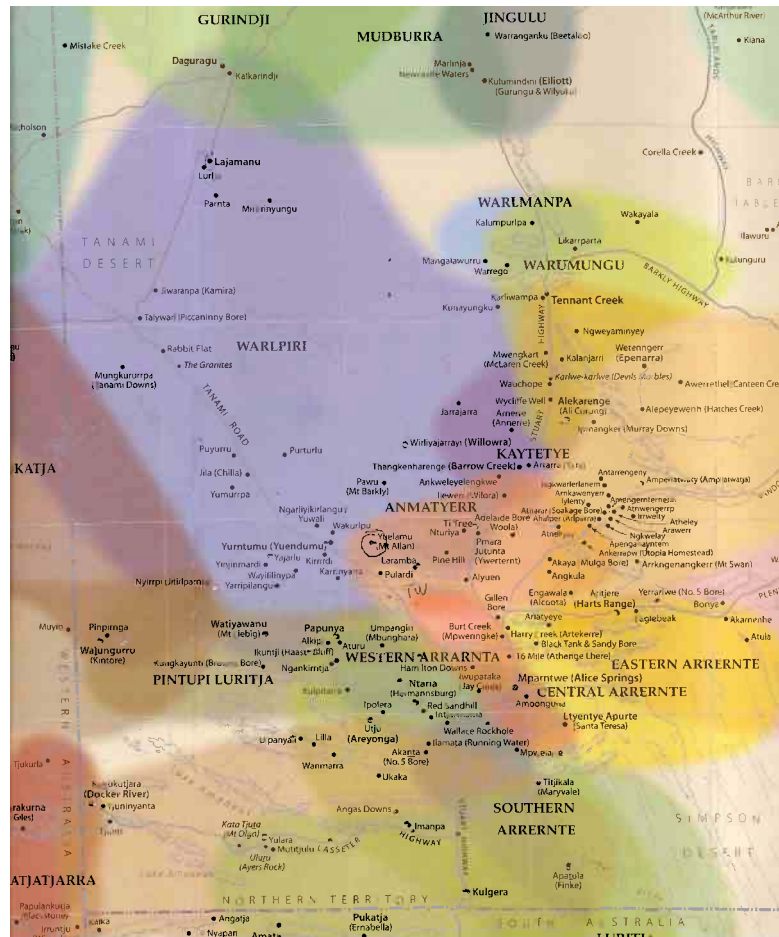


Fig. 3 The old RANP region extends to the southern, western and eastern NT borders, and north to Ali Curung (just south of Tennant Creek). The area is approximately the size of Victoria, but with markedly less population and infrastructure. (Institute for Aboriginal Development language map)

As can be seen from the maps above, the tyranny of distance is a reality – often a harsh one – for remote settlements and service delivery agencies.

Problems between different Aboriginal language groups and families continue to plague urban settlements in towns such as Alice Springs, Tennant Creek, Katherine and Darwin. Aboriginal people coming into town to access services and shop for goods unavailable in their home settlements find it difficult to avoid people and groups with whom they are in conflict. The geographic solution (moving away) is no longer available as a form of dispute resolution, as essential services such as hospitals, courts and Centrelink are located in urban centres. In a town the size of Alice Springs, it is impossible to avoid one's friends and family, let alone one's enemies. Conflicts are exacerbated and

escalated by ready access to alcohol and other substances.²⁷ Alcohol is identified by Patrols, police, and myriad health and social service agencies as being the number one problematic substance for Aboriginal people in the region.

²⁷ More detail on this in Chapter 5, “Risk”.

Chapter 4: Settlement origins and Patrols

Remote settlements are commonly referred to as “communities”. The term “community” is a problematic one. My own preference is for the term “settlement”, as it does not have the connotations of an illusory social cohesion and harmony inherent in “community”. “Community” as a term used in reference to Aboriginal settlements glosses the range of differing and competing priorities between Aboriginal families, gender groups, and age groups. As Rowse so eloquently puts it, “it is unreasonable to assume that co-residing Aboriginal people constitute a ‘community’. ‘Community’ is a difficult political achievement not a natural condition or an outcome of co-residence”.²⁸

Robin Dunbar is an evolutionary anthropologist and psychologist with a specific interest in the neuroscience of primate and human sociality. He is best known for formulating [Dunbar's number](#), roughly 150, a measurement of the "cognitive limit to the number of individuals with whom any one person can maintain stable relationships".²⁹ Dunbar proposes that 150 is the maximum number of people with whom a person can form a functional social network, where peer pressure can operate to ensure adherence to social norms. Larger groups need external structures, such as hierarchies, protocols, laws and rules to keep them functional.

Prior to colonisation of their countries, Aboriginal peoples in this region lived in small family groups, moving around according to seasons and ceremony cycles, and the availability of food, water, and other resources. Larger gatherings were comparatively rare, were temporary, and were generally related to specific social purposes such as ceremony. The Aboriginal family and kinship based polity was highly functional when people lived in smaller groups. Once Aboriginal people were forced into settlement life, and co-location with other groups that were not part of their family networks, they developed a range of strategies to deal with the conflicts caused by their

²⁸ Rowse, “Bushtown’s Wardens” in *Traditions for Health*, NARU, 1996, pg 195.

²⁹ RIM Dunbar, “Neocortex size as a constraint on group size in primates”, *Journal of Human Evolution*, 1992, vol.20, pp 469-493.

enforced sedentarism, where the geographical solution to conflict (moving away) was no longer available. These strategies were, of course, congruent with Aboriginal political and social values and systems. Night Patrols, and their precursors, were one of the most successful of these social syncretisms.

Remote settlement Patrol effectiveness relies on functional levels of Aboriginal cultural authority. Where tradition and cultural law have broken down to a greater rather than a lesser extent, Patrols' ability to exert influence over their families' behaviour is reduced³⁰. As well as needing to have the right people and the right groups working for or with the Night Patrol, the right sort of conditions also need to pertain in remote settlements. Sadly, it is often those places that are most in need and most desirous of a functional Patrol that are least able to form or sustain one.

Many of the current settlements in the remote regions of the NT came into being as a result of the often violent displacement of Aboriginal people as pastoralists appropriated their land. Ration depots such as Jay Creek, Ikuntji (Haasts Bluff) and Yuendumu. and mission settlements such as Ntaria (Hermannsburg) and Ltyentye Apurte (Santa Teresa) came to be places of refuge from the violence of colonial/pastoral appropriation of land and resources. The rations depots became more permanent and turned from camps into settlements as provision of rations and basic services provided a kernel of non-Aboriginal governance for remote Aboriginal populations. Subsequent non-Aboriginal administrations have since accreted around these colonial kernels³¹. However, Aboriginal kinship based polities have persisted, and despite the best and worst efforts of non-Aboriginal administrations, still provide the primary Aboriginal cultural and social imperatives in remote Aboriginal settlements.

Settlements such as Papunya started as rations depots, and were developed as multi-language group settlements set up by government (mainly during the 1940 and 50's), who did not want Aboriginal people congregating, or even more

³⁰ Blagg, 2001, Pers. comm., 2007.

³¹ Rowse, *White Flour White Power*, Cambridge University Press, 1998.

unthinkably, actually living in Alice Springs³². There were laws made that forbade Aboriginal people to be within the town boundaries after 6pm. These laws were in force until the early 1950s³³.

Papunya story

Papunya began as a rations depot for Western Desert Aboriginal groups such as Luritja, Pitjantjara, and Pintubi. Papunya was developed into a more permanent Aboriginal settlement in the 1960s³⁴, as an attempt to stem the urban drift to the outskirts of Alice Springs from Aboriginal groups who had been hunted off their lands by pastoralists³⁵. People from different language groups and families across a large region of the NT Western Desert region were rounded up and placed at Papunya, whether they wanted to go or not.

The roundup of the Aboriginal people of the region was facilitated by a severe drought. The waterholes were drying up, there was little food to be had, and the offer of blankets and food was irresistible. The roundup was done with the intention of streamlining the provision of rations, and no doubt saved the lives of some groups who may have perished without the assistance provided by rations.

The Aboriginal peoples who were moved to Papunya were under the erroneous impression that this was a temporary move only, and that they would be able to return to their country as soon as conditions improved. To have the Aboriginal population of the region centralized in one location suited the non-indigenous service delivery and government agencies, but created enormous problems for the disparate Aboriginal groups that ended up having to live there.

Traditional tribal rivalries and enmities flourished in the hothouse environment of Papunya, where there was no opportunity to move away if a dispute between groups and individuals became unmanageable. The Luritja people whose

³² Rowse, *ibid*: pg. 147, Folds, *Crossed Purposes*, UNSW Press, 2001, pg 16.

³³ Rowse *ibid*: pg 103

³⁴ Pers. comm., Nosepeg Jupurrula, 1988 - now deceased.

³⁵ Folds, *ibid*: pg 16

country Papunya had been built on were forced to share resources and accommodate groups from elsewhere, without the time or opportunity for appropriate negotiations between the key families to take place.

The dominant families among the Luritja expected to have the major say over resource allocation, access to hunting grounds, etc. as it was their country. People such as the Pintubi, whose country is further to the west, were comparatively disadvantaged by having to live on someone else's country. There was a great deal of friction between the different groups. It has been suggested that Aboriginal Night Patrols had their genesis in the groups of elders that would walk around Papunya, talking to their own and other families, keeping the peace, mediating disputes, and preventing flare-ups of violence.³⁶

Some of the groups left Papunya as soon as conditions improved, and went back to their country. Some of the camps and outstations they established became settlements in their own right. Watiyawanu (Mt Liebig), Walungurru (Kintore) and Kiwirrkurra (across the border in WA) developed as part of the Papunya diaspora and outstation movement, when it became clear that it was not workable to have large centralised settlements of different language groups and families in remote regions.

Co-location and conflict

Problems associated with the co-location of different language groups and families are still observable in settlements such as Wadeye (Port Keats) in the Top End of the NT. Interestingly, allowing people to move back to their homelands and outstations settled down the conflicts between the different groups that were co-resident in Wadeye, even though some of the outstations are located very close to the settlement (within twenty kilometers).

The problems of conflict in remote settlements between co-residing language groups with traditional hostilities and enmities led eventually to the outstation movement, from which settlements such as Walungurru and Ampilatwatja grew. Other settlements such as Laramba and Alpururrulam (Lake Nash) had their

³⁶ Pers. comm., Blair McFarland, Papunya-based Probation and Parole Officer, NT Community Corrections, 1990.

origins as excisions from pastoral leases – small areas of land designated as residential areas for local Aboriginal populations, many of whose families worked (and in some cases, still work) for the pastoral industry and station lessees.

Settlement origins

Aboriginal settlements' various origins have a great deal of influence on the functionality of the settlements that exist today, which in turn, influence the effectiveness of a Night or Community Patrol.

Marked differences are noticeable between the functionality of remote settlements that had a pastoral rather than a mission or rations depot background. The remote settlements that had a pastoral industry background tend to be more stable politically (as in Aboriginal family-based polity), have fewer problems regulating social order issues, have a more intact cultural authority, and have, generally speaking, been more successful at preventing problems such as petrol sniffing gaining a toehold.

This is partly attributable to the local Aboriginal people not having to leave their country, the source of their family strength and social cohesion. This enabled them to maintain their strong links to country and family, shoring up the cultural authority that then enabled them to successfully regulate the behaviour of their families.

Aboriginal cultural status and authority has subsequently been progressively undermined by the imposition of various experimental forms of non-Aboriginal governance, all seemingly based on the assumption that Aboriginal people both desire and need support and training to be aspirationally non-Aboriginal. These processes have culminated in the almost complete removal of Aboriginal agency in their own lives, with the centralisation and de-Aboriginalisation of governance arrangements that has occurred as a result of a triple whammy: the NTER (Intervention), the implementation of the local government Shires system, and a simultaneous restructure of NT government departments³⁷.

³⁷ This is a more or less ongoing process. Tess Lea, in her book *Bureaucrats and Bleeding Hearts* (University of NSW Press, 2008) identified key self-replicating processes of bureaucracies. Any

Settlements that had a mission or rations depot background tend to have less intact traditional authority structures, and subsequently less capacity to regulate their own destructive behaviours. This could arguably be attributed to higher levels of non-Aboriginal supervision and control of Aboriginal lives than in the settlements with pastoral origins. Many (though not all) missions actively discouraged the maintenance of Aboriginal spiritual and cultural traditions, and in some cases, the speaking of Aboriginal languages. The cultural traditions of Aboriginal people living on pastoral settlements in the region generally were not interfered with to as great an extent as those living in mission settlements. Access to a cheap on site workforce was a higher priority for pastoralists than altering or subverting Aboriginal religious traditions. The main Aboriginal ceremony season came to coincide with the Christmas period, a time when there was not a great demand for Aboriginal labour in the Central Australian pastoral industry, and people were free to practice their cultural traditions on their own country, unobserved by cultural outsiders.³⁸ (*pers. comm 1991, Mort Conway, Arrernte elder and ex-cattleman, now deceased*).

The history of contact between Aboriginal and non-Aboriginal settler populations in Central Australia is a brief one. The oldest of the settlements in the Alice Springs region is just over 100 years (Ntaria, or Hermannsburg); the youngest about 30 years (Watiyawanu and Walungurru – Mt. Liebig and Kintore). There are still Aboriginal people in this region who can remember seeing their first whitefella as children or teenagers. There are also many families who lost relatives to violent encounters with the would-be settlers and police, or whose families were hunted off their lands.

Most of the 24 larger settlements in the region have a primary level school, an administrative office, a clinic and a shop. Some, such as Yuendumu, have a women's centre, art centre, a childcare centre, and a police station. To access other services, it is usually necessary to leave the settlement and come in to Alice Springs. The Yuendumu Women's Night Patrol was the first all-women

problems encountered with program and service delivery clearly demands further intervention – more resources, and more bureaucrats being thrown at the problem rather than any re-assessment of the efficacy of program and service delivery. More of the same in other words.

³⁸ Pers. comm 1991, Mort Conway, Arrernte elder and ex-cattleman, now deceased.

Patrol to be formed in a remote settlement³⁹, in about 1991, and is the longest continuously running remote settlement Patrol in Australia. The separately incorporated women's centre at Yuendumu has been vital to the sustainability and functionality of the Yuendumu Women's Night Patrol. Much of the Women's Patrols' longevity can be attributed to not only the women's dedication, but also to the fact that the Yuendumu Women's Centre is a separately incorporated organisation, able to receive funding grants in their own right. This means the women have been able to successfully resist attempts at resource raiding and take-overs from the Council, and the vicissitudes and vagaries of funding bodies and government. This has also meant that many of the Patrol women have worked for considerable periods as unpaid volunteers. Unfortunately, the Yuendumu Women's Patrol have now lost their organisational independence, as Patrols' funding was directed to the Shires in 2008, and the Patrol has now been incorporated into the Central Desert Shire's administrative and management structures.

The NTER (Northern Territory Emergency Response), or Intervention, initiated by the Howard government in late 2007, has been disastrous for many remote settlements. In particular, income management (or income quarantining by any other name), though welcomed by some Aboriginal people and families, has made economic prisoners of others. Some remote settlement families now have no option but to use their income managed funds to purchase goods from the sole community store, paying high prices for fuel and other essentials, a very small range of choice of product, and settlement stores may not stock essential items such as baby goods and car capsules. Some of the small settlements in the region which do not have stores have had to resort to placing orders for food and other essentials with a town-based agency that trucks supplies in once a week. Reports from these settlements indicate that goods ordered and paid for do not always arrive, fresh items such as meat and vegetables are inedible by the time they get to the settlement, and there is no recourse for making a complaint, changing income management arrangements

³⁹ There is some argument about this, with a short-lived Patrol being formed in Timber Creek at about the same time. Timber Creek had a liquor outlet, so faced different challenges to those faced by the women of Yuendumu. The Yuendumu women can legitimately claim to have formed the first effective and functional patrol in a "dry" remote community.

or shopping elsewhere. Fridges in the family home are rare, and there is little capacity to safely transport or store food purchased on trips to larger centres.

The co-option of Patrols into the non-Aboriginal administrative and managerial domain has had the effect of undermining the very things that supported their effectiveness – their congruency with primary Aboriginal cultural authority and social values. The employment and operational models currently being applied to remote settlement Patrols cannot accommodate or support the loose groups of associates, elders, different genders, and traditional owners that were an essential part of Patrol operational networks. Many of these essential personnel are older people, on some form of illness benefit or aged pension, or for various reasons cannot commit to full-time hours of work⁴⁰. Patrols' training is now more closely aligned with a non-Aboriginal misunderstanding of the many and variable roles of Patrols. Patrols are now viewed by auspice and funding agencies as being more akin to security services, rather than the innovative and responsive social engineers that functional Patrols can be.

⁴⁰ Many Aboriginal people in remote settlements have family and cultural obligations that would prevent them being able to undertake full-time work. Many people also have chronic illnesses that require ongoing management, on top of family and cultural obligations. Older women in particular often find themselves responsible for the children of less functional members of their families. One woman has 17 children she looks after – a collection of grandchildren, nieces, nephews, etc. She does her best to get them to school in the morning, and provide adequate food and clothing for them all on her social security payments. Hers is not a rare or unusual story.

Chapter 5: Risk

Matters of substance

Generally speaking, there are very well documented connections between alcohol and violence in both the Aboriginal and the non-Aboriginal domains, as well as overwhelming evidence from both national and international research that alcohol over-consumption is an exacerbating factor in antisocial behaviour and violence across the board, and across cultures.⁴¹ There is also considerable evidence, both anecdotal and statistical, that when Aboriginal people drink, it is often at risky levels, and has hugely damaging consequences for the drinkers and their families (see statistics below).

The reasons for unrestrained alcohol consumption and the damage it causes to Aboriginal people in this region are complex and multi-factoral, and have been variously attributed to factors such as cultural (kinship-based demand sharing and peer pressure), physiological (Aboriginal peoples lacking an essential enzyme for processing alcohol in the liver)⁴², and political (drinking as an assertion of citizenship rights, and/or as a form of protest).⁴³

Brady⁴⁴ comments that for many Aboriginal people it is easier to abstain altogether from alcohol “because it is easier not to drink at all than it is to moderate intake in an environment in which the sharing of alcohol and cash is expected, and in which there is continuous, brutal (psychologically and physically) and all pervasive pressure to consume without restraint”.⁴⁵

⁴¹ Brady, M. *Indigenous Australia and Alcohol Policy: meeting difference with indifference*, UNSW Press, 2004, pg. 58-61

⁴² As proposed by Kalekerinos, Submission to House of Representatives Standing Committee on Aboriginal Affairs, 1976-1977

⁴³ See Brady, M. *Indigenous Australia and Alcohol Policy: meeting difference with indifference*, UNSW Press, 2004, for an erudite discussion of the political dimensions of Aboriginal drinking.

⁴⁴ *ibid.* pg 99

⁴⁵ Brady, M & Palmer *Alcohol in the Outback* NARU, 1984, O'Connor, R “Alcohol and Contingent Drunkenness in Central Australia”, *Australian Journal of Social Issues* 19(3), 173-83, 1984, Sansom, B *The Camp at Wallaby Cross: Aboriginal Fringe Dwellers in Darwin*, Australian Institute of Aboriginal Studies, 1980.

Native intoxicants

It is an anthropological truism that the majority of pre-industrial cultures use drugs, intoxication, and altered states in a sacred or ceremonial context rather than purely recreationally. Rudgley⁴⁶ asserts that it is perhaps only in our own Western culture that socially accepted stimulants, such as alcohol, tobacco and tea, are used in an almost exclusively secular way and are devoid of any spiritual meaning.

Contrary to this received anthropological wisdom, there is evidence that prior to invasion and colonisation Aboriginal peoples had their own recreational intoxicants such as the native tobaccos (*Nicotiana suaveolens* and *Nicotiana ingulba*) and pituri (*Duboisia hopwoodii*), which are still used by Aboriginal people in the Central Desert region. Pituri is highly prized by Aboriginal people for its intoxicating and medicinal effects, including the alleviation of pain, hunger and fatigue. Pituri grows only in the desert regions of Central Australia, and is a scarce and much prized commodity. Pituri contains nicotine and scopolamine, both addictive substances, and was traded through a sophisticated network of “pituri roads” across vast distances in Australia’s outback. Rudgley⁴⁷ suggests that unlike other Aboriginal cultural artifacts, pituri was not associated with ceremonial use, and was traded as a secular commodity by Aboriginal merchants.

“The scarcity of the plant, the expert knowledge required to prepare it, and its habit forming attributes made the exchange of pituri an activity which involved the wielding of economic and political power”⁴⁸

Pituri appears to have been used, and is still used by some older Aboriginal people, in a secular fashion, much as alcohol is used in the current dominant culture, rather than being part of a ceremony cycle. However, as Rudgley points out, this assertion is based on inference.

⁴⁶ Rudgley, R. *The Alchemy of Culture: Intoxicants in Society*, British Museum Press, 1993, pg 121-126

⁴⁷ *The Alchemy of Culture*, Richard Rudgley, British Museum Press, 1993, pg 139.

⁴⁸ *Ibid.* pp. 138 - 139

“Despite the reported hallucinogenic and other psychoactive properties of pituri, there is scant evidence that it played a role in the religious life of the Aborigines. There are, however, serious gaps in our knowledge of traditional Australian life and it is quite possible that the use of pituri in a religious context could have been missed by travellers and ethnographers alike, especially when one considers the secrecy surrounding the production and consumption of this particular intoxicant”⁴⁹

Availability and over-consumption

The comparative scarcity of pituri implies that its consumption would have been curtailed by availability to a far greater extent than now applies to alcohol and other substances. The legality, ready availability and low cost of alcohol encourages its over-consumption to a far greater extent than the scarcer, illegal and more expensive intoxicants such as marijuana.

In remote Aboriginal Australia, increasing availability of a range of intoxicating substances has contributed to rising incidences of polydrug use, where an individual or group may use alcohol, marijuana, inhalant substances, and amphetamines in one session, with escalating risks to their own and their extended family’s health and safety. Despite the increasing availability of substances such as marijuana and some amphetamines in remote settlements, Aboriginal people (including remote Night Patrols) in the central desert region of the NT still identify alcohol as the primary substance involved in incidences and escalations of domestic violence, family violence, self-harm and abuse of all kinds.⁵⁰ Evidence from collection of crime and health statistics supports this assertion.⁵¹

⁴⁹ *Ibid.* pg. 139

⁵⁰ Pers. Comm., Night Patrols in the RANP region, 1996 to 2006 – a constant theme at meetings, reference group meetings, consultations in settlements and with Night Patrols.

⁵¹ See National Drug Research Institute Bulletins and publications, Maggie Brady, D’Abbs papers, Menzies School of Health Research, Northern Territory Department of Justice statistics, Police and health agency statistics. Some of the data collected by these agencies and authors are quoted below.

Risk and Alcohol

Hogarth's famous print of "Gin Lane" (see below) is descriptive of the horrors brought about by the new skill of distillation of alcoholic beverages, imported into England from Europe in the 1700's. Previous to distillation of high alcohol content drinks such as gin, low alcohol ale (less than 2% alcohol) was widely consumed by the population of Britain, as at this time ale was safer than water to drink. The change to stronger distilled liquor increased incidences of child neglect, poverty, death, suicide, and mental illness as a result of alcohol addiction and over-consumption, as depicted in Hogarth's print. The relationship between social ills related to over-consumption of alcohol, poverty and marginalization were obvious to Hogarth and his contemporaries in the 1700's and may contribute to factors that continue to influence patterns of alcohol and drug consumption amongst Aboriginal people.⁵² These are clearly not new issues; nor are they confined only to colonized peoples.



Fig. 4: Hogarth, "Gin Lane" 1732

⁵² Brady, M *Indigenous Australia and Alcohol Policy: meeting difference with indifference* UNSW Press, 2004, pg 65, citing "National Aboriginal Health Strategy Working Party report", 1989, pg.192.

There is a great deal of evidence that indicates Aboriginal⁵³ people in the Central Desert regions are at far higher risk than non-Aboriginal people of being involved in over-consumption of alcohol and other substance misuse, family and domestic violence, accidents, illness, incarceration and early death. For many years, the most likely cause of premature death for Aboriginal women in the Central Desert region of the NT has been homicide, usually by a spouse or partner, most often with alcohol intoxication a major factor.

The National Drug Research Institute (NDRI) *National Alcohol Indicators Bulletin #11* (2007) estimated that an Indigenous (Aboriginal and Torres Strait Islander) person dies of alcohol-related causes every thirty-eight hours. NDRI also note that this figure is on the conservative side. Central Australia has more than double the percentage of alcohol attributable deaths in the Indigenous population (14.6%) compared to the Top End (6.8%). This has consistently been the case over the last 7 years of data collection by the NDRI.

According to the NDRI, nationally the most significant alcohol-related causes of death for Indigenous men are:

- suicide (19% of alcohol attributable deaths, mean age 29)
- alcoholic liver cirrhosis (18% of alcohol attributable deaths, mean age 56).
- road traffic injury (7% of alcohol attributable deaths, mean age 30)
- assault injury (6% of alcohol attributable deaths, mean age 34)

The most significant causes of alcohol related death for Indigenous women are:

- alcoholic liver cirrhosis (28% alcohol attributable deaths, mean age 51),
- haemorrhagic stroke (16% alcohol attributable deaths, mean age 25),
- fatal injury caused by assault (10% alcohol attributable deaths, mean age 32).
- suicide (7% alcohol attributable deaths, mean age 27)

⁵³ Throughout the dissertation, I have referred to the local people in the Central Desert region as Aboriginal, rather than Indigenous, as it is their own preference. The term “Indigenous” includes Torres Strait Islanders, who are not present in significant numbers in Central Australia. However, I have retained references to Indigenous people while quoting the statistics in this chapter, as the statistics refer to both Aboriginal people and Torres Strait Islanders.

NDRI based these figures on aggregate data collected from 1998 to 2004. According to these statistics, young Indigenous men kill themselves (19%) at more than double the rate of Indigenous women (7%), and Indigenous women are at almost twice the risk of dying from a drunken assault (10%) than Indigenous men (6%). Aboriginal women die younger of alcohol related causes than do Aboriginal men, but the mean ages of both Aboriginal men and Aboriginal women dying from grog is appallingly young.

The “Positive Ways: An Indigenous Say” conference (2006)

The “Positive Ways: An Indigenous Say” Conference was held in Darwin in 2006. Initiatives and programs that had enjoyed some level of success in addressing indigenous social disorder and substance misuse issues were showcased at the conference. Unfortunately many of these initiatives have subsequently been swept away by the NTER, an NT Government re-structure, and the new local government Shires, apparently under the misapprehension that anything that was around prior to the NTER and Shires was part of the problem. To torture a metaphor, some very promising babies went out with the bathwater, including community owned initiatives such as Patrols.⁵⁴ Under the new regime, Patrols are now expected to enact the agendas and organisational imperatives of the culturally distant organisations that administer their funding.

Professor Mick Dodson, the keynote speaker at the “Positive Ways: An Indigenous Say” conference held in Darwin in 2006 spoke about contemporary patterns of Indigenous violence, and noted that: (*Dodson’s observations in italics*)

◆ 80% of Indigenous violent crime involves alcohol.

This figure is Australia wide; estimates of the involvement of alcohol in violent crime in the Central Desert region of the NT are closer to over 90%.

⁵⁴ Blagg makes a crucial distinction between community *owned* and community *based* community justice initiatives. “Community based services simply relocate the service to a community setting rather than reformulating the fundamental premises upon which the service is constructed the community setting becomes a kind of annex to the existing structures of the system.”, Blagg, *Crime Aboriginality and the Decolonisation of Justice*, Hawkins Press, 2008 pg. 183

◆ *The majority of offences occur within the family.*

Aboriginal families are the primary political and social units of everyday Aboriginal life and interaction. Family networks are large, and the number of relationships, with their attendant demands, obligations and responsibilities, can quickly exceed the capacity of Aboriginal people living in settlements or urban areas to manage them effectively.

◆ *Rates of violence are the same for remote and urban Indigenous populations.*

This is an interesting observation, as it appears that the better availability of services such as police, hospitals, and sobering up shelters in urban regions has little or no impact on the levels of drunken mayhem in the Aboriginal/Indigenous domain – perhaps because there is also better access to alcohol and other intoxicants in urban areas.

◆ *Contemporary patterns of Indigenous violence should not be conflated with traditional/customary law violent sanctions for transgressions.*

Cultural factors are often cited as contributing to Aboriginal violent offending, and have sometimes been used to excuse violent behaviour, both by Aboriginal people and by a well-meaning justice system. The reviews of Customary Law carried out by the NT government and by the Western Australia government contain a great deal of well-researched material relating to Aboriginal customary law. However, the conclusions of both the NT and WA customary law reviews amounted to customary law being trumped by the non-Aboriginal legal system, and customary law cannot be used as a mitigating defence in court.

◆ *Indigenous women are at far higher risk of dying at the hands of their men than Indigenous people in general are of dying in custody.*

Considering this alarming assertion, the preponderance of Aboriginal people (mostly men) in jail, and the commissioning of the report that resulted in the Royal Commission into Aboriginal Deaths in Custody (RCIADIC), might we expect to see a Royal Commission Into Premature Aboriginal Female Mortality? Observing that many of the RCIADIC's recommendations still remain unenacted, and that the more recent Anderson/Wild *Little Children are Sacred* report is allegedly responsible for the launch of the Howard government's punitive Intervention (Northern Territory Emergency Response), indications are that even if there was such a report, no good for Aboriginal women would come of it.

Professor Dodson also suggested that much Indigenous overuse of alcohol could be viewed as self-medication for the many years of accumulated and ongoing trauma endured by Aboriginal people. Accumulated trauma can predispose anyone, not just colonised peoples, to depression and to alcohol and substance misuse.

Northern Territory statistics

Stephen Jackson, NT Government Statistician, made the point at the “Positive Ways” conference that NT Government statistics referred to reported crime only, and that there was a significant amount of under-reporting.⁵⁵ If this is indeed the case, the statistics quoted by him are even more alarming.

General assaults

- Nationally, 69% of assaults are not reported.
- There are no accurate figures for under-reporting of sexual assaults, though it could safely be assumed to have a higher rate of under-reporting than general assaults. Many Aboriginal victims of sexual assault suffer from depression, anxiety, and feelings of culpability that make it difficult for them to report offences or to go through a traumatic and lengthy justice process⁵⁶.
- Over 90% of assault victims are women.
- Jackson estimates that 80-90% of assaults are under-reported in the NT. He attributes this to lack of policing services in remote communities and cultural differences.

There are many reasons why Aboriginal people do not report assaults to police, even when police are present in a remote settlement. There have been incidences of women asking Police for help to prevent an anticipated assault, and the less than satisfactory response from Police has been that they are unable to act until “something happens”, or to offer the woman a restraining

⁵⁵ “Positive Ways” conference, Darwin 2006. Jackson was a speaker at the conference.

⁵⁶ Pers. comms., by Night Patrol and other Aboriginal women, 1997-2007.

order.⁵⁷ This does little for Police credibility with Aboriginal people. There is also the reality that in many cases, the perpetrator of the assault will be bailed straight back to the settlement, furious at the woman who “got him into trouble” with the law. The consequences of reporting an assault to police can be very dangerous for the victim, as not only the perpetrator, but his or her family will blame the victim (often entailing violent retribution) if the offender is arrested or jailed⁵⁸.

There is also some very creative subversion of the criminal justice system by women who feel they would benefit from the absence of a partner⁵⁹.

Sexual assault statistics in the NT

- In 2005, 20% of sexual assault victims were aged between 3 and 11
- 60% of assaults happened to people who were under 20 years of age.
- 45% of Indigenous sexual assault victims were under 15.
- 12% of those assaults were committed by family members, the highest proportion of those being by people who were known to the victim.
- 27% of assaults were made by an unknown person.

Alcohol and sexual assault:

- Alcohol was a known factor in 40% of victimisations.
- In 50% of other victimisations, Police could not tell if alcohol was involved or not.

⁵⁷ Female Patrollers expressed a less than complimentary view of the effectiveness of restraining and domestic violence orders, saying derisively “tie someone up with a piece of paper”. These orders are often breached, sometimes with the consent of the woman, usually as an effort to repair the relationships between families. As indicated by the Patrollers, they are indeed not worth the paper they are written on unless they are able to be enforced for the women at greatest risk of violence.

⁵⁸ Non-Aboriginal justice system requirements for witnesses to be named and to appear in court place Aboriginal people – and their families - at risk of often violent retribution from aggrieved family of the perpetrator.

⁵⁹ Anecdotal evidence from Aboriginal women, Night Patrollers, and Police. A common story is that the wife or partner of a jailed offender will have entered into another relationship, and will not want her previous partner back (there may be very good reasons for this). By making sure that the previous partner hears of the new relationship while in jail, and prior to release, she ensures that the enraged previous partner will threaten an assault, and/or attempt to assault her and/or her new partner upon release from jail, thus ensuring a swift return to custody.

- Over 90% of victims of sexual assault are female.

Reporting assaults

For an Aboriginal person to report an assault to police means undermining the relatedness that is the core value of local indigenous cultures. Social exile can be a life and death issue, as it is through their family links that people access food, shelter, and the basics of life. There are also the very real risks of exposing oneself and one's family to danger from payback from the offender and his or her family. This could (and has) escalated into ongoing family fights, causing damage and casualties for years. The long period between an offence and any reparation or justice, the high percentage of Aboriginal people in custody, and the perceived arbitrary nature of non-Aboriginal law does not inspire Aboriginal trust in legal processes.

There was an abrupt and significant increase in the reporting of general assaults from 2004 to 2005. The majority of these assaults had a domestic violence component: reported domestic violence offences increased by 60%. Police had been concerned for some time that domestic violence offences were under-reported, and implemented the Violent Crime Reduction Strategy, leading to the subsequent increase in reporting of domestic violence offences. Stephen Jackson (NT Government Statistician) noted during his presentation to the "Positive Ways" conference (2006) that despite the significant increases in reporting, domestic violence offences are probably still under-reported.

- 60% of Indigenous assaults are associated with domestic violence, as contrasted with 18% domestic violence assaults among the non-Indigenous population.
- 65% of Indigenous assaults involve alcohol, as contrasted with 42% of alcohol involvement in non-Indigenous assaults.
- Indigenous people of either gender are 4 times more likely to be assaulted than non-Indigenous people.
- Indigenous women are particularly at risk, being 9 times more likely to be assaulted than non-indigenous women.

- Alcohol is overwhelmingly implicated in violent crime. 80% of crimes committed by Aboriginal people are strongly associated with alcohol and/or other substance misuse.

In 2005, 81% of assault victims were Indigenous women, as against 39% of non-Indigenous women. 58% of the Indigenous women were assaulted by a family member, as against 15% of the non-Indigenous women.⁶⁰ Young Aboriginal women are more than 80 times more likely to suffer domestic violence than other populations.

Aboriginal culture has sometimes been defined - by the dominant culture - as being “the problem”. To quote an ironic Professor Harry Blagg “If only they would stop being Aboriginal we could help them”.⁶¹ However, it is in the places where cultural and traditional law are at their most fragile that Aboriginal people are most at risk. The most effective and functional Patrols, (as an Aboriginal, family and settlement specific service) are based in and supported by functional cultural law. It is no coincidence that the remote settlements that are most troubled by violence and alcohol, and most in need of a functional Patrol are those where cultural law has broken down, and who are least able to form and sustain an effective Patrol.

The figures for involvement of alcohol in both Indigenous and non-Indigenous assaults and crime are tellingly high, demonstrating the inarguable link between alcohol and violence. The link works just as strongly in the other direction – a reduction in supply and consumption of alcohol is strongly correlated with a reduction in violence.

Supply reduction strategies

Syd Stirling (NT Attorney General in 2006) referred to a successful alcohol supply reduction strategy adopted by the “wet” canteen in Nguiu (Bathurst Island) in 2006.⁶² Nguiu canteen changed from selling full strength to mid

⁶⁰ Stephen Jackson, NT Government Statistician, “Positive Ways” conference, Darwin, 2006

⁶¹ Professor Harry Blagg, keynote address, “Positive Ways” conference, Darwin, 2006

⁶² Mr Stirling was a speaker at the “Positive Ways: An Indigenous Say” conference in Darwin in 2006.

strength beer only. This had an immediate effect, with incidences of violence in Nguiu dropping by 60%. Townships such as Timber Creek in Western Australia and Tennant Creek in the NT have restricted alcohol sales by reducing hours during which take-away alcohol can be purchased, and have seen similar reductions in violent crime.⁶³ When the Yuendumu women formed their Night Patrol in 1991, incidences of domestic violence dropped by 80% in their first year of operation (according to police statistics). This was mostly due to the Patrol intercepting grog runners at the outskirts of the settlement, and not allowing them to bring the grog in. They were able to exert their cultural authority as grandmothers, aunties, and regulators of the social fabric to ensure that grog runners did not enter the settlement, and that there would be consequences (through use of the family networks) if they attempted to do so.

Interestingly, another of the scourges of Aboriginal Australia – petrol sniffing – has been successfully addressed by reducing the availability of sniffable fuel in the region, and its substitution by Opal, a fuel that does not contain any of the volatile ingredients that cause intoxication. Central Australian Youth Link Up Service (CAYLUS) worked with a consortium of remote community people, the Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women’s Council, General Properties Trust, BP, the Federal and NT Governments, and industry to develop Opal fuel, and get it distributed in the Central Australian region. This consortium became known as the Opal Alliance. The effect of the introduction of Opal, along with the withdrawal of sniffable fuel from the region was immediate and dramatic, particularly in remote communities where incidences of sniffing dropped to close to zero. Sniffers had commented to CAYLUS staff over the years that petrol (or glue or paint) was not their drug of choice – but it was the one that was free (stealable), and available (in every fuel tank in a remote settlement). Restricting supply was extraordinarily successful as a strategy for reducing sniffing; CAYLUS are now implementing the complementary measures such as youth and holiday programs in remote settlements that will provide alternative activities to substance misuse for young Aboriginal people.

⁶³ “Fitzroy Crossing Liquor Restriction, October to December 2007, Interim Report,” Fitzroy Crossing Alcohol and Other Drug Management Committee, 2008, quoted in *Indigenous Australia and Alcohol Policy: Meeting difference with indifference*, Brady, M, University of NSW Press, 2004

Despite the overwhelming national and international evidence of the damage done by alcohol, and the success of alcohol supply limitation strategies in places such as Tennant Creek and Fitzroy Crossing, Australian State and Federal Governments are curiously reluctant to implement proven and effective alcohol supply reduction strategies, preferring instead to support less effective strategies such as education campaigns and voluntary codes of conduct that do not challenge the political hegemony of the powerful liquor industry, nor deprive the Government of a lucrative source of tax revenue. The most common approach used by opponents of supply reduction strategies is to assert that people need to assume responsibility at an individual level for their own drinking. This assertion ignores the fact people (of any culture) are notoriously unable to judge for themselves what is a safe level to drink at, and that people with addictions are particularly unable to regulate their own behaviour with regard to ingestion of the substance to which they are addicted.

Patrols, at their best as community owned services, and as authoritative cultural insiders, are in the best possible position to know who is most at risk in their families and settlements, and to be able to effectively minimise the risks to their families from alcohol and violence. The current confusion around the role of Patrols and the imposition of an inappropriate and culturally alien service and operational model has unfortunately removed the basis for their effectiveness. As a Patroller commented recently “the right people aren’t on patrols any more”.⁶⁴

⁶⁴ Pers. comm. Yuendumu Women’s Night Patrol, 2009.

Chapter 6: Culturally specific conflict

Post-colonial Aboriginal settlement life presented, and continues to present many challenges in terms of maintaining social order and some semblance of harmony between often disparate groups of Aboriginal people. This is particularly the case when a remote settlement has a number of co-residential language groups, clans, and families, or when a group has been re-located to another group's country. Protocols and agreements for use of country, access to resources, and authority to make decisions were often worked out between different co-residing Aboriginal groups, and continue to provide the basis for group dynamics and power relations in remote settlements.⁶⁵

These arrangements are also in a constant state of flux and re-negotiation, their flexibility being tested (sometimes to destruction) when a group, family or powerful individual's position on a contentious issue is challenged, there is a shift in power relations, or conditions and situations change⁶⁶. The influence of these factors can lead to escalation of the dispute or disputes, requiring a response to the considerable risks this presents for co-residing Aboriginal people and groups.

Aboriginal dispute resolution strategies generally take the form of either avoidance, strategic relocation of one or other of the disputing parties or groups (a variation on avoidance strategies), exile, or formalisation of conflict and dispute procedures. The formalisation of a dispute can involve a public anger and/or grievance display, with some form of arbitration or resolution taking place. The formalisation of a dispute can also involve a supervised, witnessed and regulated fight. This finishes the dispute, thereby reducing the likelihood of ongoing harms to disputants and their associates.⁶⁷

⁶⁵ "The Evolving Role and Functions of Remote Area Community Night Patrols in Dispute Resolution", Peter Ryan, 2005, pg 9.

⁶⁶ Aboriginal lives in Central Australia are in constant flux. The extra, intra and inter cultural factors involved in this are beyond the scope of this dissertation to enumerate, but would make a fascinating study.

In the remote Aboriginal cultural domain the two most high profile categories of culturally specific conflict (or causative factors in conflict and fighting) are “jealousing” and payback. Jealousing is most often about claims or perceived entitlements on relationships between family groups and individuals, as interpersonal/social capital is one of the most highly prized resources in the remote Aboriginal domain. However, people may also “jealous” about rights to country, a car, a house, or other high status objects. Jealousing is often cited as a form of provocation (however apparently unjustified) in domestic and family violence.

“Jealousing” is a fluid concept, covering a wide range of reasons for conflict. Like many other aspects of Aboriginal law it is difficult to translate into non-Aboriginal modes of interaction and conceptualisation. Jealousing is best illustrated by example, as it has no equivalent in the Australian non-Aboriginal cultural domain.

Jealousing

Example 1:

An incarcerated man heard rumours that his wife was playing up with another man while he was in jail. As soon as he was released, he returned to his home settlement, assaulted his wife in a jealous rage, was arrested, and went straight back into jail. In this particular case, the wife did indeed have another lover, and the jealous assault served her purposes, as once the husband was back in jail, she was able to resume her relationship with her lover.⁶⁸ This is a very risky strategy, as it could have led to significant injury or death for the woman involved. It is

⁶⁷ Sometimes, a grievance display being witnessed and acknowledged is enough to diffuse tensions. For example, an old man of considerable cultural status was very upset and angry with some of the members of his family. He got his spears, went to the shop (centrally located, with a guaranteed audience), removed his shirt, and mounted a display of shouting and spear rattling for about half an hour. During that time, no-one interrupted him or tried to stop him. No-one made eye contact with him, or tried to leave. When he was finished, he put his shirt back on and left, apparently satisfied that he had made his point, and that he had been heard. Everyone’s normal activities resumed without any comment being made.

⁶⁸ Occasionally older women Patrollers spoke disapprovingly of the manipulateness of some young women, who if they wanted their husband out of the way for a while would allegedly provoke him, then report him to Police for domestic assault, thereby ensuring a spell in jail for the husband. Despite the young women using non-Aboriginal law to serve their own ends in this way, the accusations of domestic assaults could well have been true, as many of these offences are not reported due to family pressure and fear of retribution.

noteworthy that the man made no effort to ascertain the truth of the rumours of his wife's infidelity before assaulting her, and made no attempt to confront or assault the lover.

Example 2:

A non-drinking woman would go and sit with her husband in the drinkers camps to avoid his drunken accusations and beatings for imagined infidelity. She would not look at any of the drinkers, sitting with her head bowed, for fear of setting off a jealous rage. This did not always work as a preventative measure, as if any of the drinkers looked at her, she would still be beaten by her jealous husband.

Example 3:

An old man living in a remote settlement purchased a new Toyota from his earnings as an artist. His family fought over access to and use of the vehicle. Growing tired of the escalating tensions and fights in the family, the old man burnt the vehicle, thereby removing the cause of the jealous fights.⁶⁹ He considered that the destruction of property was of far less importance than maintaining harmonious relationships in his family.

Example 4:

The basketball games between the young women in a remote settlement were a staging ground for jealous fights, usually over a young man. If unsupervised, the basketball games could (and sometimes did) escalate into a violent brawl, with weapons such as kuturru (digging sticks) and star pickets being used. The Women's Night Patrol in this settlement would be very obvious about watching the games, as the presence of the older more powerful women damped down violent conflict between the younger women, and prevented the jealousy turning into a brawl. On occasion, the young women were allowed to trade blows, but these occasions were closely supervised by the appropriate members of

⁶⁹ Destruction of the vehicle was preferable to trying to re-sell it or giving it away, as the vehicle, and therefore the family's perceived claims on the vehicle, would still have existed and continued to be a source of conflict.

family, who called off the confrontation before it became too dangerous, or before larger groups of people became involved.

The common thread in the above stories is the powerful sense of entitlement that is being demonstrated and enacted by the jealous person/s. A countervailing and equally powerful sense of personal autonomy⁷⁰ seems to be trumped by perceived entitlement in cases of “jealousing”. The balance between exercises of personal autonomy and offended entitlement manifesting as jealousy needs to be carefully managed and negotiated. Patrols with a strong base of cultural status and law are in a particularly good position to negotiate this balance either through judicious use of family networks, or by more direct mediations.

There is a substantial risk of jealous fights drawing in larger groups of family to support the disputants, resulting in cycles of payback and revenge that can continue for years, and do irreparable damage. Patrols and settlement families take jealousing and its consequences seriously, and will usually try to intervene, prevent, or mediate a dispute before it escalates. Jealous fights can be extremely complex, as the example below illustrates.

Family strife averted by Night Patrol!

A complex family dispute in a central desert Aboriginal settlement was destabilising relationships between two family groups. A young man, let’s call him Jim, had fathered a baby when he was with a young woman, who for the purposes of this account will be referred to as Ava. Jim’s current partner Beth had not been able to conceive during the three years of their relationship. Beth was extremely jealous of Ava, and would not allow Jim to see her or his baby, even though Ava was in a stable and happy relationship with another young man, and had no interest in pursuing a relationship with Jim. However, Ava did want the baby to know its father, and to grow up knowing who he was in relationship to his father’s family and country. Beth’s childlessness made her vociferous in her defence of what she saw as her territory – Jim – and she had

⁷⁰ Often appealed to by sniffers and other self-harming people, who will say to concerned relatives “It’s my body, I can do what I want with it” – an assertion that seems to be inarguable by family. Pers. comm., Phil Hassall, CAYLUS Case Worker, 2008.

assaulted Ava on a number of occasions when they happened to cross paths in their home settlement.

Jim was distraught at being denied access to his baby, and had attempted suicide on at least two occasions. He was unable to directly intervene in the dispute and assaults between the two women, as this would have created further trouble between the families. Generally, direct intervention in the fights of the other gender escalate conflict and attract the disapproval of all.

The women's Patrol in the settlement were not in the correct relationships to the young man and the two young women to be able to mediate the conflict directly. They talked and negotiated with the key members of the disputant's families, supported and strategised, and over a four month period, were able to negotiate an arrangement that worked for all concerned. During the period of negotiations, they kept an eye on Jim via direct observation and family networks, kept Ava and Beth away from each other as much as possible, and made sure that Beth did not get the opportunity to assault Ava and the baby if they did happen to be in the same place at the same time.

Ava's family agreed that they wanted Jim to be "father" to his child with Ava, and that the much-loved baby was an expression/symbol of the connectedness of the families, and the convergence of family interests. Relatedness is a primary cultural imperative for Aboriginal people, and relations are a primary resource. Beth's family agreed that she was "jealousing", and that her behaviour was destabilising relationships between the families. Her jealousy was not the issue – it was her violent expression of it and the damage it was doing to Jim and family relationships that was deemed to be dangerous. If Jim succeeded in committing suicide, Beth (and her family) would be blamed by Jim and Ava's families, and there would be ongoing repercussions that could do enormous damage to the families involved and to the social fabric of the settlement. All of the families were connected to and through the baby. None of the families wanted to be drawn into an ongoing family dispute that could escalate into violent confrontations or payback.

Beth's family told her that she had to stop assaulting Ava, and that Jim must be allowed to see his baby, or there would be unpleasant repercussions for her. She was not going to be allowed to continue to threaten the overall harmonious relationships between the families. Beth settled down, initially with a bad grace, but recognised that continuing her campaign of terror against Ava and Jim would not gain her anything, and could result in her losing the support of her family – a “social death” that would marginalise and disadvantage her. Beth had to listen to family; they constituted her primary resource base, and it was made clear her behaviour would have unacceptable repercussions for her if it continued.

By their subtle and timely interventions and negotiations with the appropriate members of both family groups, and using their intimate insider knowledge of family relationships and cultural law, the women's Patrol prevented Jim's suicide, ongoing assaults on Ava, and a potentially very damaging and violent family dispute.

Jealous for country

One of the most destructive and long running fights in this region is between two families living in a remote settlement. This is a particularly complex dispute due to the length of time the dispute has been extant (two decades or so), allowing plenty of time for grievances to compound, and for the complicating factors introduced by non-Aboriginal law to render the dispute unmanageable under either or both systems of law.

With the best of intentions, the local Land Council made a list of whom they considered to be the legitimate traditional owners of the country the settlement is built on. The subtler nuances of relationships and legitimacy of claims to country were lost in the translation of cultural law to codified law, as embodied in the problematic list of traditional owners. The families and people on the list were the recipients of the lion's share of resources in the community (including access to housing, jobs, royalties, etc.), and considered people who were not on the list to be of lower status and not entitled to anything, despite the fact that some of these people and families had been in the settlement for generations. Interestingly, the two warring groups are both descended from the same

grandparents, so the family schism is a comparatively recent phenomenon.⁷¹ This dispute has had massive repercussions - being responsible for innumerable assaults, at least half a dozen murders, and ongoing fights, victimizations, arguments, and incarcerations. This family fight has become intractable and has severely compromised community safety and governance in not only the home settlement, but also those linked by family and language group ties.

Dispute settlement meetings, mediations, and agreements have sometimes kept the peace in this settlement for brief periods, but there are always people and groups who are prone to use long-standing grievances such as this to justify violent assaults in what would otherwise be merely a brawl, often fuelled by alcohol⁷². Claiming the “moral high ground” in this way reduces the likelihood that the fighters will lose the support of their families, but increases the risks to the whole family of ongoing “bullshit law” violence.

Stories from the front line

Japaltjarri, an ex-Night Patroller who moved away from the settlement some years ago, had a positive impact on the levels of family fighting when he was living there by reducing the amount of grog coming into the settlement. His strategy for doing this was to lock up the fuel pumps at the store to prevent the grog runners leaving the isolated settlement. The grog-runners needed to re-fuel before they could leave, and without access to fuel, were stuck there until police could attend.

Japaltjarri had also faced down a determined, drunk, and armed grog runner on the road outside the settlement. Japaltjarri used his cultural status and considerable negotiating skills to talk the grog-runner into putting down his weapon, and not entering the settlement with his illicit load of grog. The grog-runner was reported to Police and was subsequently arrested. This incident considerably enhanced Japaltjarri's reputation and status, and made him even more effective in his role as a Night Patroller.

⁷¹ Pers. comm. NT Police Superintendent Kym Davies, 2008.

⁷² This is sometimes referred to as “bullshit law”.

Japaltjarri's status and reputation as a "hard man" enhanced his effectiveness as a Patroller. He amply demonstrated that there would be consequences for transgressions of local rules and law, and that he would respond in a concrete and immediate fashion to threats to the already fragile social fabric of the settlement. Everyone – the offenders included – was well aware of the cultural context within which Japaltjarri was operating, and of the fact he was a high status lawman, with a cultural and community mandate to take action. The more opaque, lengthy, confusing and abstract machinations of non-Aboriginal law were irrelevant (as well as absent).

Japanunga and that fight

Japanunga is a senior Anmatjere man with a vast family network that spans 3 language groups and an area the size of the state of Victoria. He is frequently called upon to mediate and arbitrate disputes, including flare-ups of long-running and intractable family fights, such as the one in the settlement described above.

Several generations of people have been born in this particular settlement, and under Aboriginal law, would have negotiable claims on its resources. However, the subset of families and people listed as traditional owners in the local Land Council documentation have taken a hard line on their entitlements, and systematically excluded other groups from consultation, resource allocation, and decision making processes. The settlement has become polarised due to the bitter dispute, and the epicyclic fighting, damage, court cases, jailings, payback, and so on. The troubles of this settlement spill over into other settlements along family lines, and occasionally into the major towns of the region, especially during sporting or other events where large groups of Aboriginal people gather. Relations of the warring groups from other settlements enact their family obligations by coming to the support of their kin, thereby escalating the scale and damage of the fight/s.

Japanunga has worked with Night Patrols in his capacity as a senior lawman in two of the settlements where families who are closely related to the warring parties live. Japanunga, who describes his role as being analogous to that of a

lawyer, has been called upon over the years to manage and dampen down this dispute when it looks like escalating beyond the generally high, but manageable levels of ambient tension between the families. His insider knowledge of the families involved in the dispute, how they are related and where their country is, the history and context of the feud, and his status as a senior traditional owner and lawman (Aboriginal way) enables him to negotiate a détente that generally settles things for a period.

Japanunga knows whose claims to speak for country are authenticated by Aboriginal law, and one of his strategies for reducing the levels of risk from the dispute are to assert this knowledge, and tell the people who are making more tenuous claims on settlement resources to return to their own country if they want to fight.

Unfortunately, this then prompts the dominant groups to abandon their case based on cultural law, and to use the Land Council list and non-Aboriginal law to assert their claims to country and resources. This means that the negotiated détente's under both Aboriginal and non-Aboriginal law do not last for long, as the shifting ground upon which the feud is enacted, variable alliances, chaotic events, changes in the fortunes of the settlement, and impulsive (often alcohol fuelled) misbehaviour can spark a flare up of hostilities at any time.

This type of dispute is not confined to this particular settlement. However, some of the other settlements experiencing this sort of conflict have been more successful at developing strategies, agreements and protocols for dispute management and resolution. Patrols are often key players in management of both large and smaller scale disputes, but generally as part of a wider inter and intra settlement network of elders, traditional owners, key family members, and Aboriginal law men and women.⁷³

The particular constellation of people whose cultural skills and connections are drawn upon for Aboriginal dispute resolution practices tend to change according to the nature of the dispute, and the identity and affiliations of both the

⁷³ Peter Ryan and Jackie Antoun, "Aboriginal Law and Justice Strategy", NT Department of Justice, 2005.

aggrieved and offending parties. It is crucial that the mediator/s and negotiator/s are known and respected by all parties, and that their affiliations and family relationships are in the correct alignment to the disputants and to country. This is in marked contrast to the mediation model used in non-Aboriginal dispute mediation practices, where an unaligned, often unknown and “impartial” dispute mediator is considered to be more able to deliver a reliable and fair result.

The confusion caused by switching between cultural law and non-Aboriginal law maintains the instability that has kept this fight going for so long. There is no simple solution, as the compounding of grievances over many years of fighting has gone on for too long. This situation will probably need ongoing management, by cultural insiders such as Patrollers (from both sides of the dispute), working with settlement administration and local government, Police and courts to achieve a manageable *détente* between the warring parties.

Payback

Payback is one of the most high profile aspects of Aboriginal cultural law, and is certainly one of the more problematic aspects for non-Aboriginal law and culture to deal with. However cultural law, payback included, has considerably more complexity and depth than assumption of the “right to inflict physical punishment”⁷⁴, or simple revenge. Payback, in its original and unintoxicated enactments, is about reducing ongoing conflicts by redressing and restoring balance between families or people in conflict. Unfortunately, claims for unregulated and intoxicated violence being “payback” have reduced the credibility of Aboriginal cultural law in general.

To cultural outsiders and observers, the Aboriginal attributions of causality that can lead to enactment of payback may be confusing and confronting. Aboriginal people may find themselves in the situation where they are held responsible for an accidental injury or death, or for a person’s self-harming

⁷⁴ Prof. Harry Blagg, “Zero Tolerance or Community Justice? The Role of the Aboriginal Domain in Reducing Family Violence”, paper presented at “Breaking the Chains – Reclaiming our Future” Conference, Mackay, 2-3 May, 2007, pg 6.

behaviour⁷⁵. However illogical this may seem to cultural outsiders, it is important to recognize that this is an integral part of the cultural matrix that Patrols work and live within, and that exposure to cultural dangers can have dire consequences for Patrollers and their families⁷⁶. Some of the attributions of causality that Aboriginal people meet with from the dominant culture seem just as illogical, for example the ludicrous idea that tiny invisible animals can cause illness.⁷⁷

Payback stories

A young woman had committed a violent offence (jealousy), and had been charged and sent to jail. Her sister was “paid back” by the aggrieved family of the victim, as the offender was unavailable due to her incarceration.

This situation – where an offender is incarcerated before they can be paid back – is very common. The purpose of payback is to redress the balance, thereby healing the rift caused by the offending party or parties’ actions. The redress needs to be as soon as possible after the event/s, delivered and supervised by the appropriate people, so the metaphoric wound to the social fabric and family structures does not metaphorically fester. Unfortunately for the family of the offender, culpability under Aboriginal cultural law is not confined to the person or persons who committed the offence, as it is under non-Aboriginal law. Under Aboriginal cultural law, any of the family members can be “paid back” in the offenders’ stead. Ideally this would be negotiated and supervised. However, it is now far more likely that inappropriate payback will be delivered in an impulsive and opportunistic way, by unauthorized and unsupervised members of the aggrieved family.

⁷⁵ This can lead to a form of emotional blackmail, where a person may threaten self-harm or suicide in order to extract concessions or resources from family members, knowing they will feel responsible/be blamed if the threat is carried through.

⁷⁶ Agencies such as police and courts often do not recognise this, or if they do recognise the risks, still insist on the ascendance of non-Aboriginal law e.g rules of evidence, witness statements or court appearances, etc.

⁷⁷ Pers. comm., Colin Watson, Nyirripi clinic nurse, 1990.

A remote settlement patrol reported they had seen a person lying beside the road just outside their home settlement. The Patrol went and got the clinic staff rather than approach the person directly, fearing they would be blamed for the person's parlous state. The person was in need of immediate medical attention, and was taken to the clinic. The Patrol saved the person's life by their prompt action without exposing themselves to possible blame and subsequent payback.

If the Patrol had tried to take the injured person to the clinic themselves, and the person had suffered further injuries or had died on the way, the Patrol could have been held responsible, and payback from the injured person's family could well have been a consequence.

“Payback” is claimed by some Aboriginal people as a justification for violent affray. However, unauthorised, unwitnessed and un-negotiated payback is no more acceptable under Aboriginal law than vigilante action is under non-Aboriginal law. Many of these alleged payback incidents take place when the offenders are intoxicated, without any form of cultural mandate, lacking the authorisation of the appropriate people, or the correct people being there as witnesses and regulators. Under these circumstances, claims to “payback” merely provide a convenient post-hoc rationalisation for unacceptable behaviour.

Cultural law and dispute management

In a nomadic family based culture without the infrastructure of a state, with no equivalent role to police, no jails, and no codified legal system, justice strategies of necessity tended to be direct and immediate. Shaming and exclusion from the group are the least immediately violent of these strategies in the Aboriginal cultural domain. However, exile from the group (social death) would have made survival as an outcast from family and country very problematic in pre-colonial nomadic times. More violent sanctions for transgressing cultural law such as beatings or spearing were negotiated, regulated and witnessed by the groups and individuals in the correct relationships to the offenders. These witnesses

and regulators were also responsible for calling a halt to the punishments once honour had been satisfied, and before there was too much damage done.⁷⁸

Gaynor McDonald makes the point that fighting among the Wiradjuri takes place in “a context of mutual interaction and communication: strangers do not fight”.⁷⁹ Fighting that takes place between groups and people that know and understand the rules of engagement is not as dangerous, or as likely to escalate uncontrollably as fighting between strangers. Langton argues that Aboriginal “swearing and fighting are culturally ordered forms of ‘dispute processing’ and ‘conflict resolution’⁸⁰, and that swearing and fighting are rule bound, and are part of Aboriginal legal processes that are often misinterpreted by cultural outsiders, and are regarded as illegal under non-Aboriginal law.

Many of my Night Patrol colleagues assert that once an offence or dispute had been dealt with under cultural law, it is finished, and will not be revived or appealed. Though true of some disputes under some conditions, this is unfortunately not always the case, as demonstrated by the “jealous for country” family dispute described above. These long-running disputes are often complicated by compounding grievances as a wider circle of people is drawn into the conflict to support their families, unauthorised retribution (delivered by inappropriate/undesigned people who may also be intoxicated), appeals to non-Aboriginal law to support the position of one or other sides of the dispute, and/or key disputants ending up in custody or jail.

Domestic and family violence often has intoxication⁸¹ as a co-factor, happens in a private or domestic setting, and is without the regulatory effects of appropriate family members being there to witness and limit the damage. Intoxicated people are not known for their ability to be reasoned with, and if the culturally

⁷⁸ A Patroller, talking about a dispute in which he had played the part of authorising witness, told me “We have to see blood. Once that blood is there, we finish it up” (call a halt to the fight).

⁷⁹ Gaynor McDonald “A Wiradjuri Fight Story” in *Being Black: Aboriginal Cultures in Settled Australia*, ed. Ian Keen, Aboriginal Studies Press, 1988, Pg 182.

⁸⁰ Quoted in Burbank, *Fighting Women: Anger and Aggression in Aboriginal Australia*, University of California Press, 1994, pg 32

⁸¹ There is a strong and indisputable link between alcohol and violence, in both the non-Aboriginal and Aboriginal cultural domains. Alcohol is a disinhibitor, adding significantly to the risk of a dispute becoming violent.

designated protectors of the disputants and arbiters of the dispute are also drinking or absent, their credibility and ability to moderate the behaviour of their violent kin is strongly compromised.

Settlement life with its attendant tensions, ready availability of alcohol and other intoxicants, and the chronic poor health and nutrition that plague some remote Aboriginal settlements have broken down some of the key networks of obligation and responsibility that supported Aboriginal methodologies for regulation and mediation of conflict. Anne Mosey comments that “Night Patrols in many cases are replacing the family and traditional structures of discipline which are weakened by the death, absence, or drinking by appropriate relatives”.⁸² This role is complex, requiring sophisticated and in depth insider knowledge of local family politics and relationships, and Aboriginal cultural law. It is not a role that can be performed by outsiders – including by Aboriginal people from a different language group. For Patrollers, who you are and your relationships and status within the community are a first principle, absolutely integral to the role⁸³.

Strategic syncretisms

In the various contexts of Aboriginal settlement life, avoidance and strategic relocation may not be viable as a solution to conflict, as the disputants may incur significant losses and isolation if they remove themselves from their primary resource bases – their families and their country. Once Aboriginal people leave their family’s country, their status changes, and they may not be able to rely on their kin and country entitlements and networks for support, as they become more marginal members of a diffuse and extended family and language group. In some cases, attempting a “geographical” solution to conflict may place them at risk of increased conflict, as the resident groups in the settlement or country they have moved to may resist and resent their attempts to gain a share of scarce resources.

⁸² Quoted in Ryan, “The Evolving Role and Functions of Remote Area Community Night Patrols in Dispute Resolution”, discussion paper, ALJS, NT Dept of Justice, 2005

⁸³ Recent changes in the management of remote settlement patrols have put their credibility, safety and effectiveness at risk by using a non-Aboriginal model of employment. Under this model, the job is defined by the (non-Aboriginal) agency providing the funds, and is a “bums on seats” model, where local status and authority are not primary criteria for employment as a Patroller.

Some interesting adaptations of Aboriginal justice strategies have developed as a response to the social pressures of remote settlement life, including acceptance of an agreed payment to settle a jealous fight for example.⁸⁴

In settlements where cultural law is still strong and respected, the strategy of community meetings has also been used to good effect. Patrols have often played a key part in calling, coordinating and supervising these meetings. I was staying in a settlement with a very effective Women's Patrol, and had the opportunity to witness one of these meetings.

The previous night, a young man had come back from the local town very drunk, had argued loudly with his wife, kept his kids awake so they were too tired to go to school the next day, and had threatened other family members before collapsing into a drunken stupor. Early the next morning, the Patrol went and got the young man and brought him to a meeting of the entire settlement in front of the store. The assembled families then all got to give the young man a piece of their mind. Family yelled at him. The Patrol yelled at him. The elders yelled at him, then the big guns – the traditional owners – yelled at him. The young man, feeling very vulnerable and hung over, clutched his baby and was suitably shamed. "Shaming" or "shame" has a somewhat more complex meaning in an Aboriginal context than it does in the non-Aboriginal domain.⁸⁵

As can be seen from the examples quoted in this chapter, dispute and conflict resolution in the Aboriginal domain can be an ongoing and lengthy process, requiring insider knowledge of the dispute, including the history of the dispute and disputants, an intimate knowledge of family relationships and their concomitant responsibilities and obligations, and considerable skills in negotiation and social engineering. In the histories of remote Aboriginal settlements, dispute management and mediation, and preventing conflicts

⁸⁴ An example of this sort of exchange occurred when a former wife accepted money from a new wife for her ex-husband. This averted a jealous fight, which may have had ongoing and damaging percussions within and between the families.

⁸⁵ Shame has connotations of respect as well as of embarrassment. Elders will on occasion speak with approval of a younger person who has "too much shame" to look them in the face. Someone who is outstanding in some way can make his or her family "shame" – a mixture of pride and embarrassment.

escalating to unregulated violence was a primary function of remote settlement Patrols. Patrols had the unique and specific skills base needed, by dint of being cultural and family insiders, and often excelled in this role.⁸⁶

However, it needs to be noted that much of the work of the Patrols in the area of harm and dispute prevention is invisible (performed inside a cultural matrix not observable or intelligible to cultural outsiders), and remained unreported and unmeasured. Measuring the success of prevention strategies is tricky under the best of circumstances, and it is very difficult to measure how many fights or disputes did not occur or escalate due to Patrols' dispute prevention and management skills. These difficulties have considerable implications for the funding of patrols, as non-Aboriginal funding agencies rely on quantitative (numbers) rather than qualitative (story) data to assess the success of funded programs.

⁸⁶ I asked one of the patrollers how he avoided being aligned with one or other side of a family dispute. He replied "I tell them, when I'm wearing this uniform, I'm not your family". The social complexity of Aboriginal family based governance makes it necessary for Patrollers to clearly define their role/s as social regulators, usually through signifiers such as uniforms.

Chapter 7: Job Descriptions and Night Patrol Strategies

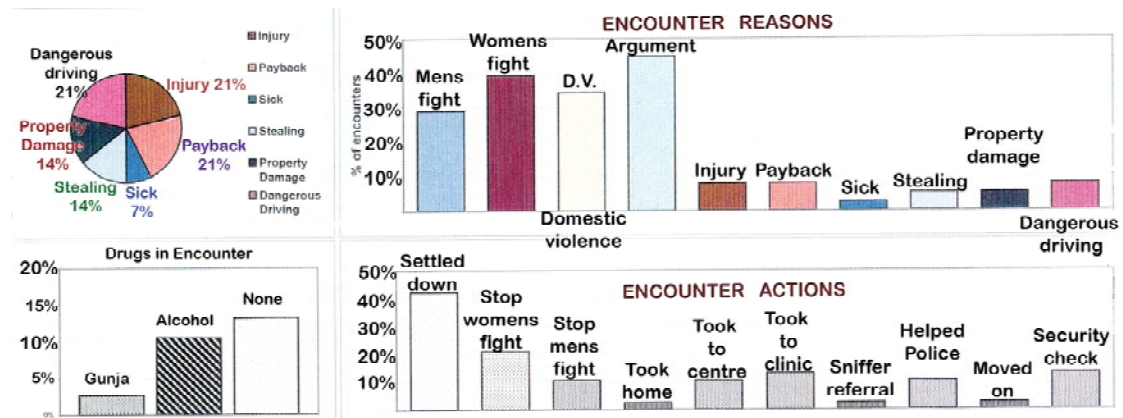


Fig 5: Women's Patrol report summary

Women's Patrol Report Summary

Above is a summary of approximately six month's work for a remote settlement Women's Night Patrol in mid 2005, a period prior to the Northern Territory Emergency Response (NTER, or Intervention, first implemented in 2007), and before the inception of the Shire local government system in 2008. The remote settlement still "owned" the patrol at this time, and Patrol activities were able to reflect the priorities and imperatives of the Aboriginal families living there.

Most of the patrollers were volunteers, or worked for CDEP wages. The older or not so healthy volunteers were sometimes paid small allowances that did not jeopardise their entitlements to pensions, sickness benefits, etc. Payment of these allowances depended on the sourcing of one-off small grants that often specifically excluded wage payments as a use for the grants, and were a far-from-reliable source of support for the Patrol.

Though poorly and erratically recompensed, the women were able to work as needed by the local families living in the settlement, including working long hours when there were events such as remote settlement Sports Weekends on, and on demand when there was trouble brewing, or when they knew there was a grog run happening. This flexibility and responsiveness was crucial to the sustainability of the Patrol, as the women had demanding family and cultural

obligations to be managed. Ongoing health issues and age also had to be managed in the context of their work as Patrollers. At the time the statistics above were collected, there was no functional men's patrol in this settlement.

The summary report was generated on an Excel spreadsheet using picture report forms that had been developed in collaboration with a range of remote settlement Patrols (see sample report forms below).

Other Patrol report summaries

Night Patrol Report Summary Dec 05 – Jan 06

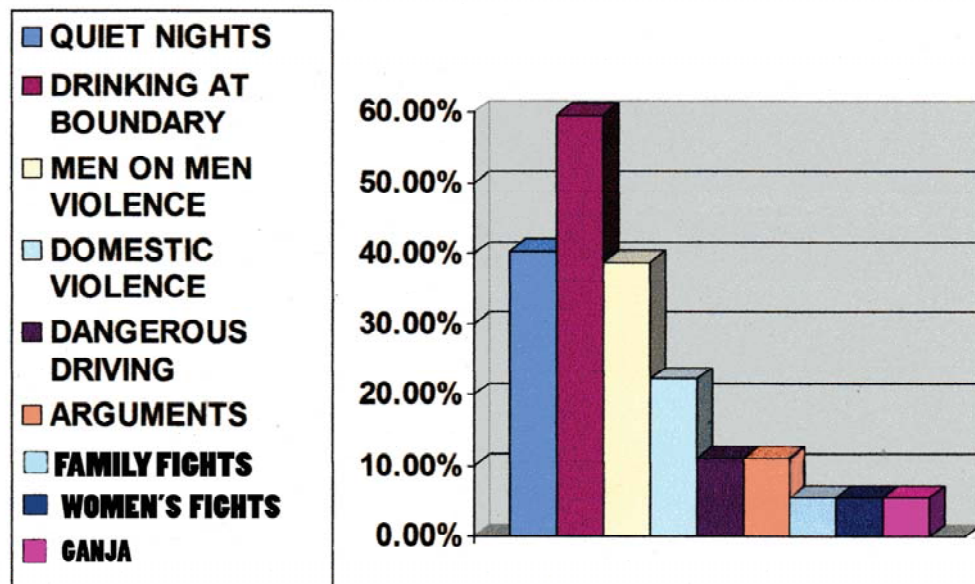


Fig. 6: Other Patrol's report summary

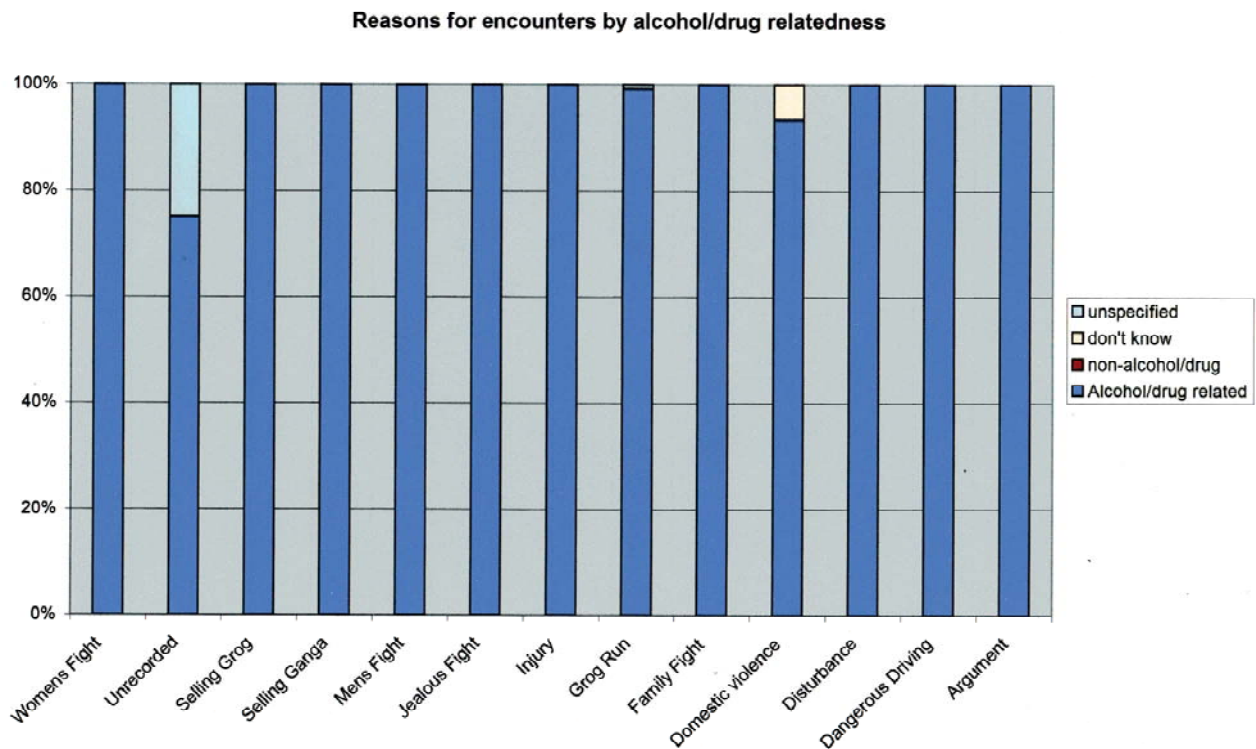


Fig. 7: Other Patrol: reasons for encounter summary

These picture report summaries from Other Patrol were for a much briefer period than the Women’s Patrol Report summary, as the data was collected over a 6 week period during the Christmas holiday season. The CDEP workers had been paid their holiday money, the card games were in full swing, and a lot of grog was being bought and drunk. Other Patrol’s settlement is situated close to a main road, and is not too far from Alice Springs, so access to alcohol is no problem for drinkers, and the main road that goes past the small settlement is lined with drinkers camps for several kilometres before the turn-off to Other Patrol’s home settlement. An interesting thing to note about Other Patrol’s reports is that alcohol was involved in every type of incident recorded, with only a small percentage of domestic violence incidents where the involvement of alcohol was recorded as unknown. Another interesting observation about Other Patrols’ activities during this period was that despite the high levels of alcohol consumption and fighting, there were no injuries recorded that were serious enough to require medical attention. This is largely due to Other Patrols’ preventative work in keeping the fighting from escalating to damaging violence⁸⁷.

⁸⁷ Pers. comm, Superintendent Kym Davies, NT Police, Southern region, January 2006.

Reasons and Actions

As can be seen from the report summaries, the majority of the “Encounter Reasons” were for conflicts between individuals and groups (men’s fights, women’s fights, domestic violence and arguments). The majority of the “Encounter Actions” were for managing those conflicts - settling people down, and stopping fights. Alcohol is identified as a significant factor in both Night Patrols’ encounter reports, though a larger proportion of the total encounters from the Women’s Patrol reportedly did not involve alcohol. As the settlements are both “dry” – the trafficking and consumption of alcohol is illegal – the proportion of incidents reportedly involving alcohol is still significant. The relative isolation of Women’s Patrols’ settlement may have conferred an advantage as far as the amount of alcohol actually getting to the settlement, and it is also possible that the Women’s Patrol may not have recorded every time an incident involved alcohol.⁸⁸

Prevention

The activity summaries are important, as they clearly demonstrate that the majority of the work done by these and many other Patrols is related to crime and violence *prevention* rather than a response to something that has already happened as is often the case with police work. Recording Patrols’ preventative activity can be difficult, as it is necessary to have some understanding of the local settlement’s specific family politics, stresses, and risks⁸⁹.

The Patrollers have this understanding, but from their point of view, many of the brief interventions they do such as sending kids home after dark (getting them out of potential harm’s way), or supervising sports where there are conflicts brewing between different groups, are viewed as par for the course, or internal

⁸⁸ The Patrol (as is appropriate) prioritised actually doing the job above accurate record keeping, and the reports were often done or completed the day after the incident.

⁸⁹ Every settlement is different, with a different range of issues, resources, and family politics. Circumstances can change rapidly and unpredictably, making the culturally specific skills of Patrollers invaluable in dispute management and prevention.

family business⁹⁰ and are often not reported as a Patrol activity. During the time I was working as the Remote Area Night Patrol Coordinator at Tangentyere Council, remote settlement Patrols generally reported only on actual incidents. It was much more difficult to capture data on their preventative work, particularly as some of their preventative activity took place over lengthy periods; weeks, months, and for managing particularly intractable fights, years. Data regarding these long-running conflicts and their ongoing management was collected in the form of anecdotes, as a result of informal conversations and discussions with the Patrollers and others.

Making sense of the data

Much of the most interesting and useful data I collected on Patrol issues, responses, and activities was in the form of anecdote or stories, and was not readily translatable into the sort of statistical information that funding bodies and auspice agencies use as benchmarks and performance indicators. Without contextual information, numbers are not very useful for evaluating a Patrol's effectiveness in its home settlement. Numbers fail to capture the subtler nuances of a Patrol's social engineering, and have an inherent bias to discreet, finite incidents, which may suit administrative reporting requirements but only dimly reflect the realities of remote settlement Patrols.

Anecdotal information, though more useful as a Patrol activity reporting mechanism, demands a much higher investment of time and energy from the people in the settlements recording the information, right through to funding bodies and policy makers. Patrols' position on the periphery of non-Aboriginal policy and agency means that they are not core business for any of the agencies involved in their auspicing and funding, and are only one of many projects and programs that agency are dealing with, to which standardised reporting and evaluation methodologies are applied.

Notes on Fighting

⁹⁰ For example, acting as auntie rather than as a Patroller. Because of the family and cultural base from which the Patrollers work, there is often not a clear distinction made between family and Patroller activity.

In remote Aboriginal settlements, outbreaks of fighting may appear to an outside observer to be chaotic events. Some fights are indeed chaotic and spontaneous, and as a consequence are extremely dangerous, especially where alcohol is a factor. However, a significant proportion of the fights that occur between Aboriginal people and groups take place within the cultural “rules of engagement”, and have a structure and format that is understood by both participants and fighters. Fights can be an assertion of personal autonomy (sticking up for oneself), an act of resistance, an expression or the result of a realignment of the social order, or of differential power relationships between groups and families.⁹¹

Fights that occur within the cultural “rules of engagement” are more susceptible to the dispute management techniques and harm minimisation strategies employed by Patrols than fights between groups that are unknown to each other. Strategic responses by Patrols (sometimes in conjunction with key family members) are effective because they are based in shared cultural law and understandings of relational politics, shared knowledge of the history of the dispute, and of the cultural rules of engagement.

The How of Patrols

So how do the remote settlement patrols do it? For example, what does “settle down” mean in a remote Aboriginal settlement context? Settling down a fight may mean the physical relocation of one of the warring parties or groups. It may be identifying and calling upon family member/s or settlement elders to act as mediators, or to talk people down from a state of agitation. It may mean engineering an agreement that the issue will be addressed in a more appropriate setting or time, and with the correct people present to witness and negotiate. It may mean taking people home so they can enjoy some family support and have a rest away from the aggravation of being in disputatious company.

⁹¹ “Fights are thus a means of maintaining balance in social relations and are not an index of disturbance. The causes are structural and the disagreements which are referred to by community members are triggers or apparent causes.” Gaynor McDonald, “A Wiradjuri Fight Story” in *Being Black: Aboriginal Cultures in Settled Australia*, ed. Ian Keen, Aboriginal Studies Press, 1998, pg 191.

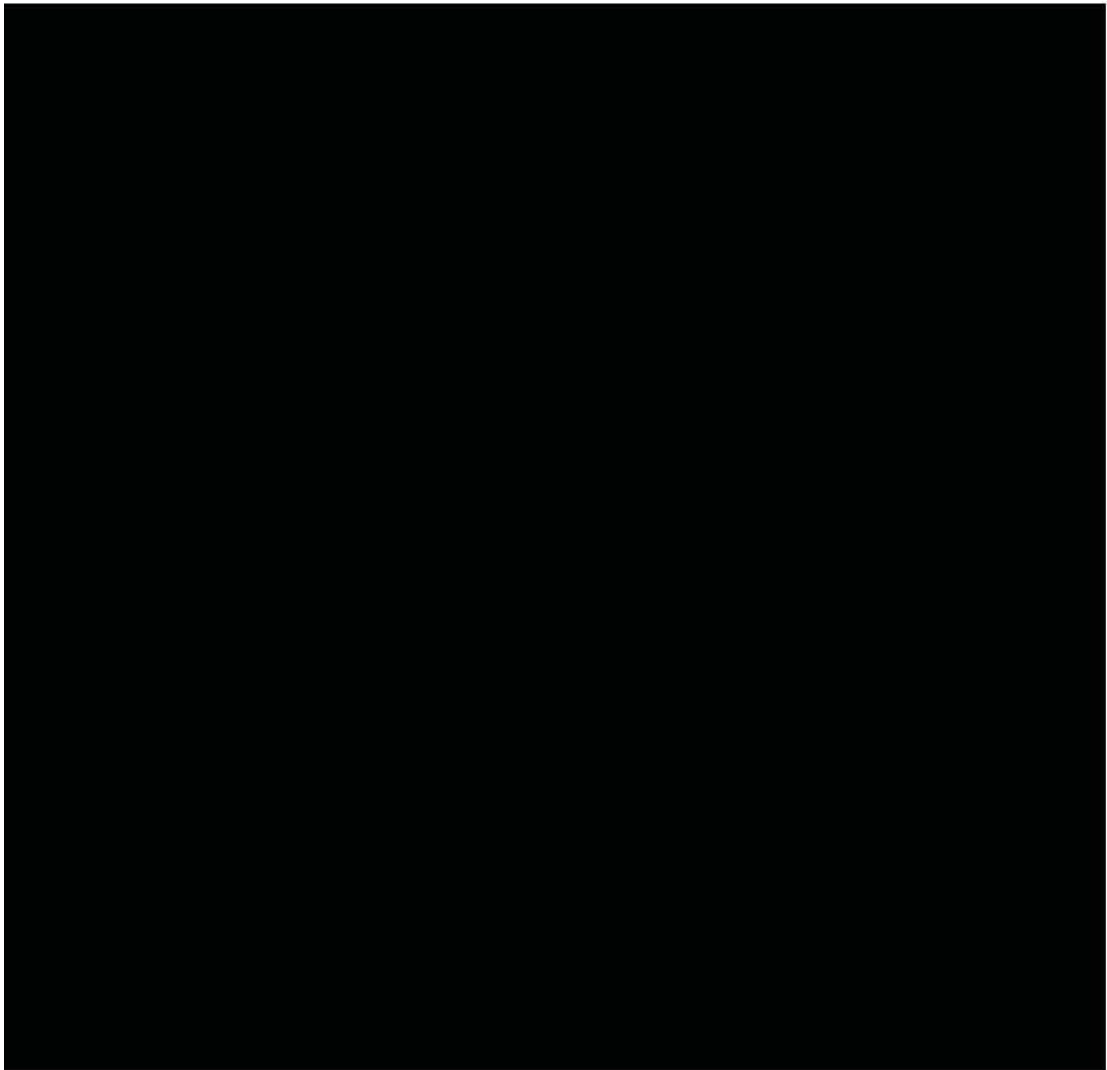
It should be noted that there is a large range of variations in conditions and resources available across remote settlements, and differing degrees of difficulty in accessing support and resources. Conditions and resources can also change rapidly within a specific settlement, requiring considerable creativity and responsiveness on the part of the Patrols.

Below are 3 samples of Night Patrol report sheets, with a range of common Patrol issues, and common Patrol responses. The names of the remote settlements and Night Patrol personnel have been removed from these samples: each of the sample report forms is for a different settlement Patrol, and is from a time prior to the Intervention, before police had a presence in most of the remote settlements in the region.

Sample 1 is a Women's Patrol report form from a sizeable settlement, with resident police. Sample 2 is from a small settlement with a Men's Patrol who call on the services of key women when they need gender specific assistance. The nearest police are a minimum two hour drive away. Sample 3 is from a medium sized, very isolated settlement, with the nearest police station being a minimum 4 hour drive away. Drive times are estimates, assuming reasonable road and weather conditions.

Fig. 8: Sample report sheet 1

Night Patrol Report					Night Patrol Report					Night Patrol Report							
Date:	Start work:	Finish work:	All OK		Date:	Start work:	Finish work:	All OK		Date:	Start work:	Finish work:	All OK				
NP Workers:					NP Workers:					NP Workers:							
Number involved:					Number involved:					Number involved:							
Names:					Names:					Names:							
Victim:					Victim:					Victim:							
Story:					Story:					Story:							



Men's Night Patrol

Date:

Time:

Night Patrollers:








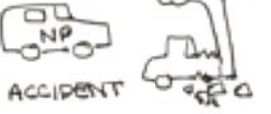







 TRACKING	 BREAKDOWN	 BUSHFIRE	 GROG	 GUNDJA
 CLINIC	 next settlement CLINIC	 ACCIDENTkm	NAMES ----- -----
 GROG RUN	NUMBER PLATE	 DANGEROUS DRIVING.	DRIVER'S NAME -----	
 TAKE KIDS HOME/ SCHOOL	 CHECK DRINKERS CAMP	 COMMUNITY MEETING		
 STOP FIGHT	 CALL POLICE	TIME OF CALL:		
		POLICEMAN:		
		POLICE CAME? YES/NO		

Fig. 9: Sample report 2

NIGHT PATROL

START PATROL WORKERS: FINISH

DATE: _____
WHERE? _____

HOW MANY? _____









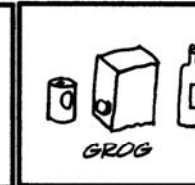

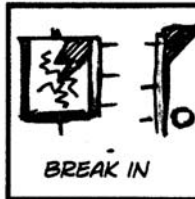








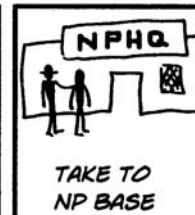

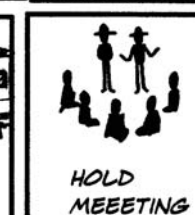
 FAMILY FIGHT	 WOMEN FIGHT	 MEN FIGHT	 KIDS FIGHT	 SNIFFING
 DOMESTIC VIOLENCE	 SUPERVISE DISCO	 SUPERVISE SPORT	 GROG	REFERRAL TO: CAYLUS 08 89514236 ILPURLA 08 89567046
 DANGEROUS DRIVING	 BREAK IN	 SICK	 GUNJA	ALICE SPRINGS  TAKE TO OUTSTATION
 MOVE ON	 SECURITY CHECK	 SETTLE DRUNKS	 LISTENING & WATCHING	CALL POLICE LOCAL:
 GET FAMILY TO HELP	 TAKE TO NP BASE	 TO CLINIC	 HOLD MEETING	SPOKE TO:

Fig. 10: Sample report 3

The how of picture reporting

Some of the Patrol picture reports have the Patrol member's names listed at the top of the report (this tended to be more the case for Patrols that had a stable core group of Patrollers). Whoever was working or volunteering with the Patrol would circle or write in their names. There is also space at the top of the page for dates and times to be recorded⁹². Patrols used these reports by circling the pictures that related to a Patrol activity, and their response to it. Additional information (such as names of families in dispute, etc.) could be recorded in the "story" section of the report at the bottom, or on the back of the picture report.

Recording of names of people involved in incidents was optional, as it was not desirable for Patrollers to have to "dob in" their family members. This maintained trust relationships between settlement families and the Patrollers, as they were able to affirm their role as helping to keep people out of trouble, rather than getting them into it. Sometimes naming names was not an issue for Patrols, especially where an incident required a referral to, or support from another agency such as the clinic or police. RANP prioritised capturing data about Patrol activities over identifying troublesome individuals or groups. Everyone living in the settlement already knew who the troubled or troublesome people were.

A photocopy of a settlement map or plan could also be attached to a report to indicate the location or locations of an incident or activity. For example, if the Patrol had dealt with a family fight occurring outside the settlement store, this would be recorded by circling the picture depicting a family fight. Patrol responses would be recorded by circling the appropriate drawing e.g. "settle down", "family help", or "hold meeting" – at times all of these would be the appropriate responses. Location data would be recorded by, for example, marking the store on the photocopied settlement map or plan, or alternatively, "outside store" could be written in the story section of the report.

⁹² Patrollers generally had enough numeracy and literacy in English to be able to fill in these fields without difficulty.

Events and incidents were often multi-factoral, so if the family fight was a result of a grog run, the Patrollers would circle “family fight”, “grog run”, and if the fight participants were drunk, would circle “grog”. If anyone had injuries from the fight, the Patrollers may have taken them to the clinic, or called clinic staff to the scene, in which case the “clinic” drawing in the Patrol response section of the report would be circled.

Levels of literacy in remote settlements are hugely variable, but it is generally very uncomfortable for Aboriginal people to have to write in English – often a third or fourth spoken language for remote settlement residents with very limited expertise in writing Aboriginal languages, let alone English. However, the Aboriginal Patrollers I worked with had no problems whatsoever with reading and using maps, and interpreting visual information. Aboriginal art uses abstract pictorial symbology as a way of expressing story and meaning; I have seen Aboriginal people who could barely write their names in English “read” a painting, correctly identifying the story, country, and kinship group of the Aboriginal artist who had created it.⁹³

Encounter reasons

Below are the images from the report sheets, with some explanatory comments.



Fights between children can sometimes be the start of a wider dispute, drawing in more and more members of family (including adults) to defend their children. Kid's fights can also be enactments of extant disputes between groups and

⁹³ When I first moved to the NT in 1988 I worked at an Aboriginal Art Gallery, and was extremely impressed by Aboriginal people's visual acuity. They would notice things that I could not even see, could pick familiar footprints out of a jumble of tracks in sand or dirt, and could interpret paintings that were from country and language groups that were distant, and unfamiliar. To assert that Aboriginal people are not literate is a statement that requires qualification: they may not be literate in a difficult foreign language (English), but are multi-literate within their own cultures and country. A group of artists were taken by the gallery to New York, where their work was being displayed. The New York gallery staff took the group of artists to Central Park, wanting to show off one of the city's major attractions. The artists were unimpressed, telling me later that it was “rubbish country” – no tracks to read, and no animals to hunt.

families, and can provide the catalyst for an outbreak of destructive aggression. Patrols generally will break up the fight, separate the combatants and/or take them home, and talk to their families to ensure that the kid's fight goes no further. Sometimes fights between groups of kids and young people require ongoing management and cooperation between remote settlement Patrols, schools, and families.



family fight

Family fights can be the result of a kid's fight or jealous fight escalating, the flare up of an unresolved or historic grievance between families, or can be the result of family being drawn into supporting their kin in a dispute (my family, right or wrong). Family fights can end up involving entire settlements, and can spread beyond their settlement of origin to involve family living in other settlements and major centres as well. These fights can be very dangerous, and have more than halved the populations of some remote settlements as people move away to avoid the trouble. Family fights are very disruptive to services such as remote settlement clinics, shops and schools, as it may be too dangerous for families in conflict to go to the shop, clinic, or their usual workplace. Patrols will generally do everything they can to avoid a situation escalating to the point where it becomes a family fight.



jealous fight

See Chapter 6 "Culturally specific conflict" for an explanation of "jealousing" or jealous fighting. "Jealousing" covers a range of reasons for conflict, and like

many other aspects of Aboriginal law, is difficult to translate into non-Aboriginal terms.

Jealousing is most often about an aggrieved sense of entitlement to a relationship, to country, a car, a house, a job, or other high status cultural goods. Jealousing is often cited as a form of provocation (however apparently unjustified) in domestic and family violence. Jealousing can spark some savage and intractable disputes between people and families – see “family fights” above. Patrols will generally try to manage jealous fights by mediation and negotiation with or through key family members. Patrollers’ intimate knowledge of how people are related, their status, their responsibilities under cultural law, and their position and status in the complex net of family relationships, are crucial to the success of any negotiations or mediations. If the wrong person or persons are called upon to mediate a jealous (or other) fight, they run the risks of being ignored, themselves becoming the target of hostility, or of making things worse.



sexual assault

The issue of sexual assaults is extremely complex⁹⁴; nonetheless, some Patrols (mainly women) have developed strategies to deal with an alleged assault. As is the case in non-Aboriginal society, many sexual assaults are not reported to either police or Patrols, though Patrollers have a far better chance than police of finding out that an assault has taken place, due to the Patrollers’ status as cultural insiders. It is overwhelmingly girls and women that are the victims of sexual assaults. Women who are present at, or who participate in drinking sessions with men are at particularly high risk of sexual assault. There have

⁹⁴ One of the many factors adding to the complexity of sexual assaults can be a clash in perceptions of relationship. A man may feel he has some entitlement to sexual favours from a woman who is his “promised wife” (a type of political alliance that does not have an equivalent in Australian non-Aboriginal culture). The woman’s wishes, desires (or lack thereof) may not impact on the man’s sense of entitlement, though the vast majority of Aboriginal men are happy for their “promised wife” to choose her own partner, and for them to choose their own partner.

also been some high profile cases reported of sexual assaults on boys by other men or boys in remote settlements. Generally speaking, a Patrol may try to find safe, same gender family for a sexual assault victim, and/or take the victim or victims of an assault to the clinic or Safe House (if one is available in the settlement or region). Patrollers may also utilise their kinship networks to find a safe place for the assault victim to stay once they have been treated for any injuries, or are leaving the Safe House. This may be with family in another settlement.



Fights between women can arise for a number of reasons. Children's fights can draw female relatives into the dispute in defence of their kin⁹⁵, the women may be "jealousing" over a man, or a women's fight may be part of a broader family dispute. Generally speaking, there are rules for fights that limit the damage to fighters and the social fabric. Fights are most dangerous when there is no appropriate family around to ensure that the rules of engagement are observed, or when participants are too intoxicated to remember or observe the cultural rules.⁹⁶ Men do not intervene in women's fights; this is far too provocative and culturally dangerous, and has the potential to broaden and exacerbate conflict. Men's and Women's Patrols will often call on each other for assistance when they are confronted with fights between the opposite

⁹⁵ "...mothers – both actual and classificatory – play a significant role in the control of aggressive behaviour; their participation is an expected extension of their nurturant role". Pg. 76 V.K. Burbank, *Fighting Women: Anger and Aggression in Aboriginal Australia*, University of California Press, 1994

⁹⁶ Gaynor McDonald notes that fighting can be an expression of the continual re-negotiation of social relationships and the social order: "In the absence or irrelevance of externally imposed controls, social order has to be continually re-negotiated. Fighting is one of the ways in which re-negotiation (or continuing negotiation) occurs. An attempt to damage a person's reputation in a small society has to be challenged, as it increases someone's shame and potentially leads to social death (Baroja 1965,85). The value placed on personal reputation leads to fighting, sparked by insults or public insinuations. The value placed on autonomy and responsibility for one's own actions limits the consequences of conflict as it condemns interference. The value placed on sociality and responsibility to certain others, such as kin, demands adherence to certain codes. The myriad relationships in which people are involved give rise to a dynamic in which negotiation continually takes place. G. McDonald, 'A Wiradjuri Fight Story' in *Being Black: Aboriginal Cultures in Settled Australia*, ed. Ian Keen, Aboriginal Studies Press, 1998, pg 193

gender. If there is no gender appropriate Patrol in the settlement, the Patrol may call upon gender appropriate elders or members of family to assist them to stop the fight becoming too destructive.



men fight

Men also fight for a range of reasons: jealous, defending family or self, enacting a family or personal dispute, etc. Just as men do not intervene in women's fights, women will generally not intervene in men's fights. If the women have sufficient cultural authority to shame or cajole their nephews or grandsons into stopping fighting, they may attempt to do so. They will not, however, attempt to modify the behaviour of men and boys who are not their family. Fights are most dangerous when the appropriate family members are not there to ensure adherence to the cultural rules of engagement, or the participants and observers are intoxicated.⁹⁷ The most dangerous fights are those between strangers, as neither side feels themselves to be bound by the normal rules of engagement.



domestic violence

For the purposes of the picture reports, domestic violence is identified as violence between spouses, and family violence as violence and fighting between groups, though Aboriginal categories of violence are not defined or viewed in anywhere near such a clear cut way. Domestic violence may be about jealousy, about unmet cultural or spousal obligations (or of conflicting viewpoints about these obligations), or a myriad of other "reasons".

⁹⁷ "Fighting between individuals, or between symbolised factions, does not threaten the social order unless the fight is conducted outside of the social norms – in which case it becomes "dirty fighting", for example with weapons or without an audience". Gaynor McDonald, "A Wiradjuri Fight Story" in *Being Black: Aboriginal Cultures in Settled Australia*, ed. Ian Keen, Aboriginal Studies Press, 1998, pg 193

Aboriginal women and girls are most often (but not always) the victims of domestic violence. Domestic violence is the key issue that led to the formation of the first women's Night Patrol in a remote Aboriginal settlement. The women clearly identified alcohol as the major contributing factor to domestic violence, and one of their first and most effective strategies was to prevent alcohol coming into their home settlement. In the first year of the Women's Night Patrol activity, incidences of domestic violence dropped by 80%, a graphic demonstration of the strong link between alcohol and violence, and of the efficacy of supply reduction strategies⁹⁸.

Other preventative strategies developed by the Women's Patrol were proactive temporary relocations of women and children at risk of violence (to safe family or to the settlement Safe House), negotiation with key family members in order to exert influence on people at risk of perpetrating or being the victims of violence⁹⁹, and as a last resort, asking for assistance from Police or courts. Police and courts are generally not viewed as being very useful, as their strategies are punitive rather than preventative or healing, and are only activated once an offence has actually occurred – too little, too long (to wait for any action) and too late.

Aboriginal women are understandably dubious about the value of assistance available from courts and police, and consequently much domestic violence goes unreported. A group of older Aboriginal women watching a women's legal service presentation on Domestic Violence and Apprehended Violence Orders were scathing about their efficacy. "Tying someone up with a piece of paper" one of them was heard to mutter derisively to her neighbour. Getting a spouse into trouble with police and courts is also dangerous, as even if the violent spouse is safely out of the way in custody, the rest of his or her family often feel obliged to close ranks and support their kin, most often to the detriment of the reporting victim or victims and their families.

⁹⁸ Supply reduction strategies work particularly well in remote locations, as there are very limited opportunities for sourcing alcohol in the immediate region. This statistic was supplied by NT Police to Anne Mosey.

⁹⁹ Women's Patrol strategies, maintaining congruency with Aboriginal cultural and family values, are generally aimed at family healing rather than punishment.



Langton and Burbank (among others) argue that swearing, arguing and yelling in Aboriginal cultures are ordered, rule bound, dispute resolution processes. Burbank argues further that aggression is an expected and acceptable cultural form for expressing anger, and Gaynor McDonald notes that fighting can provide opportunities for spectator enjoyment, the appropriate spectators forming an important part of dispute regulatory processes. Arguments can relieve tensions between people and groups and can thus be a mechanism for avoiding more damaging fights.

Arguments – no matter how loud, vociferous, or what is said – do not seem to damage Aboriginal relationships in the same way they would in the dominant non-Aboriginal culture. The durability of Aboriginal relationships is probably attributable to the family and kin-based political and social structures that underpin Aboriginal cultures – the unavoidability of Aboriginal relatedness. Arguments and fights are most often about relationships – though this can be expressed as focused on competing claims on an object or other resource.¹⁰⁰ The major risk for Patrols is that an argument will escalate, drawing in larger groups of family, or will become violent.

Patrol responses to arguments can range from maintaining a watchful presence, getting appropriate family members to provide a degree of refereeing to ensure other people are not drawn into participation in the argument, or temporary separation of the combatants.



¹⁰⁰ See Fred Myers' excellent essay on relatedness and claims to ownership "Burning the Truck and Holding the Country: Pintupi Forms of Property and Identity", in *We Are Here: Politics of Aboriginal Land Tenure*, ed: Edwin N Wilmsen, 1989, University of California Press

Becoming lost in remote desert regions can easily become life-threatening. Distances are huge, roads are isolated, conditions are extreme, and vehicles can be unreliable. Sources of water are scarce, and can be difficult to find, even when people are experienced with remote desert conditions. One of the primary imperatives for Patrols is to look after people and community safety, so when someone is lost, Patrols are, of course, expected to help find them again.

Old people and children will sometimes wander away from their home settlements and become lost. Vehicles using isolated or pastoral property roads can break down and strand whole families¹⁰¹. The increased presence of police in remote settlements since the Intervention, and the lack of other transport options has meant that more and more remote settlement people are traveling on isolated back roads in order to avoid the attentions of police. Patrols are now managed by the NT local government Shires, under an operational plan drafted by Federal Government bureaucrats, and are no longer allowed to take their government funded vehicles away from their home settlements. This greatly increases the dangers of traveling on isolated back roads, and also increases the cultural and physical dangers to the Patrollers, who may well be held responsible if people are not found in time to be rescued.

As can be seen from the story in Chapter 1, (section on Patrol roles and functions), the consequences of not assisting with a search can be very damaging to the credibility and safety of the Patrol, the social fabric, and family relationships. Patrollers often have, or have access to, tracking skills that can assist them to find someone who is lost. I have also seen Patrollers track a lost or broken down vehicle from its tyre tracks, effortlessly picking out particular tracks from a maze of others.

Patrol functions such as looking for lost people, and assisting people with transport to and from court appearances form a crucial underpinning of Patrols' primary role in looking after family. There is little prospect of Patrols being able

¹⁰¹ A local Aboriginal Community Police Officer (ACPO) and his family were traveling on a new dirt road between two remote settlements (about 300 kilometres distant from each other) in summer. Their car broke down so the ACPO, an experienced bushman, went looking for water in the local rockholes. They were all dry, so the group (including children) set off to walk to the nearest settlement at night, when it was cooler. The only one that made it was a pregnant woman; the rest of the party all perished.

to regulate or influence their family's more destructive behaviours without the support conferred by these more direct "helping" activities for the Patrols' primary cultural imperative - to "look after" family.



Marijuana, colloquially known as ganja or gunja, weed, kumanjayi¹⁰², and myriad other pseudonyms is a relatively recent¹⁰³, but escalating problem for remote settlement families in this region. When gunja first appeared in remote settlements in the Central Desert region, local Aboriginal people did not perceive it to be as problematic as alcohol. Young people who were intoxicated on gunja were not fighting, were not violent, and were not committing crimes other than smoking gunja. Some families were rumoured to have purchased gunja for their young people, because it kept them quietly at home and off the grog¹⁰⁴. However it became apparent, after an initial period of family tolerance and indulgence for gunja, that it was having a significant effect on the physical and mental health of some of the young smokers, and also having deleterious effects on their families. Families already impoverished by gambling and drinking were placed under further pressure to fund their young people's gunja habits. Threats of violence, self-harm and suicide became a common strategy to extort money for drugs from family members¹⁰⁵. Psychotic episodes became

¹⁰² A name that is used by some local language groups when someone has the same name as a deceased person – the unmentionable.

¹⁰³ Gunja first started appearing in significant quantities in Central Desert remote settlements in the mid to late 1990s. Grog had been around for much longer, and is, in some ways, a better known quantity as a dangerous intoxicant.

¹⁰⁴ Pers. comm., remote settlement Patrollers at RANP Reference Group meeting, Hamilton Downs Youth Camp, 2002

¹⁰⁵ Pers. comm., from many sources, including Patrollers, remote settlement Aboriginal families, remote settlement based police, and others. There are also references to this unsavoury method of funding addictions in Gregory Phillips' book *Addictions and Healing in Aboriginal Country*, Aboriginal Studies Press, 2003, pp 77-78. Phillips' field work was done in Northern Queensland, but is also highly relevant to the Northern Territory remote settlements. Phillips is an Aboriginal man, and is one of the first Aboriginal medical anthropologists in Australia.

more common among the heavy consumers of gunja, and the rates of suicide among young gunja users increased¹⁰⁶.

Initially, the gunja dealers were non-Aboriginal people, but it did not take long for local dealers to become established in many remote settlements. The dealers were careful to keep their caches of drugs stashed away from their homes and settlements, so they could not be readily identified or busted. These dealers were protected by their customers, who would often maintain secrecy even among each other, as they wished to ensure an ongoing and reliable gunja supply.¹⁰⁷ Patrollers, many of whom were older people, and non-users of gunja did not know a great deal about it, and at one stage asked to be shown some gunja so they could see it and smell it. I asked police based in some of the remote settlements if they could oblige the Patrollers, but it proved to be so difficult to organize that the police “show, smell and tell” never happened.

Developing Patrol strategies to deal with gunja was extraordinarily difficult, as the consumption of gunja and other illicit substances was part of a developing secretive and oppositional Aboriginal youth culture. Patrol strategies that had been developed for dealing with drunks did not work with people intoxicated on gunja, as these strategies depended partly on family imperatives and authority that were rejected by the young gunja users. Patrollers were also concerned that confronting the young gunja smokers would make them more vulnerable to depressive, psychotic, or suicidal episodes, and would further alienate them from their families.

Patrollers and concerned family asked police for help, but policing of gunja consumption and supply relied on evidence, which was very difficult to get, and

¹⁰⁶ Suicide rates among Aboriginal people tend to rise where any substance or combination of substances becomes problematic. Alcohol and gunja are both disinhibitors, making the sorts of suicidal ideation common among heavy abusers of substances extremely dangerous, as people are more likely to act upon suicidal impulses. See Colin Tatz, *Aboriginal Suicide is Different: A Portrait of Life and Self-Destruction*, Aboriginal Studies Press, 2005.

¹⁰⁷ *Addictions and Healing in Aboriginal Country*, Gregory Phillips, Aboriginal Studies Press, 2003, Pg. 61.

partly relied on a gunja users family's support for legal action which may result in court and imprisonment, a route which many Aboriginal families were understandably very reluctant to take¹⁰⁸.

More recent strategies have focused on supply reduction, with police targeting drug dealers and traffickers. These strategies have enjoyed some success in reducing the amounts of gunja available for sale, but there is now an entrenched and inventive network of dealers and gunja smokers who have come up with some very original methods for smuggling gunja.¹⁰⁹



As noted above, Patrollers have at times worked with police to target the suppliers and traffickers of gunja. Patrols got around the difficulties of “dobbing in” their family members by assigning the task of providing information to Police about a suspected or known dealer to a family outsider, preferably a non-Aboriginal person. Lack of evidence or witnesses made, and continues to make, pursuing legal action difficult. Sometimes police were able to make it clear to the dealer/s that they knew who they were, and it was only a matter of time before they were caught if they persisted in dealing. This did not stop the more brazen of the dealers, as they knew that without evidence, police could not take any action, and they were well protected by their customers. The high prices of gunja place it beyond the reach of many would-be smokers, but as is the case with any habituated substance user, some people will go to almost any lengths to secure their supply.

¹⁰⁸ Given the history of Aboriginal experiences of courts and Policing, there is a general reluctance to subject family to non-Aboriginal legal processes. There are few alternatives if Aboriginal law is ineffective in modifying destructive behaviours, as mental health and addiction services are almost non-existent in remote settlements. Even where these are available, they are generally based on non-Aboriginal cultural methodologies.

¹⁰⁹ One of the more inventive smuggler's techniques alleged to be in use is to put the contraband substances inside a kangaroo carcass for transport to remote settlements.



Alcohol is the main substance that is abused by Aboriginal people, and is the number one substance associated with violence and self-harm among Aboriginal peoples in this region. The confusion of Australian citizenship rights and “drinking rights” – with many Aboriginal drinkers making little or no distinction between the two¹¹⁰ – has made it very difficult to target Aboriginal drinking in a way that is not discriminatory. Central Desert settlements are theoretically “dry” (no alcohol permitted), and most of the alcohol that is consumed is smuggled into settlements in grog runs, or is consumed in drinkers’ camps outside settlement boundaries.

Some settlements in the Top End have “wet canteens”, where alcohol can be consumed legally. The establishment of “wet canteens” in remote settlements was originally proposed as a way of teaching Aboriginal people to drink responsibly, and to provide a revenue stream for the settlement. However, a study done by Peter d’Abbs at the Menzies School of Health Research showed that consumption of alcohol in settlements with licensed clubs was 76% higher than the already high figure for the NT (at 42% above the national average),¹¹¹ despite the rhetoric of Aboriginal people learning to drink “responsibly”. Licensed clubs in settlements also increased the demands on other services, particularly health and policing. Childcare and schooling also suffer, as most of the drinker’s incomes (and that of their partners) was consumed by the clubs, and children lost out on adequate nutrition and sleep.

David McKnight charted the alcohol-related decline of an Aboriginal settlement over 30 years in his book *From Hunting to Drinking: The Devastating Effects of Alcohol on an Australian Aboriginal Community*.¹¹² McKnight describes the

¹¹⁰ *Indigenous Australia and Alcohol Policy: Meeting Difference with Indifference*, Maggie Brady, UNSW Press, 2004, pg.58

¹¹¹ “Out of Sight, out of mind? Licensed clubs in remote Aboriginal communities” Peter D’Abbs, *Australian and New Zealand Journal of Public Health*, 1998, Vol .22, no. 6

¹¹² David McKnight, *From Hunting to Drinking: The Devastating Effects of Alcohol on an Australian Aboriginal Community*. Routledge, 2002

destructive impact of alcohol on every aspect of Aboriginal life in the settlement, and his book makes for sobering reading (pardon the pun). Marked increases in violence, suicide, and grog-related illnesses, accompanied by an equally marked decline in cultural and subsistence activity such as hunting and ceremony were the result of the establishment and operation of the licensed club.

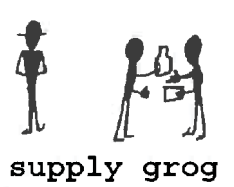
A “wet canteen” (licensed club) was trialed in a central Australian settlement in the 1980’s, but it had to be shut down, as the ready availability of alcohol exacerbated already high levels of family and settlement dysfunction, and vastly increased the already high rates of interpersonal violence¹¹³. Various attempts have been made over the last twenty years to re-establish wet canteens in remote settlements. Much of the rhetoric and justification around the proposed re-establishment of wet canteens has been to do with creating a revenue stream for remote settlements (a complete furphy) and teaching Aboriginal people to drink in moderation. As d’Abbs and McKnight have so clearly shown, this “reasoning” is not in any way justifiable by the experience of remote settlements with wet canteens.

Moves to establish wet canteens in remote settlements have been strongly resisted by those with the most to lose (and by those who have already lost the most to grog) – the women who have lost fathers, sons, nephews, cousins and brothers to grog-related fights, accidents and illnesses, and their female kin to drunken domestic violence and murder, illness, and impoverishment.¹¹⁴ The rhetoric begins to look very self-serving when it is the drinkers and suppliers of alcohol who are advocating for wet canteens in remote settlements. Likewise for town councils and agencies that want to shift the problem drinkers out of town, where they are an unsightly and threatening nuisance, back to remote settlements that have minimal resources for dealing with the vicissitudes of daily family life, let alone those people with alcohol and other addictions.

¹¹³ Pers. Comm. Kym Davies, NT Police Superintendent, Southern region, 2005

¹¹⁴ Many women who had relatives who drank, or who drank themselves (when away from their home settlement), did not want their children growing up seeing drunk people every day. Pers. comm., Nampitjinpa, Naparulla, Nungurrayi, Napangardi and Nakamarra. 1996 to 2006

Preventing alcohol from reaching settlements was the major strategy that Patrols used (see sections below on “supply alcohol”, “grog run”, “check drinkers camp” etc.), and this drawing was most often used by Patrollers to record whether alcohol was involved in a reportable incident. If people were sitting down quietly consuming alcohol, not making noise and fighting, the settlement Patrol would sometimes content themselves with keeping an eye on the drinkers in case there was any escalation of conflict. This was invariably seen as preferable to involving police, or of trying to exert any influence on drunken people. Patrollers told me on many occasions that drunken people “can’t listen”, and some Patrol actions were postponed until the day after the drinking session, when the drinkers would be hung over, less combative and more vulnerable to community and family reprimand.



As with any black market, there is much profit to be made by running grog into remote settlements. A cask of wine can sell for more than \$50, and a bottle of spirits for \$100. If Patrols were in a situation where they witnessed grog and money changing hands in a prohibited area, or could get a group of drinkers to identify the grog runner/s that supplied them (a rare occurrence), they could choose to call police. However, as noted above, recourse to police is often used only as a last resort by Patrols, with very good reason.

Until fairly recently police in remote settlements were few in number and widely dispersed. This made them at times unable to respond to requests for help from Patrols in a timely or appropriate fashion. Though not legally empowered to confiscate alcohol under non-Aboriginal law, Patrols chose to operate under their own law, where cultural authority and relationship enabled them to check any vehicles suspected of grog running, and to confiscate any alcohol they found. Sometimes the grog was destroyed in a public setting, where a senior lawman, law woman, or Patroller would theatrically stab the casks, or smash the bottles in front of the group of would-be drinkers and other family. This was

a graphic demonstration of community censure for grog runners and for drinking.¹¹⁵

Due to the slow response times for police in remote settlements, some Patrols developed a strategy where they would confiscate grog from grog-runners and drinkers, and then deposit it in a secure place (for example, the settlement Council office)¹¹⁶. The Patrol would inform police as soon as practicable that they had found and confiscated grog. The police could then come at a later time, collect the evidence, and take it away or destroy it.



As noted above, grog running can be enormously profitable, though certainly not without its risks. Grog runners tend to use roads less travelled in order to avoid the attentions of police or importunate family who may demand a share of the contraband. These roads are isolated and dangerous to travel on, particularly in some of the decrepit vehicles used for grog-running. Grog runners came up with all sorts of ways to get grog into their home settlements. Grog runners have been found with their windscreen washer reservoirs full of wine or spirits, grog was hidden in children's prams and nappy bags, and cartons of beer were concealed under sleeping children or elderly relatives in the back seat. Grog runs were often timed to arrive in the settlement in the

¹¹⁵ One of the Patrols in the region was very good at preventing any grog getting into their home settlement. They were assisted by there being only a few roads into their settlement, and the settlement being medium sized (approximately 300 people), so any untoward activity would be quickly noticed and addressed. The Patrol, who already had a reputation for very consistent and effective patrolling, let it be known throughout the region that any grog runners caught bringing grog into their home settlement would lose not only their grog, but the car that was being used to run it in as well. They were senior traditional owners and custodians of the settlement they were living in, and had sufficient cultural authority and reputation for this to be taken seriously by the grog runners, who avoided travelling near the settlement with their contraband for a number of years.

¹¹⁶ In one settlement, drinkers were so determined to party on that they broke into the police station and stole their confiscated grog back again. Pers.comm. Blair McFarland, 1995

middle of the night, when Patrols (and the rest of the settlement) were asleep. The grog would be swiftly distributed and consumed as soon as possible¹¹⁷.

However, the grog runners did not have it all their own way. Patrols would often know when a grog run was likely. Perhaps someone had a big win at the card games, liked to drink, and was known to be very likely to spend their gambling wins on a grog run and a second hand car. Some Patrols waited outside settlement boundaries for the grog runners to arrive, and either took the grog away from them, or gave them a choice to stay away from the settlement until the grog had been consumed. Paydays – for welfare benefits and settlement employment schemes – were the most likely times for gambling and grog runs, and were when much of the Patrol activity against grog-running took place. The “number plate” field in the picture report form was used to record the number plate of the vehicle used for grog running. Sometimes this number plate would be supplied to police, so they could intercept the grog run between the take-away grog supplier and the grog runner’s destination back at the remote settlement.



petrol

Petrol sniffing became an issue that affected Central Australian settlement families in the early 1990s. It had been an entrenched and seemingly intractable problem in the Pitjantjatjara lands to the south for some time, and there were also outbreaks of sniffing in Top End settlements. Petrol sniffing is substance abuse’s poor cousin – not the substance of choice for many, but an easily available and cheap means of getting high¹¹⁸. Unfortunately, sniffing is also extremely destructive to both the sniffers and their families. Sniffing

¹¹⁷ Some people living in settlements (Aboriginal and non-Aboriginal) applied for alcohol permits. The permits allowed them to bring alcoholic drinks into the settlement for their own consumption. However, once the non-Aboriginal permit system (focused on an individual) met primary Aboriginal family-based imperatives to share, the people with permits found themselves under enormous pressure, and their households became the focus of drinking parties. This was much to the detriment of any children, young people and women living in the house.

¹¹⁸ Pers. comm., Blair McFarland, Central Australian Youth Link-Up Service (CAYLUS) Manager, 1996

destroys the myelin sheath on nerves in the brain, and can result in permanent disability and brain damage. The extent of permanent damage from sniffing depends on how young the sniffer started, and the length of time they sniffed for; an encouraging amount of recovery is possible if addressed early and decisively enough.¹¹⁹

Initially, Patrol strategies for sniffing relied on repatriation of “ringleader” sniffers to their own home settlements. Sniffers from other settlements would come to attend Sports Weekends or other events, and would recruit local kids and young people to sniffing while they were there. Repatriation of sniffers worked for a while, with outbreaks of sniffing ceasing once the ringleader/s had gone. However, over time, settlement populations of sniffers began to develop, with local families no longer being able to repatriate the problem. Sniffers committed petty crimes such as breaking in to the settlement store, stealing petrol from cars, property damage, and fighting. Occasionally, sniffers would commit much more serious crimes, such as serious assaults and murder¹²⁰. Their unpredictability and fragility made them very dangerous to deal with, not only for Patrols, but for the sniffers’ families and others as well.

Dealing with sniffers in their home settlements challenged Patrols to change their strategies. Prior to 2004, there was no legislation enabling police and courts to confiscate petrol or other inhalants, or to send sniffers to treatment outstations, so there was no use reporting sniffers to police. There were no referral options available in remote settlements, and clinics were unable to treat the brain and peripheral nerve damage that began to appear in the chronic sniffers. Sniffers were seemingly immune to the sorts of family pressures and influences that were used to modify recalcitrant behaviour. As threats of social exile and exclusion was one of the most oft-used of these strategies, and sniffers had already substantially withdrawn themselves from family life (identifying more closely with their peer group), this was not going to work.

¹¹⁹ Pers. comm. Blair McFarland, CAYLUS Manager, 2002

¹²⁰ Some years ago in Alice Springs a brain damaged sniffer followed a non-Aboriginal woman he did not know into her house, and stabbed her to death. There was no provocation or observable reason for this random act of violence.

Patrols were informed by health staff that they could not use the same strategies for sniffers as for drinkers, and that they must avoid chasing or yelling at sniffers, as their mental and physical health was very fragile¹²¹.

Eventually a Patrol member, a grandmother prominent in the settlement, became so concerned about the damage to family life and to the young sniffers, that she sought assistance to use a family outstation as a place where sniffers could be sent to recover. The isolation of the family outstation ensured that the young people could not walk out to a road, or back to the settlement where sniffable substances were readily available. The settlement youth program coordinator at the time (Yakajirri, otherwise known as Andrew Stojanovski) provided support and coordination services for the outstation, plus running a vibrant youth program in the settlement as a reward and diversion for the non-sniffing young people¹²².

The settlement Patrol would see the young people who were sniffing in the community at night, and would assist with negotiating with families to refer their sniffing youngsters to the outstation. The outstation, (formerly known as Mt Theo, now the Warlpiri Youth Development Aboriginal Corporation) has been an unqualified success, with many of the young ex-sniffers who were “graduates” of the program becoming functional members of their families and settlements again. The outstation program will accept only people from their own language group (Warlpiri) as inter-language group negotiations with other families, and getting family support for non-Warlpiri sniffers at the program proved to be too difficult to be sustainable.

Eventually, the legislation changed so that legal action was able to be taken in relation to inhalant abuse¹²³, rather than just for supply of an inhalant substance, and police had a legal mandate to confiscate and pour out petrol

¹²¹ Sniffers have been known to die very suddenly when under some sort of stress, from a syndrome known as sudden sniffing death. Two young men who were playing football as well as sniffing both died in separate incidents – one died suddenly on the football field, one had some sort of fit in the middle of a game, was evacuated to hospital, and died later. Pers. Comm., Tristan Ray, CAYLUS Manager, 2010.

¹²² Yakajirri has written and published a book about his experiences with the development of the Mt Theo outstation program, *Dog Ear Café*, published by Hybrid Publishers, Melbourne, in 2010.

that was being sniffed. Other potential responses were mandatory treatment orders which required people to attend registered treatment centres for up to two months. This allowed the community to respond to inhalant abuse without criminalising the abuser: no criminal conviction results from the operation of the mandatory treatment order, even if breached. The development and regional roll-out of a non-sniffable fuel (Opal) finally put paid to much of the sniffing in remote settlements. There are still isolated outbreaks of sniffing, substitution (glue and paint rather than petrol), and concentrations of hard core sniffers in larger centres such as Alice Springs where sniffable substances are readily available.

There is now another outstation rehabilitation facility operating (Ilpurla, run by Arrernte man Barry Abbott and his family), who will accept people from any language group. Between the roll-out of Opal fuel, legislative change, and referral options for sniffers, there has been a 94% reduction in inhalant abuse in Central Australia according to a Federal report on the roll out of Opal fuel released in 2008.¹²⁴ Patrols continue to play a key role in referrals and transport of sniffers to facilities such as Mt Theo and Ilpurla.



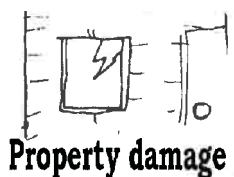
Before sniffing became actionable under the *Volatile Substance Abuse Prevention (VSAP) Act* of 2004, Section 21 of the *Misuse of Drugs Act* prohibited supply of a substance that could be reasonably suspected of being

¹²³ Things got very bad for some settlements prior to the legislation being changed. One local settlement had a population of over 100 young sniffers, who would lurch out into the night to create mayhem after sleeping all day. The settlement had a population of less than 300 people at this time. Initially, many of the young people who sniffed were marginal, with fairly tenuous connections to families they were attached to. Parents and other close family may have been in jail, ill, or elsewhere. This reduced the young person's ability to access clothing, blankets and food. Sniffing reduces feelings of hunger and cold, so was embraced by some of these marginal young people, who then provided a focus for a new and oppositional youth culture in remote Aboriginal settlements.

¹²⁴ Recommended reading for more information on the history and almost complete demise of sniffing in Central Australia: Andrew Stojanovski's history of Mt Theo, *Dog Ear Café*, Hybrid Publishers, Melbourne, 2010, Maggie Brady's *Heavy Metal: The Social Meaning of Petrol Sniffing in Australia*, Aboriginal Studies Press, 1992, and Blair McFarland's monograph "CAYLUS and the Opal Alliance" published by the Alcohol Education and Rehabilitation Foundation (AERF) in 2010/11.

inhaled. This applied to people sharing their petrol with other sniffers as well as selling it. The illegality of supply was one thing; getting police to act on it was another. RANP and CAYLUS promoted the use of section 21 to Patrols, and highlighted the Act's existence (and the potential for prosecutions) to suppliers of petrol and other inhalable substances. Some petrol stations in the region had allowed people to purchase small amounts of petrol that they had every reason to suspect would be sniffed, or would turn a blind eye if someone went to the pumps with a soft drink bottle and drained the petrol pump hoses. Once it became clear that suppliers could be prosecuted, they became a little less tolerant.

Sniffers would often readily identify who had given or sold them petrol if asked by family or Patrollers. Patrols were able to target petrol dealers, and ringleader sniffers with a little more confidence once they knew there was a law against providing sniffable substances. However, gaining the cooperation and support of police proved to be more difficult due to the high levels of evidence required for a prosecution. The *VSAP Act 2004* that created a legal means to address sniffing, and the introduction of Opal fuel throughout the region were the major factors that impacted most on levels of sniffing. Outstation referrals afforded Patrols and settlements some level of respite from the activities of sniffers and inhalant suppliers, and provided a welcome alternative to the criminal justice system.



As can be seen in the Women's Patrol and Other Patrol activity summaries, the vast majority of reasons for Patrol action are interpersonal and intergroup conflict and violence. Arguments, fights and domestic violence are well ahead of all other Encounter reasons combined. Property damage in remote Aboriginal settlements is often a secondary result of family dysfunction and fights, and was generally viewed by Patrols to be of less consequence than damage to relationships and the complex net of kinship.

Socially marginal groups of children and young people sometimes break into settlement stores and buildings to steal food and other items, or would trash vehicles or buildings out of sheer boredom¹²⁵. These groups were often the young relatives of dysfunctional families, perhaps with their closest relatives in jail or in town due to illness or addictions. Property damage was sometimes a consequence rather than being the primary aim of the offenders, for example, hunger being the driver for breaking a window to get into the settlement store. Property damage was also sometimes a symbolic act, as in the destruction of a disputed item, or in attacks on the Night Patrol vehicle rather than on the Patrollers themselves¹²⁶.

Some settlement Patrols checked on the store, Council buildings, the school, and other buildings left unattended at night in order to prevent break-ins. If there were groups of kids hanging around, the Patrol might offer them a lift home, or send them to relatives. The settlement stores often provided some sort of in-kind recompense for this, such as some fuel for the Patrol vehicle, or food for the patrollers. A few stores had service agreements with Patrols.¹²⁷



stealing

A very low incidence of stealing was reported by the Women's Patrol, and does not feature at all in Other Patrol's report summary, though the slightly higher incidence of reports of stealing in the Women's Patrol perhaps reflects that their report summary is for a considerably longer period than Other Patrol. Where ownership, responsibility and obligation are changeable and negotiable, stealing is a less than clear-cut category of offence, though things certainly do change ownership without consent. Prior to the regional rollout of Opal fuel and

¹²⁵ Marginal people have tenuous claims on family resources and attention, and are more vulnerable than those who are better connected.

¹²⁶ A far less risky strategy than targeting the Patrollers. Disgruntled would-be drinkers or people who felt that the NP had not been sufficiently helpful to themselves or to their family would sometimes target the vehicle in this way.

¹²⁷ Post NTER and Shires, neither stores nor Patrols are community "owned" any more, considerably reducing the possibility for mutually beneficial, but informal service agreements such as the one described above to be made.

the VSAP legislation, people who were tired of having fuel from their cars stolen by sniffers would occasionally report the thieves to police¹²⁸.



Patrols were often the first to arrive at an accident or fight where someone had suffered an injury. First priority was ensuring that the scene of an accident or injury was made as safe as possible, as rapidly as possible. The preferred response used by Patrols was to summon the Clinic staff to attend the scene, rather than take the medical and cultural risks involved in trying to move the injured person or people. Most Patrol members had basic First Aid training, but cultural protocols sometimes limited who and how they could treat injured persons. If an injured person suffered further injury or died as a result of being moved by the Patrol, it left the Patrol members open to being blamed, and could spark an ongoing fight or payback involving the Patroller's families as well as themselves.

If clinic staff were unable to be contacted via radio, a Patroller or Patrollers could be dispatched to fetch clinic staff while the other Patrollers stayed and assisted where they could. If the event was a vehicle accident, Patrollers could stop or re-direct any traffic around the scene. Remote settlement Patrols would often provide cultural brokerage services and protection for clinic staff, particularly if injuries were a result of a fight or payback, or clinic staff were called out after hours. This function was part of the job description for some Patrols, and was much appreciated by Clinic staffers. Some remote settlement clinics had signs on their doors stating that intoxicated people would not be seen by Clinic staff unless escorted by the Night Patrol. This helped ensure the safety of both the clinic staff and the intoxicated person/s, as they were far more likely to listen to someone who they knew, and who was talking to them in their own language.

¹²⁸ Generally not resulting in a successful prosecution due to insufficient evidence and the unwieldy workings of non-Aboriginal law, but may scare the sniffers off for a period.



sick

Patrols would sometimes act as an initial point of contact and liaison between the clinic, sick people, and the sick person's family, and would provide or network basic cultural liaison and language services if required. However, explaining medical conditions or illnesses to sick people was generally not viewed as a Patrol function. Where possible and appropriate, Aboriginal Health Workers may have performed this function. The Patrol fulfilled their mandate to look after family by facilitating the initial contact between clinic and sick person/s.¹²⁹



TO CLINIC

Injured, sick and drunk people sometimes need to be taken to the settlement clinic, or clinic staff called out to an accident or incident (also often by the Patrol). Patrols provided protection for clinic staff and patients, by being able to settle a distressed and/or intoxicated patient (in their own language), preventing any aggression from patient or family directed at clinic staff from escalating or becoming violent, and informing patient's families of the patient's whereabouts.

Some settlement clinics would not attend incidents or accidents after hours unless they were escorted by the Patrol. Clinic staff were particularly vulnerable at culturally sensitive events such as payback¹³⁰, sorry business

¹²⁹ Aboriginal aetiologies for sickness can sometimes involve assumed or actual transgressions of cultural law. The best strategy for Patrols and others is generally to avoid contact with people who may be in a culturally dangerous – and contagious – state of illness, and to get help from the appropriate people, including nangkari (traditional healers) and clinic staff. (Pers. comm., Colin Watson, remote settlement clinic nurse, 1995.)

¹³⁰ During payback, it was essential that the perpetrator/s be seen to have been appropriately and sufficiently punished, so the timing and extent of any clinical interventions to take care of paid back

(funeral rites) and some ceremonies, and the support and cultural brokerage services provided by Patrols were particularly important at these times for the safety of everyone concerned.



**dangerous
driving**

Doing “wheelies” (uncontrolled slides and turns in a vehicle) through the settlement or on the football oval was a favourite recreation of some remote settlement drinkers. This was a matter of great concern to settlement families, as it placed old people and children at considerable risk of injury; neither could move fast enough to get out of the way of a poorly controlled vehicle. Vehicles doing “wheelies” in remote settlements have also plowed into fences and occasionally collided with buildings and caused considerable damage to the vehicle, the building, and the driver and passengers. Remote settlements where the alcohol-restricted area covers only the area of the settlement itself are particularly vulnerable to this type of vehicular offence, for example, settlements that began as excisions from pastoral leases.¹³¹ The number plate field on the picture report could be used to record the number of the vehicle used in an incident involving dangerous driving.



accident

Patrols, being locally based in remote settlements, were often the first on the scene of an accident, and used similar strategies to those described for “injury”

perpetrators had to be carefully negotiated. Alleviating the perpetrator’s suffering was sometimes viewed as contrary to the purpose of the payback – but was an important part of the professional duty of care of clinic staff.

¹³¹ One settlement in the southern NT region was very isolated and had no resident police. The drinkers camp was just across the road from the settlement boundary, so all the drinkers had to do was to cross the road to enter the settlement in an intoxicated state. Drunken wheelies were a frequent and worrying occurrence, until there was an effective and dedicated Patroller in the settlement who was of sufficient status to get the drunken drivers to hand over their keys to him.

and “dangerous driving” to minimize risk to those involved in and witness to an accident. The priority tasks for Patrols were to get the appropriate help for anyone injured in an accident, and to keep the accident scene clear of curious onlookers or children in case of dangerous fuel spills, fires and broken glass from vehicle accidents, and dangerous circumstances in other accidents.



gambling

A recent study¹³² of problem gambling in Northern Territory Aboriginal populations found that:

- gambling had been viewed as largely unproblematic (redistributing income, providing recreation) until the late 1980s/early 1990s. Changes in attitudes coincided with a rise in Aboriginal patronage of casinos and other public gambling venues, with a particular increase in the use of poker machines.
- By this time, correlations between problem gambling and other issues such as alcohol and substance abuse were also becoming obvious.

- the Anderson/Wild *Little Children Are Sacred* (2008) report found there was a strong correlation between gambling, alcohol and other substance abuse, and child neglect.

- confirmed that there are strong correlations between problem gambling and high levels of grog and other substance abuse whether the gambler/s are Aboriginal or not.

- there are also strong correlations between problem gambling and Aboriginal family violence and victimisation.

¹³² Done through Charles Darwin University, by Matthew Stevens et.al. in 2009. Stevens presented the project’s findings at Tangentyere Council on March 10, 2010. Data referred to in this section came from this presentation.

- for Aboriginal populations in the Northern Territory, the greater the degree of social connectedness, the higher the incidence of problem gambling, violence and victimisation. An inference that can be drawn from this finding is that the high degree of social connectedness in remote Aboriginal settlements could put Aboriginal remote settlement dwellers at particularly high risk from problem gambling.

Despite gambling having a close connection to alcohol and other substance abuse, and increased risks of family violence and victimisation, it has attracted little in the way of critical attention (until recently) or attempts at regulation.

In remote settlement economies, gambling is a way - sometimes the only semi-legal way - for people who are lacking opportunity and/or the skills to engage in paid work to make some money. Winnings may be used to pay fines, reciprocate family generosity and shore up relationships and reciprocity, or to purchase large items such as a fridge or a car. However, it is usually the case that the big winners leave the settlement with most of their winnings and spend it all elsewhere, impoverishing the entire settlement for that week or fortnight¹³³. Dilapidated vehicles are purchased and used to run grog, or the gambling gets scaled up to a visit to the Casino in Alice Springs, with the usual outcome being total loss of any winnings from the settlement card games.

In this region, experienced field workers do not call meetings or events on or after a “payday”, as the card games are far more compelling than any meeting¹³⁴ and field workers can confidently expect that very few people would turn up to a meeting. One of the stronger and more effective Patrols in the Central Desert region noted the effect that gambling was having on the health

¹³³ People not involved in gambling are importuned at every turn, and can find themselves besieged by hungry relatives, stretching the kinship safety net well beyond its limits. Children often come off worst from gambling, being ignored while the games are going on, and underfed when their carers lose, or leave town with their winnings (without the children). Sometimes the children themselves gamble. One Patrol, in a settlement where gambling was particularly rife, told me about a seven year old child who was on his way to the shop to purchase some lunch with \$10. He got involved in gambling with other children (all under 12 years old), lost his lunch money, and went home crying and hungry. This was by no means unusual in this particular settlement.

¹³⁴ Meetings are most often held in English (a foreign language for most Aboriginal people in this region), and often have no particular result from an Aboriginal perspective. See Folds’ book *Crossed Purposes: The Pintupi and Australia’s Indigenous Policy*, (UNSW Press, 2001) for explanations of the Pintupi perspective on the strangeness of whitefella customs such as meetings and work.

of the children, and decided they would put a stop to gambling for money. The Patrol experimented with allowing people to gamble for goods such as clothing, blankets, shampoos etc, but found that people, not content with this, were still gambling for money.

The Patrol then switched strategies to patrolling the settlement, confiscating the cards that people were using for gambling, and throwing them in the fire¹³⁵. The gamblers then switched to playing marbles for money, so the Patrol confiscated the marbles and gave them to the local school. The gamblers then gave up trying to gamble in this particular settlement and would leave if they wanted to gamble.

Interestingly, the cessation of gambling had an immediate impact on the health of the settlement children, with the local clinic reporting a dramatic reduction in the numbers of “failure to thrive” children.¹³⁶

The Patrol were supported in stopping the gambling by their cultural status and authority, and by a critical number of family members who were concerned for the damage being done to family relationships and children by gambling. Other settlement Patrols were not as effective at preventing gambling as this particular Patrol. This could have been due to other settlement Patrols not viewing gambling as a primary issue, and/or their home settlements not being as cohesive as the particular settlement described above, as a result of which the Patroller’s roles and authority could have been more diffuse. Patrollers are also not necessarily immune to the charms of gambling in remote settlements where there are few other recreational opportunities.

Reporting on Patrol actions

Patrol actions are often a combination of responses. Some Patrol actions can be a range or series of actions and responses over time, pertaining perhaps to the ongoing management of disputes between people and groups. These

¹³⁵ The destruction of the cards worked well as a theatrical gesture of disapproval for the activity, much as public destruction of grog demonstrates disapproval of drunkenness.

¹³⁶ Numbers dropped from around 10-12 children to one child only, who had unfortunately been born with a disability that slowed his normal development.

actions are difficult to report, as they are often not viewed as incidents by Patrols, but as part of the ongoing business of negotiating complex relational, cultural and cross-cultural politics.

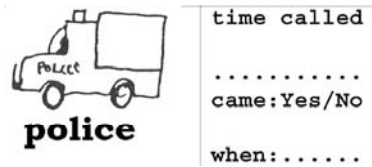
Other Patrol actions such as checking on drinker's camps or checking on whether anyone is trying to break into the settlement store are easier to capture in a report, as they are discreet events with specific parameters.

Patrol actions such as being at events like settlement Sports Weekends, discos, meetings, etc. are of critical importance for prevention of dispute escalation, substance abuse and grog-running, and payback. The Patrols know who is likely to start a fight, abuse substances, who the people and families at the event are, and where they are from. Observing and being present at events where disparate groups are brought together is a very effective Patrol action; people are far less likely to make trouble if they know they are being observed by their settlement Patrol. It is, however, crucial that the Patrol are cultural insiders – related, known, language speakers, and respected within that group – or no-one will listen to them, considering the Patrollers to be infringing their autonomy, rather than looking after them.

The tension between Patrol preventative activity and the high value placed on personal autonomy is one of the ongoing fields of negotiation in the remote Aboriginal cultural domain.

Hunter-gatherers also place more emphasis on personal autonomy so that others are less willing to intervene to stop abusive drinking or violence than in the case of other societies. Kunitz (1994:186)¹³⁷

¹³⁷ “The Politicisation of Disease and the Disease of Politicisation: Causal theories and the Indigenous health differential” Peter Sutton, ARC Professorial Fellow at the University of Adelaide and the South Australian Museum, pg 5, quoting Kunitz, Stephen J. 1994. *Disease and Social Diversity. The European Impact on the Health of non-Europeans*. New York, Oxford: Oxford University Press.



Calling police to assist with a Patrol action is often a vexed issue for both Patrols and police. Police were most often called in by Patrols only as a last resort, when a situation had escalated beyond what Patrols and family-based law could safely manage. Police and Patrols are each mandated by conflicting laws, operating on completely different principles, and often made uneasy collaborators¹³⁸. For Patrols to be seen by police or by their settlement families as proto-olice, or as running a policing style security service is both counter productive and dangerous in remote Aboriginal settlements in the NT region.

Patrols are mandated – by kinship, the basis of Aboriginal political systems - to operate from uncodified and negotiable cultural law, of which they are an integral part. Patrols at their best are an expression of cultural law in positive and preventative action. Settlements where cultural law has broken down beyond a certain point are generally unable to support or sustain a functional Patrol, as the relationships and authority structures that underpin Patrol activities are too fragmented to be workable. Police are mandated under an alien, codified system of law that is unable to respond appropriately (preventatively) to the sorts of interpersonal and inter-group conflicts that are so prevalent in Aboriginal settlement life, or to prevent an offence occurring. Patrolling and policing are very different things, as can be seen from the summary reports at the head of this chapter.¹³⁹

¹³⁸ Nonetheless, there were some excellent relationships between particular police and Patrollers, characterized by mutual respect, recognition of each other’s capabilities and limitations, and a collaborative approach.

¹³⁹ When shown the summary reports in April 2010, NT Police Superintendent Kym Davies commented that policing reports would have shown a reversal of the types of incident and response reported, with “settle down” (the most frequent Patrol action) being minimal for police, and the majority of police activity being in dealing with offences under non-Aboriginal law such as stealing, property damage etc. for which the Patrols reported minimal activity. Recognition of the differing but complementary roles of Patrols and police can considerably enhance quality of life and community safety in remote settlements.

The field recording the response times for calls to police was added to the picture reports due to frequent reports from Patrols of considerable delays in police availability and inability to respond to calls from remote settlements. These delays were the source of considerable frustration for both police and Patrols. Police were not based in every settlement prior to the Intervention, and often had territories the size of several small countries in Europe to cover. Road conditions between remote settlements were variable, and by the time police could respond to a call-out, the situation had often either been settled by the local Patrol, or the offenders had left or gone into hiding. Lack of evidence, and the unwillingness of remote settlement people to be witnesses in court, or to make statements that would get the offenders into trouble (and would cause ongoing trouble for the statement makers if they did) meant that the chances of a “successful” police action were pretty slim. Police stationed in remote settlements were also under pressure to limit after-hours and call-out work, as it limited their availability for day-to-day policing, and was costly (overtime and travel costs) for the Police department.

The Patrols’ frustrations arose from the fact that when police were called an immediate response was needed, as the situation had escalated beyond what Patrols could manage. At times, police did not respond at all, or it could take up to two weeks to follow up on a call-out from a Patrol.¹⁴⁰ A settlement Patrol who recorded police call-outs and response times found that police did not respond at all to 8 out of 10 calls for help, and when they did respond, the average response time was two days after the event.

In one instance, police were asked by settlement people who were tired of ongoing family fighting to attend a mediation meeting in a troubled settlement in the region. The police attended under instructions from a superior ranking

¹⁴⁰ A remote settlement man had just got out of jail, and had smuggled some bottles of rum back into his home settlement. The Patrol were called out at 1 am, as the offender had broken the arm of a young man, and had seriously assaulted an older woman. A local Patroller, a man of considerable status in the settlement, faced up to the drunk and aggressive offender, got him to hand over an almost full bottle of rum, and smashed the bottle (thereby destroying the evidence) so the offender would not be able to get it back and drink it. The nearest police were a two hour drive away, and when called, told the Patroller that they could not come to the settlement until the next morning. This left the Patroller with no choice but to stay up all night to supervise the aggressive and drunk offender, keep him from committing more assaults or running away, and wait for the police to come. Fortunately from a legal point of view, the people he had assaulted were prepared to make statements, and he was sent back to jail for breaching parole.

officer, but later assured the mediators that if left to their own devices, they would not have come. The police ensured that people involved in legal actions (assaults) were kept away from each other, and that no-one brought weapons to the meeting, which was very publicly held on the settlement football field. After the meeting the police were congratulated by the mediators on the excellent job they had done of supporting the meeting and keeping the peace. The police however, were disappointed that they had not got to do any “real” policing, and considered the meeting and their activities to be a failure, despite the high value placed on their support and presence at the meeting by settlement people and the mediators.

Unfortunately, there is not the scope in this dissertation to explore the history and complexity of relationships between police, Aboriginal people in the region, Patrols, and the more recent legal and policing issues brought about by the influx of police into the region via the Howard government’s Intervention (NTER). This would make a very interesting future research project.



check drinkers camp

Some remote settlements have informal drinker’s camps outside the settlement boundaries, where it is not illegal to consume alcohol. These drinker’s camps can be dangerous places, and some settlement Patrols would check that there was no fighting, people needing medical attention, or children at the camps. Most of the trouble from the drinker’s camps occurred when they came back to the settlement after all the grog had been drunk. Family members were often particularly vulnerable if the drinker/s returned to find that there was no food left. One settlement Patrol would supervise drinkers’ returns to their families and the settlement, sticking around long enough to ensure the drinker/s were in bed and sleeping it off before the Patrol left. Other Patrols confiscated car keys to ensure that the drinkers were unable to drive their cars when they were “full

drunk”. A particularly creative variation on this was a Patroller who would take drinkers’ car keys, and then throw them into the bush, telling them (paraphrased) “when you’re sober enough to find the keys then you’ll be sober enough to drive”¹⁴¹.



meeting

Public meetings are a key strategy for Patrols, where the offenders are castigated and shamed by their families and elders. The public meeting works best in settlements that have functional levels of cultural law still extant. Where cultural law has broken down, or there are too many groups and families in conflict in the settlement, the public meeting does not work nearly so well.

I was fortunate enough to have witnessed one of these events, the morning after loud drunken arguments had disrupted the sleep of most of the settlement. A young man had been drinking at a nearby drinker’s camp, and came back to the settlement late at night, “full drunk”. He yelled at and argued with family for some time before falling into bed to sleep it off. The Patrol were aware of what was happening in the young man’s house, assessed him as noisy, but not representing a danger to his family, so did not take any action that night. The next morning however, they were at the young man’s house bright and early. They got him up and took him to a public area outside the store, where elders, family, traditional owners, and spectators were all gathered. The hung-over young man was then yelled at by everyone. He was holding a baby, as both a protective measure – no-one would hit him while he had the baby in his arms – and also as a demonstration to the assembled throng of the fact that he was a good family man. His family told him off, the traditional owners yelled at him, even the kids told him they were angry with him for disturbing their sleep. The young man meekly submitted to being told off, and made a mumbled, shamed apology to all those present.

¹⁴¹ Pers. comm., Superintendent Kym Davies, NT Police, April 2010

“Shame”, like “jealousing” is another culturally specific category of feeling and relationship, overlapping with non-Aboriginal concepts of shame (embarrassment), but with some added ingredients. In an Aboriginal context, having “shame” is often approved, as it indicates appropriate levels of respect for people and cultural law, and can be used in a humorous or teasing context¹⁴². In the example above, publicly “shaming” the young man who had transgressed in front of his family and group was considered to be an appropriate and sufficient penalty. If the young man had been defiant rather than shamed, the penalty for his transgressions could well have become more painful. “Shame” in an Aboriginal cultural context seems to be a variable mix of embarrassment, shyness, and respect. In pre-contact days, being shamed into compliance with group social norms was only one step short of social exile – which could have been a life and death matter.¹⁴³

It is important to note that the public meeting has different meanings and functions in an Aboriginal context to a non-Aboriginal meeting context. For remote settlement Aboriginal people, a public meeting is a place where consensus is displayed, and challenges to even the most outrageous statements are not issued¹⁴⁴. If there is disagreement between people and groups, this will generally not be raised or flagged in the context of a public meeting as meeting participants could be shamed, which may result in an escalation of conflict. This fundamental disjunction between Aboriginal and non-Aboriginal understandings of meetings continues to confuse, as agencies and people holding meetings in remote settlements expect decisions to be made at those meetings, and for those decisions to be adhered to, along the lines of representative democracy, where one person can speak for the wider group. This is rarely the case in remote settlements, where Aboriginal people listening to someone making a speech or agreement at a meeting do not

¹⁴² For example, a young woman who was being congratulated for doing particularly well admonished her supervisor for drawing attention to her. “You make me shame!” she said, laughing, shy, but very pleased. Pers. comm. Nakamarra, 1999.

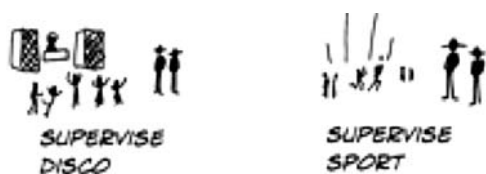
¹⁴³ Pers. comm., Kumanjayi Stuart, 1995.

¹⁴⁴ I have been at many settlement meetings where the major grog-runner is the one who makes an impassioned speech about how grog must be kept out of their home settlements. The uninformed observer could easily assume that this was a strong person in the settlement, and was someone who could be trusted. However, the settlement people and families know that the grog-runner is making that speech because if anyone else said it, it would shame the grog runner, and could prompt retaliatory action from the “shamed” person.

consider that the speaker/s are representing them or their family's interests, and do not consider that agreements made by that "representative" person/s are binding on them and their group in any way.

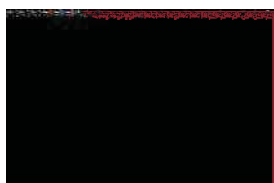


Sometimes Patrollers were not the "right" people to settle someone down or to prevent escalation of a dispute. Patrol members may have been in kinship categories that prevented them being able to talk to offender/s and key disputants, or have been living away from the country that gave them the status required to deal with disputes effectively. In these instances, Patrollers would recruit the assistance of key members of their, and the offender's families in order to settle someone down or prevent a dispute escalating. Sometimes this was done in a pre-emptive fashion, for example, if the Patrol knew that Jungala (a kinship category) was intoxicated and was likely to hit his wife, Nungurrayi, they might ask someone from Nungurrayi's family to quietly go and take Nungurrayi and the kids to another place for a while. This action is readily constructed as keeping Jungala out of trouble, as well as looking after Nungurrayi, supporting the Patrols' mandate to take action.



Patrols' supervision of settlement events such as discos and sports activities has a preventative role, as the mere presence of authoritative and watchful eyes was often sufficient to deter troublemakers. Where large and multi-group events such as settlement sports weekends occurred, it was crucial that sports teams and their supporters from other settlements and language groups were accompanied by their own Patrols. Patrol authority is based on very specific relationships and cultural status. Outside their own cultural and family domain,

Patrol authority and mandate for action becomes more tenuous and open to challenge. It is not culturally safe or sanctioned for Patrols to deal with other groups, and it may be dangerous for them to attempt to do so. For example, a Warlpiri Patrol would not presume to transport an unrelated, for example Luritja, person or group to a sobering up shelter or camp, as the Patrol could then be blamed if the Luritja person or group became ill or anything happened to them¹⁴⁵. However Patrols could, and in most instances would, find someone who could safely convey a distressed or intoxicated person to the assistance or service they required.



Take to court

Of the 24 or so remote settlements in the NT region south of Tennant Creek, only 6 get a visiting court service. People needing to attend court who live in the 18 or so other settlements without a visiting court service have to get to court any way they can. There is no public transport system in remote Central Australia, and negotiating access to a roadworthy vehicle to get to a court appearance can present insuperable difficulties, leading to a sometimes ridiculous escalation of fines, warrants and legal penalties for what may have started out as a relatively minor traffic or vehicle offence. The increase in police presence in remote settlements since the Intervention has greatly increased the numbers of remote settlement people being booked for vehicle and traffic offences such as driving an unregistered car, and/or driving without a license. Vehicle licensing and registration services are also not available in many remote settlements. This leaves people in the position where in order to get to court for a vehicle/driving offence, they may have to risk driving – unlicensed –

¹⁴⁵ This scenario actually occurred during a Lightning Carnival, an AFL football event held in Alice Springs at the start of the season, with the majority of the teams playing being Aboriginal, and mostly from remote settlements in the region. Large numbers of people come in to Alice Springs from remote settlements to support their teams. These large gatherings of different groups provide lots of opportunity for conflict and aggression. The police asked a Warlpiri Patrol to convey a very drunk Pintubi man to the Alice Springs sobering up shelter, not understanding the cultural and physical dangers the Patrol would be exposed to. The Patrol refused. From the police perspective, the Patrol were paradoxically refusing to do their “job”; from the Patrol perspective, the police were making an unreasonable and dangerous request of them.

in an unregistered or unroadworthy vehicle on unsafe back roads, compounding their physical and legal jeopardy.

Some Patrols would take people to their court appearances, and crucially, take them back home again afterwards if they received a non-custodial penalty. Patrols would generally only perform this function for non-violent offenders.¹⁴⁶



Telling troublesome groups or people to leave the settlement was a Patrol strategy that was utilised when it became apparent that trouble would continue or escalate if they were allowed to stay. For example, if a sniffer from another settlement was recruiting local young people into sniffing, or if visitors had brought a boot load of grog with them. Prior to settlement life, the “geographical” solution was often used for avoiding escalation of conflict between different groups and people. Sometimes the instruction to move on was backed up by the issue of a trespass order if the troublesome groups or people continued to return to the settlement. The general preference was not to involve police, but if needed, police back up was much appreciated.

Other Patrol Strategies and Responses

Though there are other Patrol issues and strategies on the report forms that I have not dealt with specifically, they are generally self-explanatory, or relate to other similar issues and strategies.

¹⁴⁶ This was not always the case however. In one instance a young man from a remote settlement had come into town for a country league football game, and became involved in a brawl with the opposing team’s supporters after the event. He was arrested, and was bailed to appear in court the following day. His settlement Patrol, who had come in for the game, had to return to the settlement that evening, and did not have enough fuel budget available to transport him home, and then back to court the next day. The young man stayed in town, and was badly beaten that night by the same group who had picked a fight with him earlier. He ended up in intensive care at the hospital and missed his court appearance. Thus a simple logistical problem with accessing sufficient fuel for a Night Patrol escort to court had drastic consequences for the young man.

Chapter 8: Lost opportunities

Patrols in remote settlements were always very specific to those settlements, in terms of key personnel, family networks, resources and available support. Since the Intervention and the new local government Shire system that have been established in the Northern Territory, the appropriation by these non-Aboriginal administrations of what was once a community-owned service has severely limited not only the operational scope of remote settlement Patrols, but also their credibility, effectiveness and sustainability. One of the more unfortunate things about this is that the current proliferation of numbers of remote settlement Patrols at the expense of Patrol effectiveness and sustainability could conceivably have been avoided by appropriate program design, funding, and implementation, informed by the history of what has actually worked.

A review that was carried out after a year of the Shire auspice of remote settlement Patrols made a number of alarming assertions, including promotion of the idea that the Shire's Patrol administration and auspice would improve Patrols "efficiency and effectiveness", and was superior to the "former community-based" service models. The review report then went on to assert that the Shires were too new for a formal evaluation and read like an extended apology for the Shires. The criteria for Patrol employment changed to prioritizing managerial and administrative capacity (in non-Aboriginal terms), rather than cultural standing and knowledge within the Patroller's home settlement. Most alarming of all was the assertion that "at this stage of program implementation, non-Indigenous employees are in more than 50% of Night Patrol Regional Manager positions and also in some of the Team Leader positions – *hopefully this will change over time as current and future NPS workers become more experienced*" (*italics added*). What's wrong with this picture? Patrols are a manifestation of Aboriginal cultural law; they originated and operate in the Aboriginal cultural domain. Aboriginality is a primary requirement to be a Patroller, and for non-Aboriginal people to assume leadership roles without cultural mandate, authenticity or cultural leadership is farcical.

Writers such as Anne Mosey, Blagg and Valuri, Peter Ryan and Jackie Antoun, David Higgins, Andrew Stojanovski, RANP records and reports, and the Patrollers themselves have all recorded the conditions and factors that promote successful community safety measures, and have highlighted the considerable risks to Aboriginal and Indigenous initiatives such as Night and Community Patrols of appropriation by non-Aboriginal agencies, apparently to no avail. The successful partnerships set up between Aboriginal people and agencies such as RANP (Remote Area Night Patrol), CAYLUS (Central Australian Youth Link-Up Service), and the Mt Theo outstation project are all examples of how mutual respect and collaboration can produce outstanding outcomes for Aboriginal people and families, and for the agencies that collaborate with and support them.

Functional Patrols in remote settlements relied on Aboriginal settlement people, elders, traditional owners of country, and settlement families being the primary and active “stakeholders” (to appropriate some non-Aboriginal administrative jargon) in their Patrols. This is, sadly, no longer the case. The Intervention (Northern Territory Emergency Response) directed considerably increased funding and resources to Patrols, as they are now considered to be part of overall Intervention community safety strategies, along with more policing, funding for (non-Aboriginal) legal education outreach services, community courts, etc. An unfortunate result of the increased funding is that primary accountability is no longer to the Patrols’ home settlements and families, but to the culturally alien bureaucracies and funding bodies that supply the funds. The larger network of elders, key family members, different age and gender groups that were part of networks of influence, and who worked with and supported remote settlement Patrols, have largely been excluded from Patrol activities. This has removed Aboriginal and settlement agency and mandate from Patrols’ operations.

Since the increase in Patrol’s funding the idiosyncrasies of government funding cycles, and the necessity for spending funding allocations to ensure the next lot of funding would not be reduced due to there being unexpended funds from the last allocation has seen some extraordinarily wasteful expenditures. In 2009 a government department had a large amount of Patrols designated funding left,

and an administratively expedient decision was made to purchase new 4WD vehicles for all the remote Patrols in the region. This was despite the fact that some of the Patrols had vehicles that were less than six months old, and all the current Patrol vehicles were less than two years old. Simultaneously, the Patrols were being told by the Shires that the fuel allocation for Patrol vehicles was not sufficient for them to go any further than the boundary of their remote settlements, and that they could not travel to events such as sports weekends or assist with court appearances.

The high cost of corporate amnesia

Staff responsible for agency service agreements and funding arrangements with Patrols turn over at such a rapid rate that there is little to no corporate memory at that level. There is also a wide-spread assumption among these agencies that anyone or anything that was around prior to the Intervention was clearly part of the problem¹⁴⁷, resulting in many promising “babies” being thrown out with the metaphorical bathwater, along with all traces of Aboriginal self-determination. The high staff turnover also has the consequence of a person new in a job, or new to the field, lacking the experience and knowledge base to discriminate which of the ideas of their predecessors were good, or which were completely hare-brained. This ensures the persistence of strategies and policies that are not based on evidence, especially where that evidence may be inconvenient, or not understood by the agencies involved in policy, program development and service delivery. This in turn ensures that there is a high degree of resource wastage due to poorly conceived and targeted policies and programs.

Clash of the paradigms

Some of the crucial Patrol functions described in Chapter 7 “Job Descriptions and NP Strategies” such as taking people to court (and returning them home safely), and looking for lost people and broken down vehicles are no longer supported under the post-Intervention and post-Shires Patrol operational and employment models. Hours of operation of Patrols, and the terms and conditions of Patrol employment are now prescribed by non-Aboriginal and non-

¹⁴⁷ Pers. comm., Intervention staffers who have requested that their names remain confidential, 2008-9.

local bureaucracies, removing Patrols' ability to respond rapidly and strategically to changing conditions in their home settlements. For example, attendance at settlement events such as sports weekends is no longer supported by the Shires who are administering Patrols funding, jeopardizing the personal and community safety of those people and teams attending these very popular events. However, the value of remote settlement Patrols presence at multi-group gatherings such as Sports Weekends is still recognized by the people who are most familiar with the issues and conflicts that can arise and escalate without the Patrols' moderating influence – the local settlement hosting the Sports Weekend, remote Police¹⁴⁸, and the sports teams, families, and supporters who travel to these events. In 2010, the invitation to Yuendumu Sports Weekend faxed to other settlements by the local Warlpiri organisers asked settlement people attending to bring their own medications and their Night Patrols.

A number of resources developed in collaborative partnership with Patrols are also no longer used, or have been displaced by systems that are unable to recognise the unique and specialised skills and operational bases of Patrols. An accredited Short Course in Night Patrol Worker Skills was developed by the first Tangentyere RANP Coordinator, Blair McFarland, in the early 1990's. The NP Workers Skills section of the course was 40 hours, with a further Patrols Occupational Health and Safety training module of 16 hours. The course was delivered in remote settlements, did not require literacy in English, generated Patrol and settlement specific Patrol job descriptions, vehicle rules, service agreements if required, and identified strategic linkages and networks within the settlement.

These courses were often delivered to the broader groups involved in Patrol activity, including settlement elders, traditional owners, and key personnel such as remote settlement Police and community government Council members and workers, who were invited to participate in relevant sections of the training. The Short Course was delivered to approximately twenty remote Patrols before a government training organization that wanted to promote it's own course de-registered the Short Course, thereby removing funding support for the delivery

¹⁴⁸ Confirmed by Police Superintendent Kym Davies, August 2010

of the training. The new course was made up of pre-existing modules from other registered courses. What resulted was a pastiche of inappropriate and irrelevant modules from Police, Aboriginal Community Police Officer, Community Corrections Officer, security service, and other training modules from nationally accredited courses.

The new course was 200 hours, incorporated 75 hours of compulsory Aboriginal cultural training¹⁴⁹, and was never actually delivered anywhere during the 5 years or so it was on the books as accredited Patrol training.¹⁵⁰

NT Shires have been funded to coordinate Patrols training, so training, no matter how irrelevant or dangerous for the Patrollers, is being delivered to ensure that the Shires fulfill their obligation to the funding agencies, rather than to support or expand the skills set of remote settlement Patrollers¹⁵¹. Training outcomes are measured in numbers of Patrollers attending, as payment for the training agencies depends on this, rather than on the value or relevance of the training packages being delivered. Patrols' training is no longer specific to, or delivered in remote Aboriginal settlements. Patrollers must now travel into Alice Springs or other centres for training, with all the attendant expense, humbug, and risks of being in a place with possibly hostile groups and ready access to alcohol and other drugs. The genericisation of Patrols may suit the non-Aboriginal administrative and funding domains, but has done incalculable damage to the actual Patrols themselves.

The employment of Patrollers on a standard non-Aboriginal employment model – 37.5 hours per week, at prescribed hours - has served a rhetorical purpose (“real” jobs for remote settlement Aboriginal people) for funding and auspice agencies, rather than supporting the responsiveness and flexibility that was always a key part of Patrol effectiveness. It has also resulted in confusion about

¹⁴⁹ This was particularly insulting to remote settlement people, as they know considerably more about their own cultures and local circumstances than the trainers.

¹⁵⁰ A couple of modules were delivered to an urban Patrol in the NT, who found it confusing and irrelevant, but they did appreciate the sandwiches provided at lunchtime.

¹⁵¹ Training coordinated and delivered by RANP took a different approach, where the trainers were educated about Patrol strategies and cultural imperatives. This ensured mutual respect, and maximised the value and relevance of the training.

the role of Patrollers, who now spend their time doing a lot of aimless driving around, patrolling tiny remote communities for hours on end in order to comply with the organisational requirement to fill up the hours of a standard work week. This “bums on seats” approach to Patroller employment has led to the loss of expertise and involvement in Patrol activity of elders, women, and other key people who may not be interested in, or be able to fit the bill for full-time employment due to family and cultural obligations¹⁵², illness, and/or age.

The Patrols whitefella paradigm makeover has attempted to maintain the form (in a non-Aboriginal image), but not the essential functions of a remote settlement Night Patrol. RANP attempted to financially support remote settlement Patrols through working within the Aboriginal paradigm. As outlined below, this approach met with some success.

There were often significant gaps in funding for Patrols, leading to lengthy periods when Patrollers were working in a voluntary capacity, or for CDEP wages. RANP applied for funding from the Federal Attorney-General’s Department for a Brokerage, which RANP administered on behalf of the remote Patrollers for a period of roughly two years. The RANP Brokerage helped to sustain the remote Patrols during funding droughts. The Brokerage was mainly used to respond quickly to urgent remote settlement Patrol needs, and to provide support in a timely and strategic fashion. Individual expenditures were often small amounts, but were able to be delivered in a timely and strategic fashion, resulting in a Patrol being able to continue operating, and ensuring the ongoing engagement of Patrollers and settlements. If a Patrol was neglected to the point where it became non-functional, it was often difficult and time-consuming to get it back up to operational status again as the key networks would tend to fragment, and the key players in the Patrols and settlement networks would drift away to do other things.

The Steering Committee for the Brokerage were all Patrollers in remote settlements, who were contacted via phone or fax when requests for specific

¹⁵² Many older women in particular are responsible for the welfare of children whose parents may be absent, in jail, drinking in town, or too ill to care for the children. Looking after young kids was, and still is, seen as the responsibility of grandmothers in particular, as this left the parents free to move around and hunt without having to worry for the kids.

purpose funding came in. A quorum was two thirds of the Steering Committee members, and if a Committee member was unavailable, a proxy could be nominated from the same settlement or language group in order to get a decision. Not all requests for assistance or funding from the Brokerage were agreed to, as the members of the Steering Committee often knew the “back story” behind the requests for funding, and did not consider all of them to be legitimate Patrol business.

The RANP Brokerage was mainly used to:

- purchase vehicle batteries, tyres, and to repair the odd broken windscreen. This kept Patrol vehicles on the road, and prevented Patrollers becoming stranded. The Patrol vehicle was also an essential primary safety measure for Patrollers, so they could withdraw from a volatile situation if their safety was threatened, or could go and get help from family or police.
- purchase of uniforms for Patrollers. Uniforms, even if it was only a polo shirt with a Patrol logo on it, were an important defining symbol of their role as Patrollers, conferring a measure of “diplomatic immunity”¹⁵³ from family demands and alliances.
- Travel allowance, fuel allowance, and accommodation costs for Patrollers coming to assist with peace-keeping at large multi-group events such as the Lightning Carnival. These allowances were provided in the form of purchase orders, as family networks and obligations ensured that any cash was quickly re-distributed. Travel allowance ensured that the Patrollers could get a meal when they were away from their primary resource base. Accommodation ensured Patrollers were able to get adequate rest after often long and gruelling days and nights of Patrol work, and that they did not have to camp with family in overcrowded houses where drinking and fighting may have been taking place.
- Facilitate RANP Reference Group meetings. These took place annually, at a culturally neutral venue about 100 kms away from Alice Springs. This was an opportunity for Patrols to meet with each other, form and

¹⁵³ Many thanks to Yakajirri (Andrew Stojanovski) for suggesting this apt description.

maintain strategic alliances, compare notes on issues and strategies, and to generally break down the professional isolation of being localised services in a huge region. The minutes of the formal sections of these meetings were recorded on video, and were sent to the remote settlement Patrols and funding bodies, providing information and accountability to both cultural domains.

- To provide an incentive and support reporting on Patrol activities. Patrols that sent picture activity reports to RANP were paid a small monthly allowance that they could spend as they wished. The majority of Patrols that reported to RANP and received the incentive payments elected to put the allowance back into supporting their own Patrol service in some way. A couple of Patrols split the allowance equally between the members of the Patrol.

As can be seen from the above, the RANP approach supported individual settlements and Patrols' particular needs and allocated resources strategically. It provided support for the essential needs and functions of the Patrollers to undertake their roles without hindrance from unrealistic expectations. It was flexible and responsive, and generated data about the Patrol activities undertaken. The data summaries at the beginning of Chapter 7 were generated from picture activity reporting funded via the RANP Brokerage. However, it was not possible for RANP to secure recurrent funding for the Brokerage, as the funding program the Brokerage was funded from was specifically designated as one-off, and could not be used to fund recurrent operational expenses.

If it ain't broke, don't fix it.

There is an old maxim, applicable to many things, including motorcycle maintenance, building, and program management – “if it ain't broke, don't fix it”. The Intervention and the Shires' attempts to make Aboriginal remote settlement Patrols fit non-Aboriginal corporate and government agendas have dismantled the very social and cultural mechanisms that made Patrols so effective at dispute mediation and prevention of conflict and violence in the remote Aboriginal domain.

These failures of non-Aboriginal policy and administrative imagination run a very high risk of being re-defined as failures of Aboriginal peoples and cultural law, and of Aboriginal initiatives such as Patrols “failing” to meet benchmarks and performance criteria set by uncomprehending government and other agencies. In her brilliant anthropology of the Northern Territory Health Department bureaucracy¹⁵⁴, Tess Lea describes in frightening detail how bureaucracies persistently mistake the map (policies, charts, reports, mission statements etc.) for the territory, and how the construction of data substitutes for anything resembling real action. The proliferation of levels of bureaucracy becomes an end in itself, with the problem populations “requiring” more and more bureaucratic intervention (with its accompanying requirements for more and more bureaucratic staff and resources), rather than a strategic redefinition of how successful Aboriginal initiatives such as Patrols can be supported rather than co-opted and dismantled.

Aboriginal cultural law is still extant, and is still the primary social system in Aboriginal country, despite all past and present attempts to supplant it with non-Aboriginal legal and social systems. Blagg¹⁵⁵ notes that the destruction or dilution of cultural law in the Aboriginal domain leaves a dangerous and anarchic vacuum, rather than a neat transference of authority and regulatory function to non-Aboriginal legal and social systems. Given that this is likely to remain the case in remote Australia for the foreseeable future, strategies that support and facilitate congruence with the social regulatory, protective and preventative aspects of Aboriginal cultural law are the most likely to achieve the best outcomes for Aboriginal peoples, and for the agencies involved in making policy and delivering programs to Aboriginal populations.

Patrols in remote Aboriginal settlements operate *because of*, not in spite of, their Aboriginality. Unsurprisingly, once Patrols are controlled from the non-Aboriginal administrative and political domain, they have a lot more trouble functioning effectively. If it ain't broke, don't fix it.

¹⁵⁴ *Bureaucrats and Bleeding Hearts: Indigenous Health in Northern Australia*, Tess Lea, UNSW Press, 2008

¹⁵⁵ *Crime, Aboriginality and the Decolonisation of Justice*, Harry Blagg, Hawkins Press, 2008

Conclusion

In this dissertation I have attempted to explain how and why remote Aboriginal settlement Patrols are such an effective crime and violence prevention strategy, and have highlighted some of the issues they face in their interactions with the non-Aboriginal administrative and legal domains. Fundamentally, these issues come down to the non-Aboriginal domain's inability to recognise that the Aboriginal cultural domain has its own kinship-based political and legal structures, and that it is Aboriginal cultural law that provides the operational basis for Patrols. There is almost no similarity between the Aboriginal negotiable and family-based legal and political system, and the non-Aboriginal legal and social domains, leading to profound misunderstandings as people struggle to understand culturally alien concepts and worldviews. It is unfortunate that this conceptual struggle is so one-sided, as there is little at stake for the dominant non-Aboriginal culture, and so much at stake for the Aboriginal cultural domain.

There is no non-Aboriginal equivalent of a remote settlement Patrol, just as there is no Aboriginal equivalent of police and courts. The Aboriginal cultural domain is highly personalised, in that *who* you are in the network of family reciprocity, responsibility and obligation, is of paramount importance in regulation and maintenance of the social fabric. This is in direct contrast to the non-Aboriginal domain, where social roles and functions are performed by interchangeable personnel.

Much has been made of the more violent and sensational aspects of Aboriginal cultural law – but the positive and preventative aspects of Aboriginal cultural law, of which Patrols are one manifestation, have remained largely unrecognized and invisible. Despite their relatively high profile in remote settlements and regions, Patrollers are cultural “insiders”, and the general invisibility of Aboriginal cultural imperatives cloaks their difficulties, subtleties, and achievements.

Partly, this is to do with the difficulties involved in the non-Aboriginal administrative domain's ability to deal with anecdotal and qualitative rather than

merely quantitative information. This is an issue not just for Patrols, but across the cultural divide, as measuring preventative activity and outcomes presents ongoing difficulties, particularly where resources and funding have to be accounted for. The current co-option of remote settlement Aboriginal Patrols by the non-Aboriginal domain is one manifestation of the more general cultural destruction that is taking place in the Northern Territory, courtesy (though there is little of this involved) of the Intervention and the Shire local government system. Aboriginal cultural law is not “the problem” that requires a heavy-handed and authoritarian solution from the non-Aboriginal domain, as is currently the case.

The very successful Remote Area Night Patrol program amply demonstrated that when Patrols are appropriately supported, and when they are allowed to be congruent with Aboriginal cultural imperatives, that they are able to make a substantial contribution to maintenance of social order in their home settlements, and to make a real and positive difference to the quality of life of their kin. It is my sincere hope that this dissertation has done justice to the knowledge that was so patiently taught to me by Aboriginal Patrollers and their families over many years.

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