

A Model for Social Change

The Northern Territory's Aboriginal Law and Justice Strategy

1995 - 2001

This Report is based on the work undertaken by Peter Ryan and Jackie Antoun of the Department of Community Development, Sport and Cultural Affairs at Ali-Curung, Lajamanu and Yuendumu Communities and also information from planning workshops at Borroloola, Port Keats, Ngukurr and Numbulwar.

ACKNOWLEDGEMENTS

The Department of Community Development, Sport and Cultural affairs wish to acknowledge the hard work and support for this program by the Aboriginal residents of Ali-Curung, Lajamanu and Yuendumu.

The residents of the communities of Port Keats, Numbulwar, Borroloola, Papunya, Haasts Bluff and Mt Liebig are also acknowledged for their

participation in workshops about law and justice which has provided valuable information.

The Kurduju Committee representing the Law and Justice committees of AliCurung, Lajamanu and Yuendumu are thanked for their special contribution in recording and documenting issues relating to family violence, the establishment and operation of safe houses and night patrols in remote communities and Aboriginal dispute resolution techniques. Departmental ofcers and regional staff have contributed significantly to the development and implementation of the Strategy and their support is appreciated and acknowledged. Other Territory and Commonwealth agencies who have participated in the Strategy, particularly those signatory to the plans, are acknowledged and their commitment much appreciated.

Contents

Introduction

Law and Justice Plans: An Overview

A Model for Social Change in Aboriginal Communities Planning for Change

Coordinating Service Delivery and Policy Development

Practical Use of Agreements

The Model: Methodology and Process Male/Female Planning

Essential Skills of the Planner

Community Support and Intellectual Awareness

Aboriginal Dispute Resolution within the Model

The Role of Aboriginal Dispute Resolution in Mainstream Justice

Ali-Curung: 1996-2000

The Ali-Curung Community

Participatory Planning at Ali-Curung Community Empowerment and its Results Community Objectives
and the Future Lajamanu: 1999-2000

Participatory Planning at Lajamanu

Community Empowerment and its Results

Community Objectives and the Future

Trends in Law and Order: A Statistical Snapshot

Mainstream Data Collection

Ali-Curung Model 1

Ali-Curung Model 2

Applying the Model Beyond the Justice System

Conclusion

The Lajamanu Community Law and Justice Plan

"In the last three years at Ali-Curung, women and men working together have been able to reclaim the safety of women at Ali-Curung.

We know, as Aboriginal women, as wives and mothers as grandmothers and aunts that the violence that happened against women a few years ago has now stopped.

We know, as women who operate the Safe House and Night Patrol that assaults against women that happened a few years ago have now stopped.

The statistics we keep in our daily journal tell us this is so. But the peace around our community also tells us this is so.

Statistics show that it was common for 27 to 30 women to seek safety each month in the Safe House when it commenced operation three years ago. Statistics now show the Safe House is rarely used. Assaults against women on our community have gone from being common. to being uncommon.

Violence against women has gone from being part of community life, to being something that is now out of place in community life.

How has this happened? We are still married to the same men. Our men still drink; there are still three roadhouses within 80 kilometers of our community.

There wasn't one single thing that happened that changed things but a lot of things that all contributed to this change".

Excerpt from the keynote speech delivered by the Ali-Curung Night Patrol and Safe House staff at the Alice Springs Reclaim the Night Rally, 24 October 2000.

INTRODUCTION

Aboriginal people comprise almost 30% of the Northern Territory population. Most live in outlying communities, typically having about 600 Aboriginal residents and a handful of non Aboriginal residents.

Such communities experience social problems typical of Indigenous minorities world wide. Aboriginal Territorians remain considerably disadvantaged compared with non-Aboriginal Territorians in terms of their life expectancy, health, education and economic circumstances. Aboriginal Territorians are much more likely than other Territorians to be victims or perpetrators of crimes or to be imprisoned.

These issues are well-documented elsewhere, and it is not the purpose of this publication to discuss the many complex and inter-related factors behind the statistics. Rather, this document examines a strategy that has worked to effect change for Aboriginal people in the area of law and justice; and proposes that it be used as a model for broader social change.

The Aboriginal Law and Justice Strategy was implemented at Ali-Curung in 1996 and the Ali Curung Law and Order Plan began in 1997. This Plan has proved to be a success on many levels for the community. The Plan has achieved national recognition and has led to reduced violence and crime. Importantly, it is seen as a success by the community from which it grew. The Strategy has since been extended to the Lajamanu community, which formalised its own law and justice plan in 2000.

LAW AND JUSTICE PLANS: AN OVERVIEW

The Aboriginal Law and Justice Strategy

The Aboriginal Law and justice Strategy was a response to a number of law and justice initiatives occurring on Aboriginal communities across the Territory. It was also a way to give effect to several of the recommendations of the Royal Commission into Aboriginal Deaths in Custody (1989).

The Strategy was developed after the Northern Territory Government approved arrangements for coordinating the initiatives in March 1995.

It was designed to provide a comprehensive, whole-of-government response to Aboriginal law and justice issues at the Territory, regional and community levels. It focused on three main areas:

- 1. Establishing consultative and participatory decision-making arrangements at Territory and regional levels;*
- 2. Developing policy for priority and emerging issues; and*
- 3. Developing community law and justice plans.*

This paper addresses the methodologies used to assist communities in developing and implementing their own law and justice plans. Community law and justice plans are the result of a process requiring community planning and coordination of government and non-government resources.

The Northern Territory Office of Aboriginal Development (OAD) took on the role of planner in a process called participatory planning. This process allows the community to identify law and justice concerns and develop strategies to address them. OAD also had a role in coordinating government and non-government agencies to effect a whole-of-government response in supporting the community as it implemented its strategies.

The purpose of community law and justice plans varies from community to community, but generally they aim to:

- Increase Aboriginal people's participation in the law and justice process through an appropriate local structure using local organisations;
- Encourage greater responsibility and accountability by Aboriginal people in law and justice matters; 1
- Reduce the level of family and community violence and ultimately the rate of Aboriginal incarceration; and

- Formalise arrangements between the community, government agencies and non-government agencies in relation to law and justice responses and resources.

The plans recognise the need for agreement between the community and service providers on issues with law and justice implications. This ensures:

- Community needs and priorities for services are communicated at a whole-of-government level; and
- Community planning processes are used in the actual delivery of services

The Lajamanu Community Law and Justice Plan is attached. This Plan is a typical outcome of the law and justice planning process

A MODEL FOR SOCIAL CHANGE IN ABORIGINAL COMMUNITIES

Planning for Change

What is participatory planning?

Participatory planning has proven to be the most effective tool for bringing about social change in Aboriginal communities. The focus is on self-help, with a planner from outside the community in the role of facilitator.

It allows the community to start addressing issues quickly. The community can identify tasks that are manageable and can be done immediately - tasks that are not dependent on outside funding and resources. A timeframe is agreed for the projects needing substantial funding or outside expertise.

The process depends on local people identifying problems and providing solution. It discourages 'wish list' planning that would require large amounts of external funding or expertise.

'Wish list' planning ultimately contributes to disempowerment, which has been strikingly evident in the area of law and justice.

Action based participatory planning is the central component used in assisting communities develop community law and justice plans and implement initiatives arising from the plans. The process involves a wide range of community individuals and organisations as planners, problem solvers and partners in program implementation.

This type of planning revealed the consequences of many years of non-participatory social and community planning, evident in law and justice outcomes. At Ali-Curung, Lajamanu and Yuendumu, individuals and community organisations had largely lost their capacity to resolve their own law and justice issues through the introduction of and consequential reliance on external dispute resolution.

External agencies such as police, social **workers**5 counsellors, advisers, lawyers, the courts, council clerks, local health staff and other non-Indigenous people often become involved in dispute resolution and generally engage in problem solving from a position that requires a legislative **framework**, or is guided by their statutory responsibilities. They usually approach problem solving from the perspective of their own learned cultural experience which may not be compatible with, or relevant to, dispute resolution in a vastly different culture. In addition to this, agencies have introduced a plethora of new programs and services, not always designed to accommodate Aboriginal management structures or cultural practice.

The disproportionately high rates of incarceration and recidivism among Aboriginal people, their lack of participation and involvement in the law and justice system generally and reports such as the Australian Law Reform Commission inquiry into the Recognition of Aboriginal Customary Law, the Australian Institute of Criminology Report into Aboriginal Deaths in Custody and the Aboriginal and Torres Strait Islander Women's Task Force on Violence were critical of the effectiveness of the law and justice system for many Aboriginal people and are powerful reminders of the extent to which they have been marginalised and played a minor and passive role in law and justice.

This has hastened the loss of control by Aboriginal people in remote communities over issues effecting family and community, which not many years ago would have been dealt with at the community level. At Ali-Curung, Lajamanu and Yuendumu for example, this resulted in sporadic attempts to address issues, usually when a situation was desperate. The normal recourse though was to simply allow events to develop until Police intervention was inevitable. External agencies too, were mainly located in major regional centres (Lajamanu, for example is 550km from Katherine) and staff only became aware of situations which were already critical, such as women presenting to the health clinic, reports made to police, or women running away to the regional centres. There was little preventative or early interventionary work occurring and external intervention was doing little to prevent situations becoming critical in the first place.

It was clear there needed to be a strategic focus to law and justice at the community level which could incorporate the main elements of low level, early intervention by appropriate community groups or individuals, empowerment in law and justice and meaningful participation (partnership arrangements) between the community and the justice system. These processes needed to be controlled by the community, responsible to the community, incorporate the acceptable social, cultural, traditional and contemporary structures of the community, and have a capacity to work across both cultures. This type of intervention in Aboriginal communities is termed Aboriginal Dispute Resolution (ADR).

The most suitable systems for achieving these objectives are worked out by the community through participatory planning, facilitated by the planners. This is an evolving process as the community works to establish an appropriate forum, which has community endorsement to make decisions. The systems will vary. In much of Amhem Land for example, sociopolitical decisions effecting family and extended family groups are made at a "clan" level, rather than at a "language" or "tribal" level. At Port Keats family groups based on "Estate ownership" is the preferred structure, whilst many centralian communities including Lajamanu and Yuendumu use a system of "Elders" or "Tribal Council" which is based on representation from "skin" groups.

Juxtaposing the mainstream law and justice system is another clearly defined and traditionally based system for maintaining social harmony, cultural practices and Aboriginal customary law which is inextricably bound to community law and justice planning and to the work of local law and justice committees or other initiatives developed through the planning process. These systems are not a straightforward revival of customary law though they incorporate many elements of traditional decision making. Rather what is occurring is an innovative adaptation of traditional decision making in a contemporary situation through the merging of community based dispute resolution with mainstream law and justice. The process is negotiated and agreed to between community organisations and government agencies.

The OAD. planners assisting the communities with law and justice planning were also conscious of the many gender based issues which had to be taken into account and a male and female team were used through out. Importantly there was a separateness of gender roles in law and justice, with the males and females having defined and different roles and responsibilities for issues effecting social harmony, and separate ceremonial responsibilities and obligations. A good example of this occurs when dealing with problem youth. Youth issues were identified by all communities as a major concern in local law and order however child rearing practices on many remote Territory communities are substantially different and are governed by different mechanisms for influencing social order (for example through ceremonial obligations) This requires a different role for male and female relatives in relation to children.

There were also occasions when issues arose that women would not or could not discuss with the male planner.

Women were often poorly represented on the relevant Community Councils, and other decision-making bodies. Several ATSIC Regional Councils have had to establish Womens Advisory Committees to ensure better representation of women's issues on Council, and consequently mechanisms to ensure adequate consultation and participation in planning and the implementation of strategies by women needed to be manufactured.

To be effective, community law and justice planning had to achieve a number of objectives;

- The intellectual and conceptual awareness of the project;
- The development of a community law and justice plan;
- Achieving community participation and involvement in the process;
- Establishing formal arrangements (agreements) between the community and the law and justice system;
- Facilitating the development and use of Aboriginal Dispute Resolution (ADR);
- Ensuring the participation of women in the process;
- The accommodation of elements of customary law and cultural practice in the processes;
- The coordination of government services and funding;
- The implementation of achievable strategies throughout the planning process; and
- Capacity building.

(The development of the personal skills of individuals and collective skills of organisations in order the process is sustainable at the community level) '

It is important to note here that the planners were also seeking a "whole of community" commitment and responsibility to improving law and justice outcomes as a practical and meaningful contribution to the "whole-of-government" response. Too often planners fail to identify and nurture the community commitment and this results in the under-utilisation of local knowledge and skills and the relegation of the "community" contribution to a secondary role in the process. This detracts from real community development and continues the process of disempowerment.

Achieving the types of outcomes required to give effect to a community law and justice plan is measured in a time frame of twelve to eighteen months

The type of planning normally undertaken by communities and funding agencies was unlikely to achieve these objectives. Planning to date, be it social, community, economic or infrastructure development is severely inhibited by funding and time constraints, which in turn impacts on the planners' capacity to apply sound planning methodology to the task. In a number of cases in plans which were reviewed,

methodology was either not described, or not described adequately in the reports, and in another example, two of twenty eight (28) recommendations of a five year community plan had been implemented at the end of the five year period. There was only one example where a male and female approach had been used in the planning process and this implies a lack of meaningful contribution from a critical sector of the community.

Non-participatory planning models are often susceptible to producing superficial outcomes. An acceptable time frame for this type of planning appears to be in the range of three to ten or twelve weeks, and outcomes are consequently based on a limited number of visits to a community and a consultation process that is not community inclusive and often restricted to key council and administrative staff and government service providers. The degree of conceptual awareness and community support for proposed outcomes is questionable, and all too often the responsibility for implementing recommendations are left to under resourced or inadequately equipped councils or community groups. The plans are often silent on the issue of implementation and provide communities with insufficient or inadequate tools with which to put recommendations in place. Funding constraints, rather than practical and achievable planning outcomes appeared to be the priority.

Dealing with the issues raised by the community in a way in which the community felt they might be best dealt with, required a different type of process all together. It requires flexibility on behalf of the planners to engage in a range of planning, capacity building and coordination activities at the community and government levels. Participatory planning provided the vehicle for this to occur. This requires intensive male and female field work with the community on a frequent basis for the duration of the planning process, which is normally twelve to eighteen months. (The consultation process is described elsewhere in the report).

An equally important component of participatory planning is that it is action based and can involve relevant groups on the community almost immediately in problem solving and working with agencies to implement strategies to address issues. Skilled planners can facilitate community action whilst the planning process continues so that planning and actions become part of the same process. An advantage of this type of planning is that the community can participate in both the planning and implementation phases of the process and direct parallels can be drawn between planning and outcomes.

This is not always the case with non-participatory planning models which are often plagued by a lack of real community awareness and support, time and funding slippage between recommendations and implementation or the development of recommendations that are not or cannot be delivered. Non participatory planning often cannot draw a connection between planning outcomes and planning methodology and consequently communities do not always value "planning" as an effective tool for development. Planning was a misunderstood and maligned concept on the three communities.

The selection of inappropriate planning methodology for the job required is a powerful disincentive for communities not to trust the process again.

Further to community planning, there is a requirement by the planners to assist and monitor the implementation of strategies, programs and resources identified in the planning process and agreed to by service providers. Community law and justice plans are a formalised agreement, between community organisations and government and non-government service providers and are usually signed for a three-year period. Participatory planning was able to give effect to a whole of community and whole-of-government response to addressing law and justice issues. Equally, it is an effective coordinator of government services and resources at the community level. It is based on community

development principles and practices and can work to identify and empower relevant and appropriate individuals and community organisations in decision making in law and justice which is meaningful to the community.

Coordinating Service Delivery and Policy Development

Service delivery

There were serious impediments to implementing other important elements of community law and justice plans. These related primarily to the way in which government and non-government services are coordinated and delivered to communities. It was evident from the way in which communities planned and from their expectations about how law and justice outcomes should be achieved, that service provision systems would not always be adequately equipped to meet these challenges.

The Aboriginal Law and Justice Strategy has shown that a community's law and justice concerns encompass a myriad of interrelated social, cultural, economic, development and educative issues. A Borroloola workshop (conducted in 2000) on law and order, identified 29 separate issues to be addressed in the context of a law and justice plan. The Ali-Curung and Lajamanu law and justice plans identify more than twenty (20) programs, services and initiatives to be implemented by various agencies, and a further twenty (20) community initiatives to be undertaken over the course of the three year agreement between service providers and the community. These include a range of short and long term crises, preventative, interventionary and educative programs that required the expertise or resources of a number of government and non-government agencies. A typical law and justice plan will require the coordination of as many as ten (10) Commonwealth and Territory agencies with a responsibility for legislation, funding or program delivery in law and justice and a number of nongovernment and community organisations.

Service provision to communities however was ad-hoc and not coordinated between agencies. Agencies operated within the constraints of what were perceived to be core agency business even though in many cases these were single-issue functions and agency agendas determined the delivery of services and visits to communities. An audit of visits to Ali-Curung and Lajamanu by key agencies showed visits were infrequent and usually of a crises nature. A similar audit of government services at Borroloola showed services were being provided from a number of different regional centres, (Katherine, Tennant Creek and Alice Springs) visits were infrequent, (in some cases once or twice a year) and almost all visits by agency staff to Borroloola were of a crisis nature. Borroloola is known to have major social problems effecting the community which have been well documented over the last decade, but there still remains to be an effective service delivery system designed for the town.

Service provision was shown to be largely reactive (to crises situations) with very little focus on preventative or follow-up work. Although government's various coordination mechanisms at a Territory and Regional level may seek to achieve the objectives of coordination, there is a lack of practical structures in place to reflect this at the coalface level of service provision to communities.

To address these deficiencies, it was necessary for OAD. planners to assume a role of coordinator of service provision for the project. This provided a strategic approach and consistent focus for community organisations and service providers in implementing programs and initiatives. It enabled a degree of quality control by ensuring programs and delivery methodology were compatible with the directions established by the community through its planning process and it established a system for the regular

evaluation and forward planning between community organisations and agencies to occur. These elements are important for an effective whole-of-government, whole of community response, this is however lacking in government's existing service delivery arrangements.

To achieve these objectives OAD planners were required to both coordinate meetings at the regional level with government and non-government service providers and to establish a system of agency and community meetings at the community level. OAD also provided presentations in other forums such as Government's Regional Coordinating Committees and ATSIC Regional Council Meetings.

A number of various committees and support groups involving agency and community representation were established to support the process, and OAD planners provided the administrative support for these forums. These included,

- Community law and justice committees
- Agency and community meetings
- Safe House Management Committee Meetings
- Pre-court conferencing and other court mandated diversionary programs
- Regional Alcohol Working Groups
- Kurduju Committee

All these forums require substantial support (agendas, minutes, monitoring actions, formal correspondence).

A further level of coordination is required to monitor the effectiveness of programs and initiatives being implemented and the way in which they are implemented. There are obvious and strategic linkages between the range of crises, interventionary, preventative and educative measures arising from the plans. They are intended to be complementary to each other and therefore a critical relationship exists in terms of time frames, timing, target groups and those with a specific purpose, in order it has a place within the over-all plan that is logical and appropriate. The implementation of these programs and strategies requires coordination across agencies, and cannot be left to the vagaries of ad-hoc service delivery.

Similarly, the services need to be compatible with the direction the community has worked out in its plan. Ali-Curung, Lajamanu and Yuendumu have adopted a community based and non-punitive response to family violence problems using local dispute resolution and "healing" methodology, whereas many practitioners still advocate a criminal justice and law enforcement response. Practitioners in family violence therefore need to support community initiatives and take cognisance of the approaches identified by the community. At Ali-Curung a family violence program was discontinued because it was viewed as being "too confrontational" and "divisive". The planners and community had to then reconsider how family violence issues could be best addressed.

Under the *Aboriginal Law and Justice Strategy*, the Plan is monitored and evaluated during two-day workshops held every quarterly at the community, with all the signatories to the Agreement.

The workshops provide:

- A reinforcement to the Plan
- * A reporting forum;
- An opportunity to fine tune the forward plan for the next three months;
- A mechanism to review, update and modify strategies in the original Plan, and;
- To provide a forum where programs and initiatives can be assessed against the community's objectives.

This type of coordination does not occur naturally within government's current service delivery system so mechanisms must be established at the community level for this to occur.

Policy Development

The Council of Australian Government (COAG) determined at its meeting on 3 November 2000 that it would take priority action in three main areas of Aboriginal Affairs:

- * Investing in community leadership issues;
- * Reviewing and re-engineering programs and services to ensure they deliver practical measures that support families, children and young people. In particular government agreed to look at measures for tackling family violence, drug and alcohol dependency and other symptoms of family dysfunction; and
- * Forging greater links between the business sector and indigenous communities to help promote economic independence.

The council agreed to take a leading role in driving the necessary changes and will periodically review progress under these arrangements. Where they have not already done so, Ministerial Councils will develop action plans, performance reporting strategies and benchmarks.

The Ministerial Council on Aboriginal and Torres Strait Islander Affairs (MCATSIA) will continue its overarching coordination and performance monitoring roles, including its contribution to the work of the Review of Commonwealth/State Service Provision.

The coordination of policy and service provision should be consistent across the Territory agencies involved in law and justice if the objectives of COAG and MCATSIA are to be realised. This coordination is not yet evident in policy formulation or service provision and it appears there is some way to go before the results of improved coordination will be reflected in better outcomes for communities and government.

There has been no single agency or authority with sufficient resources or responsibility to research, develop or advise on a whole-of-government policy for the social, political and economic development of remote area communities. Rather individual departments develop policy and service delivery systems for programs relevant to them. The linkages across the departments to enable consistent policy direction

and service delivery systems do not always succeed. There will need to be some form of overarching agency or coordination mechanism if the Northern Territory Government's stated aim of providing a whole-of-government response to community concerns is to be achieved.

In law and justice, it seems obvious that consistency can only be achieved through coordination between police, the Attorney-General's Department, Correctional services, Territory Health Services, Department of Education, Local Government, Aboriginal Legal Aid Services, ATSIC and non-government agencies including Aboriginal organisations. This is not occurring outside of the communities where the Law and Justice Strategy has been implemented.

Policy fracturing detracts from the very objectives programs seek to achieve. The effect in Aboriginal communities is extremely detrimental. It is possible to have programs from different government agencies that are ideologically inconsistent. For example, there is a divergence of views among agencies on the role of Aboriginal customary law in the law and justice system and of Aboriginal Dispute Resolution as a means of addressing issues. Some agencies would argue that customary law and Aboriginal Dispute Resolution must be seen as a significant contributor to community empowerment. Whereas other agencies may well view customary law and Aboriginal Dispute Resolution as being in conflict with their own statutory responsibilities.

The long standing and vexing issue of customary marriage practice is an excellent example of where a powerful and acceptable (to the community) cultural practice is often maligned by external practitioners operating within the constraints of legislation or statutory responsibilities. Although the combined law and justice committees of Ali-Curung, Lajamanu and Yuendumu (Kurduju Committee) have indicated a willingness by their communities to develop protocols with government agencies in this regard, it is unlikely there will be a consistent view across agencies and every probability exists that the issue will remain unaddressed. This highlights the inherent differences between the value and belief systems of the two cultures in dealing with complex social and cultural issues and the need for clearer policy positions across government.

Localised responses to community concerns that acknowledge the different histories, politics, infrastructure, resources and capabilities on communities are proving most effective. Under-resourcing and inadequate research in policy development tends to produce a 'one size fits all' approach to working on Aboriginal communities.

The development of sound social justice policy and service delivery systems for remote Aboriginal communities must work across two cultures to be truly effective. Experience in the development and implementation of the Ali-Curung and Lajamanu Law and Justice Plans and ongoing work at Yuendumu indicates clearly that a whole-of-government response to law and justice requires an agreed overarching policy framework, based on effective research and capable of monitoring and applying professional rigour to all government policy in the area of law and justice. This would lead to consistency between the agencies on one hand and a greater capacity for agencies to interpret government policy direction.

The experiences at Ali-Curung, Lajamanu and Yuendumu show service delivery can be dramatically improved if government agencies are obliged to ensure what they do in the community is consistent with other agencies also servicing the community and consistent with the aspirations of the local community. In the absence of a similar mechanism for policy development, a major barrier to a whole of-government response in law and justice remains.

Challenges in coordinating service delivery

Audits on service delivery to four remote area communities illustrated typical problems. For example, services to Borroloola were provided from Tennant Creek, Katherine and Alice Springs. Two of these centers are 1000 km apart and all three are a vast distance from the community. The logistics of coordinating government officers for work at the community are in Kathedne; several major initiatives in law and justice were being piloted. One agency was involved at Barunga and Beswick, establishing night patrols as part of a policy of 'Aboriginalising' the Maranboy policing area. Another agency was implementing a Family Violence Program at Ngukurr; and a third agency was providing support for programs within the Katherine town area. There were no linkages between the programs although they were all interrelated.

Agencies generally have a single focus, for example health, housing or education. They usually have no charter to take part in broader community planning or to develop working relationships with community organisations or other agencies with complementary programs.

In Katherine, several major initiatives in law and justice were being piloted. One agency was involved at Barunga and Beswick, establishing night patrols as part of a policy of 'Aboriginalising' the Maranboy policing area. Another agency was implementing a family violence program at Ngukurr and a third agency was providing support for programs within the Kathedne town area. There were no linkages between the programs although they were all interrelated.

Non-government organisations are major service providers to Aboriginal communities, but there are no linkages between them and government agencies. There is no requirement for them to participate in community social planning.

Workshops with agency staff revealed a reluctance to be 'coordinately' Many staff lacked sufficient understanding of Aboriginal culture and of community development practice. Other factors include poor quality field staff and program managers, and high staff turnover. For example, within 12 months of signing the Ali-Curung Law and Order Plan, several government agencies had a 300% turnover of staff servicing the community. One agency responsible for providing a key program under the agreement had difficulty recruiting for a particular position, which remained vacant for more than nine months. Two other programs critical to the Ali Curung Law and Order Plan were relocated from Tennant Creek to Alice Springs where Barkly region communities such as Ali-Curung could not access them.

A number of agencies have withdrawn from practical grass roots service provision and have become grant controllers or training providers. The value of this type of service provision should be questioned. These are long-term objectives that should be implemented in conjunction with strategies to assist communities in dealing with current and crisis issues occurring on a daily basis. There is a duty of care issue for agencies who ignore what is

happening around them, rather than focusing on trying to develop long-term solutions at the expense of addressing the community's immediate concerns.

Aboriginal cultural practice may itself be a mitigating factor in how effective service provision will be. Dispute over the distribution of resources, which is often predicated by cultural considerations, was a main cause of community tension in all the workshops conducted by the planners. The training of community people and the use of community organisations to provide services does not always provide for effective or equitable service provision and this should not abrogate agencies from the responsibility of ensuring services are being provided equally for all residents of the community. There is a tendency to ignore this by characterising it as 'community business', while the reality is dominant clan or family groups will always control the information and resourceflow unless safety mechanisms are built into the programs.

It is unlikely coordination of the scale undertaken at Ali-Curung, Lajamanu and Yuendumu compassing as many as ten government and non-government agencies, six community groups and over 20 program areas would have occurred if it had not been a responsibility of a dedicated agency such as the Office of Aboriginal Development.

Practical Use of Agreements

Formalised agreement between the agencies and the community is essential. The agreement period is usually three years. The Ali-Curung agreement was recently revised and re-signed for a further three-year period.

Consultation, negotiation, partnerships and community capacity building are not necessarily effective vehicles for social change or community development. Consultation and negotiation should not be objectives in themselves; they are merely the tools used by the planners to elicit relevant information, views and opinions and to meaningfully engage the community. The outcomes need to be the ultimate objective; otherwise outcomes can be easily disregarded or manipulated by the agency controlling the consultation or negotiation. Similarly, the development of partnerships can be flawed. There cannot be a 'partnership' when the parties are unequal. Research shows that, in law and justice, Territory Aboriginal communities have been unequal partners. Workshops at Port Keats, Numbulwar, Ali-Curung and Lajamanu demonstrated an abysmal understanding by Aboriginal people of the law and justice process. Aborigines have responsibilities to Aboriginal customary law, and English is often a second, third or even fourth language. Inadequate numeracy and literacy make it even more difficult for Aboriginal people to participate meaningfully in law and justice.

Aboriginal communities are rarely equal to government agencies in terms of..

- Capacity to negotiate responsibilities under the agreement;
- Ability to contribute equally to the partnership, and;
- Financial and human resources.

Partnerships must recognise and allow for these factors. Effective partnerships cannot be formed unless agencies are prepared to invest substantially in the individual development of Aboriginal people

and the collective development of local organisations, committees or groups to the stage where they are able to participate equally.

Agreements are a logical outcome of participatory planning. They are designed to ensure the contributions from signatories remain relevant, realistic and achievable.

Formalised agreements are necessary for empowerment. There is little value for a community in going through an exhaustive and lengthy planning process to find government agencies do not endorse the outcomes. Without a formal agreement, the implementation of strategies and programs rests on loose, informal arrangements and 'gentlemen's agreements' - which in the past have proven easy to abrogate. Such ad-hoc arrangements continue to disempower Aboriginal people.

THE MODEL: METHODOLOGY AND PROCESS

Essential Elements

- *A male/female planning approach;*
- *Highly skilled and experienced planners;*
- *Community awareness and support for strategies and initiatives identified in the plan;*
- *Accommodation of Aboriginal Dispute Resolution systems, which can incorporate cultural, traditional, and social and lifestyle variances but must coexist with the mainstream law and justice system, and;*
- *Coordination of government service delivery systems (described above)*

Male/Female Planning

Effective planning on Territory communities is unlikely to occur without a male/female approach. Many communities segregate on the basis of gender and separate male/female forums are essential. It is often difficult for women to access community decision-making. Some communities lack female representation on councils and other local forums. Some ATSIC regional councils have had to establish separate women's issues committees to ensure representation for women.

The separation of male/female roles and responsibilities is clearly defined on many communities. In law and justice, men and women have separate ceremonial obligations and responsibilities for maintaining social harmony.

Research through the *Aboriginal Law and Justice Strategy* shows men and women place different priorities on issues such as family violence, alcohol, health and education.

Unless this is understood and addressed by the planners, it is possible that men in vested interest groups may negate women's input.

Essential Skills of the Planner

Planners must have knowledge and skills in at least these four main areas:

1. Traditional culture and customary practice;
2. Contemporary Aboriginal management practice;
3. Social planning and community development practices and principles; and
4. The role and responsibilities of agencies involved in the law and justice system.

Traditional Culture and Customary Practice

Practices that impact on the social structure of the community, and hence the effectiveness of planners and service providers, include:

- Aboriginal customary law;
- Aboriginal spiritual beliefs;
- Avoidance obligations;
- Land ownership systems and responsibilities;
- Land management systems and responsibilities;
- Customary marriage practice;
- Ceremonial obligations;
- Mortuary rites and responsibilities;
- Clan and skin group obligations such as family management and social and cultural systems;
- Obligations within the broader social unit (language, ceremonial, totem), and;
- Aboriginal Dispute Resolution systems.

Contemporary Aboriginal Management Practice

- Overlaying those structures are contemporary management systems, legislation and issues such as:
- Local government legislation (NT);
- Associations Acts (**Cth & NT**);
- Aboriginal and Torres Strait Islander Commission;
- Commonwealth service delivery systems;

- Community stores and other enterprises;
- Cattle Industry;
- Tourism;
- Mining;
- Territory service delivery systems;
- Health, education, housing, law and justice, social services, essential services;
- Communications;
- Infrastructure development;
- Community political and development agendas;
- Contemporary Aboriginal political agendas; and
- Land councils, Legal Aid Services and other Aboriginal organisations.

Social Planning and Community Development: Practices and Principles

Successful social planning and community development require specific skills and knowledge on the part of the facilitator, including:

- An understanding of community development including building community and individual capacity;
- A capacity to implement participatory planning;
- Cross-cultural communication skills;
- A sound understanding of Aboriginal cultural practice;
- A good understanding of local anthropology and community dynamics;
- High level consultation and negotiation skills;
- An ability to coordinate across government;
- High level of communication skills - written and oral, and;
- Good presentation skills.

Role and Responsibilities of Agencies

This model for social change is fundamentally a community development model. Its aim is to facilitate the empowerment of the local community to assume a greater role in law and justice, and to address law and justice concerns through local dispute resolution where practical.

It is therefore essential for agencies to identify a law and justice role which is appropriate for and relevant to the community, and which the community has a capacity to undertake. Agencies must facilitate the transfer of skills from the agency to a community organisation to enable the community to undertake a particular function. Field officers working in law and justice planning must be capable in a range of specific skills necessary to achieve this transfer.

Field officers were formerly required to undertake a properly structured course. The Remote Area Field Officers Training Course conducted in the 1980s comprised a number of two-week intensive block modules over 12 months. These modules were then linked into an extensive on-site training component, where a senior field officer would work with a training field officer. In the 1970's the Australian School of Pacific Administration provided field officers working in Australia and the South Pacific countries a structured and inclusive course.

Comprehensive field officer training courses are no longer available and there are currently no induction courses of the type described above provided to field officers working in Aboriginal communities. Training offered by government departments at present is a two to three day cross cultural awareness course. Cross-cultural communication is one of the total range of skills field officers need to rely on to encourage a transference of skills to Aboriginal people and Aboriginal community organisations. For example, some community organisations could take on victim-i/offender conferencing, pre-court conferencing, diversionary programs, community dispute resolution, family violence programs or night patrol services.

Government and non-government service providers need to invest more in the development of an effective field service. Planners noted that few agencies used a male/female team approach to community work, and few agencies were resourced sufficiently to undertake the extensive fieldwork this planning requires. Many staff did not have an adequate level of skills or knowledge to operate effectively at the field level.

Community Support and Intellectual Awareness

Before consultation takes place there must be awareness about the topic or issue. If a community does not understand the implications and responsibilities, it cannot be consulted effectively, let alone on an equal basis.

Under the model, the first six months or more are spent developing community awareness of and support for the concept of law and justice planning and its implications. This period develops an intellectual awareness of the concepts.

This is a particularly sensitive and slow process because it requires opening up community debate on complex issues including:

- family violence;
- alcohol and drugs;
- customary marriage practice and acceptable rights and obligations within that relationship;

- the role and effectiveness of Aboriginal customary law in social control, and;
- Aboriginal Dispute Resolution and its role in mainstream law and justice.

Few issues can be dealt with comprehensively on any one visit to a community. Aboriginal decision-making systems must be used, which means issues are usually deferred until a broad cross-section of people are consulted. Often this will require consultation with people on other communities or outstations. This in itself precludes the hasty development of law and justice plans and strategies.

Successful strategies for enabling community awareness include:

- Male and female representatives visiting other communities where successful strategies are in place;
- Using appropriate visual aids;
- Using Aboriginal interpreters, and;
- Ensuring continuity of the planning process, for example making sure the same members of the planning team is involved throughout the process.

Field visits should ideally be maintained every two to three weeks during this period. The experience of OAD has shown that planners' **field** visits are more effective when undertaken over three to four days. This allows the planner and the community to prepare and ensure the appropriate follow up. Frequent intermittent visits allow time for community decision-making systems to operate, and ensures people are not overloaded with information. Less frequent visits are generally not effective. The planning loses impetus and people lose interest.

Ideally there should be trained community development staff, or planners resident on communities employed by either the community council or government. It is unfortunate this capacity no longer exists within government agencies, and most community councils are provided with budgets which restrict the employment of staff to key essential services and administrative personal. In lieu of this, there are few options but extensive fieldwork.

All relevant groups and factions must be involved, including:

- Traditional owners
- Community organisations
- Local council
- Tribal council

- Community leaders
- Women's groups
- Council administration
- Support staff and visiting government service providers
- Youth
- Drinkers
- Non-drinkers

Experience to date shows that, towards the end of the community awareness phase, the groups will agree on the composition of a working group or community committee to deal with law and justice planning and government service delivery systems.

The working group or committee will become pro-active in local law and justice. Participatory planning will emerge and the community will identify and begin to put in place strategies to address specific issues.

It can take about 12 to 15 months from commencement to the signing of a law and justice agreement. Coordination and support will be ongoing throughout the duration of the agreement. By the end of the agreement, the law and justice committee and other community groups should be sufficiently skilled and empowered to sustain the process. This has occurred at Ali-Curung, where the council has now become the major contributor to the process and an agreement has been signed for a further three years.

Aboriginal Dispute Resolution within the Model

A community law and justice plan is unlikely to be effective if it cannot accommodate the dispute resolution systems worked out by the community. Workshops showed that cultural practices impacted heavily on many law and justice issues. Disputes were based on issues such as:

- the use of Yarda (Warlpiri: cursed bone or stick, causing illness);
- the illegal use of malevolent curses;
- payback;
- inter-clan conflicts;
- land ownership disputes;
- community management issues;

- the inequitable distribution of scarce community resources based on land ownership and ceremonial customs, and;
- customary marriage practice and other traditional custom and value/belief systems.

Planners observed that, on some Territory Aboriginal communities, alcohol precipitated violence arising from disputes based on cultural and customary practice. Such disputes are not best resolved by outside counsellors, police, social workers or mainstream programs and service providers. That responsibility rests with the community. At Ali-Curung and Lajamanu, local disputes including family violence was more effectively resolved by restoring customary procedures and the use of Aboriginal Dispute Resolution.

A good example of Aboriginal Dispute Resolution comes from Ali-Curung. The women responsible for achieving such a remarkable turnaround in family violence through community dispute resolution, point to another factor they say is responsible for much of the violence and social disharmony on the community. This is referred to as Yarda, the practice of making people ill or causing death.

The women described this as the 'inside illness' or 'the illness', which is caused by someone for some reason. The women used motor vehicle accidents as an example, and simply stated: There are no accidents you know, they are all caused [by Yarda]. The community violence associated with this appears to occur when individuals or families who believe someone has used Yarda attempt to seek out or make allegations about the people they believe are responsible. The women estimated at least 50% the Ali-Curung population was affected by Yarda at any given time. They also stated that Yarda can cause 'sickness in the head' which causes the man to act in way that he normally would not. This explanation was given in relation to reasons why some men are violent towards their wives.

The women are now applying Aboriginal Dispute Resolution to other forms of violence including Yarda. Recently, for the first time, they were able to instigate a meeting with a group of men some suspected of practicing Yarda on a very ill woman. They argued Yarda was having a disruptive effect on the woman, her family and the community generally and were successful in having the illness removed. The woman made a full recovery. They are confident they will be able to negotiate in other cases involving Yarda and ultimately reduce the levels of violence associated with its practice.

The women pointed out this was an increasingly important issue for the community because of the growing number of injuries and deaths occurring through motor vehicle accidents and other emerging lifestyle and health-related illness affecting the community. In this example, the women used contemporary arguments to address problems created by traditional practice.

It is highly improbable that government agencies or mainstream programs can deal adequately with issues stemming from such powerful and longstanding belief systems. The logical outcome for government agencies is to support the mechanisms used by the community to address that community's own cultural realities.

In her book *Daughters of the Dreaming* (1983), Diane Bell refers to community tension, fighting and sorcery accusations which were a daily occurrence at Ali-Curung during her fieldwork in the 1970s. She also refers to the use of most powerful and spectacular rituals as mechanisms for resolving a myriad of disputes and problems.

It is ironic in the ensuing three decades years since Bell, government agencies have continued to implement and maintain countless programs at an enormous cost, in the pretext that Yarda and other

equally significant rituals and practices do not exist and do not have a major impact on the effectiveness of government service delivery.

The challenge for policy developers and service providers is to acknowledge that many important Aboriginal cultural practices are changing slowly, too slowly to contemplate another 30 years of programs and services which fail to recognise cultural realities or accommodate community participation in the development and delivery of services. Law and justice planning provides a framework that acknowledges and supports these processes and enables a better understanding of the issues by agencies.

The Role of Aboriginal Dispute Resolution in Mainstream justice

Local dispute resolution is an important part of law and justice planning and a way for communities to take on more responsibility for law and order. But it must work closely with mainstream programs.

For example, the communities of Lajamanu and Ali-Curung found it necessary to establish a women's safe house as a crisis measure for women at risk, until longer-term educative and local dispute resolution systems could be put in place.

Women's safe houses are a mainstream strategy to prevent family violence; however the Ali Curung safe house is based on the concept of *jilimis*, or women's business areas, from which men were traditionally prohibited. Prior to a safe house being established, women used *jilimis* to escape family violence. Aboriginal women manage the safe house; and local dispute resolution is practised. This combination of contemporary and traditional strategies has been successful in assisting women at risk from violence, often from husbands affected by alcohol.

Sometimes, Aboriginal Dispute Resolution may fail or be ineffective, perhaps because of the absence of senior people who could intervene. Alcohol may have weakened customary structures, 'or perhaps the structures are simply no longer relevant to the community. In this situation, there are few options other than to engage the full range of mainstream law and justice. It does seem however, that in most areas of law and justice, including court processes and developing diversionary programs, it is possible to find programs to complement local initiatives.

An important role for community organisations involved in ADR is to monitor the effectiveness of the relevant decision making systems which apply and to ensure parties to a dispute are properly represented and decisions are reached in a constructive and negotiated manner. ADR will not be successful if the forum itself is unable to establish legitimacy or broad community support.

Apart from ADR, the Ali-Curung and Lajamanu law and justice committees are involved with mainstream agencies in a broad range of law and justice programs such as diversionary programs, pre court conferencing, victim offender conferencing, community service orders, and the operation of night patrols and safe houses.

ALI-CURUNG: 1996-2000

The Ali-Curung Community

About 500 people live in Ali-Curung, 160 kilometers southeast of Tennant Creek. The community was established in the 1950s under government relocation policies of that time. There are four main language groups: Warumungu, Kaiditch or Kaytej, Alyawarra and Warlpiri.

The community is not homogenous. There are differing obligations and affiliations relating to family, land, ceremony and so on. The language groups have diverse views, often based on the perceived status of groups relative to each other. Relationships have not always been friendly.

Initial workshops identified underlying cultural issues almost immediately as contributing to social disharmony. For example:

- Traditional land-owning groups had long-standing concerns about the influence of non traditional groups in community management and development.
- The Aboriginal Community Police Officer was a Warlpiri and not Originally from the area. His effectiveness was limited to working within his own language group. Furthermore, local landowners felt that he should not be involved in law and justice on land which was not his own. Traditionally this could not have occurred.
- Some men not supporting the concept of a safe house argued that its proposed location was too near an area known to be inhabited by dangerous spirits.

Over time, strategies were developed to address all these issues.

Participatory Planning in Ali-Curung

The Office of Aboriginal Development began working with the community in early 1996. This was a result of criticism by community representatives about what was perceived to be a poor relationship between police and the community. Police, aware of this criticism, offered to negotiate a Memorandum of Understanding (MOU) with the community about law and order and policing issues.

The Office of Aboriginal Development established through initial visits that community members had a poor understanding of law and justice and the police role and responsibilities. They were not informed about the implications for the community entering into a MOU. They lacked sufficient information to enter meaningful negotiations. OAD observed that cultural factors such as Aboriginal customary law and dispute resolution were crucial but were unlikely to be adequately addressed through an MOU with police.

A cross-cultural consultant was engaged to help the community in its proposed negotiations with police. After an initial workshop, the consultant advised against proceeding with the development of an MOU between police and the community because such an arrangement could not address the myriad of cultural and social issues arising from the workshops.

The consultant found that, apart from crisis intervention, a policing response to the issues was not appropriate. Broader community law and justice planning was recommended to allow a range of crisis, preventative and educative measures.

The Ali-Curung Council reviewed the consultant's recommendations and endorsed the concept of an agreement between the community and relevant agencies instead of an MOU with a single agency. Council established a sub-committee of three male and three female council members as a focal point for law and justice planning.

In January 1997 the Council held a two-day workshop at Ali-Curung involving the Women's Resource Centre and eight Commonwealth and Territory agencies identified as having programs or resources in law and justice. The workshop developed a draft community law and justice plan. The plan identified fundamental objectives and 13 priority issues.

In terms of government service delivery level, OAD coordinated meetings at the regional level (Tennant Creek) and at the senior management level (Darwin) throughout February 1997. The meetings provided information about the proposed agreement established the capacity of agencies

to undertake the tasks identified in the draft plan and sought the relevant assurances from the agencies.

A further two-day workshop was held at Ali-Curung in early March 1997 to finalise the draft agreement, implementation and reporting. In April the draft agreement was circulated to the

relevant agency Chief Executive Officers and the Yapakurlangu Regional Council (ATSIC) for endorsement.

The document was formally signed at Ali-Curung in June 1997, 17 months after the initial visit. By that time, several initiatives were already in place.

Community Empowerment and its Results

The preamble of the Ali-Curung Law and Order Plan identified three objectives, which have largely been met.

Objective 1: To reduce the level of community and family violence and other law and order concerns.

The incidence of family violence at Ali-Curung has, according to all community-generated evidence, declined to the extent that it is now considered to be negligible.

Daily journals are kept by all Night Patrol and Safe House staff on duty. They document all activities and incidents and the course of action pursued.

Three Tiers of Dispute Resolution

Night Patrol and Safe House staff use a three-tier dispute resolution method. Broadly speaking, the three tiers are:

1. *Family*
2. *Extended family and community participation*
3. *Relevant elders as adjudicators*

The journals show three-tier dispute resolution being used. Staff gather relevant family members, instigate community meetings the following day and seek elders to adjudicate large community meetings.

Other law and order issues identified by the community and included in the plan are also being successfully addressed. For example, data collected by police reveals a downward trend in total assaults and property offences and total arrests from 1996 to 1999.

Objective 2: To enable greater participation by Aboriginal people in law and justice processes

A tremendous amount of interest has been generated among Ali-Curung residents over the past few years relating to the law and justice process. Many residents have now become pro-active.

Initiatives include:

Ali-Curung Law and Order Committee

The Law and Order Communities was established early 1997, with a good cross-section of people from the community.

Meetings with Government Agencies

The Law and Order Committee meets regularly with government agencies to workshop and monitor initiatives and arrangements under the plan. For example, the Safe House Committee developed through the Law and Order Committee has regular meetings with agency representatives responsible for women's issues. These meetings include Night Patrol staff, as they work in conjunction with the Safe House staff.

Law and Order on the Council Agenda

The chair of the Law and Order Committee is required to report to council each time council convenes. Council has also asked police to report to the council regularly. This has enhanced communication between police and council.

Pre-court Conferencing

Pre-court conferencing has been practised at Ali-Curung since 1998 and is now standard part of the justice process. Law and Order Committee members and relevant community members are involved in the conferencing.

Objective 3: Encourage greater responsibility for local law and order matters by Aboriginal people

Ali-Curung Community efforts are being channeled into the following areas:

Diversionary Programs

The Law and Order Committee develops community based diversionary programs for 'at risk' youth.

Extending Pre-court Conferencing

Pre-court conferencing is now becoming standard. The community has a strategic role in reducing high incarceration rates through pre-court conferencing. The development of appropriate local diversionary programs will support this.

The Three-Tier Community Response

The three-tier concept has been very effective as a preventative measure. The practice of 'shaming' men who are violent towards their wives has been an effective community tool under this mechanism. Safe House staff consider shaming to be a primary factor in reducing family violence. Safe House women and Night Patrol staff are now using Aboriginal Dispute Resolution to address other forms of community violence.

Alcohol Issues

The council has imposed restrictions on alcohol sales and trading hours through local agreements and is now looking at formalising these arrangements by having them included in the licensing conditions of nearby hoteliers. The Night Patrol's role is to ensure residents abide by the arrangements and dry area legislation. The Night Patrol deals with alcohol-related issues within community as a matter of priority. The Law and Order Committee is currently examining the legislation relating to dry areas.

Typical strategies under the plan include:

Coordinating Government Service Provision

There is now a greater degree of cooperation between agencies and a clearer understanding of community goals and objectives. This is evidenced by:

The number of working groups dealing with joint funding arrangements between the levels of government, and

The educative, preventative and community awareness programs now being provided by service deliverers.

The Night Patrol

Tangentyere Council was contracted to help establish a Night Patrol at Ali-Curung and provide training. Funding for research, development and establishment was through Territory Health Services' Wine Cask Levy¹ and joint operational funding through ATSIC and the Council.

The Night Patrol began in August 1998 and was assessed in May 1999 and May 2000 as part of the consultant's contract. The Ali-Curung Night Patrol is one of the longest continuously operating and more effective night patrols.

The Night Patrol is operated and managed solely by a group of Aboriginal women and is inextricably linked to the operation of the Safe House. It operates on foot rather than with a vehicle. This is important to its success, as it ensures drinkers do not hijack its operation, as they have on other communities, where the vehicle has been used for 'grog running'. The women's Night Patrol is an example of a program being managed by Aboriginal rather than non-Aboriginal people. In contrast, many other night patrols in the Territory have been based on non-Aboriginal management and administration, and have had limited success.

Safe House

Workshops conducted throughout 1996 established that family and community violence were the highest law and order issues for women. The establishment of a Safe House was a key strategy in assisting in the reduction of violence.

Joint funding from the Commonwealth and Territory governments and the community council allowed for a suitable building to be renovated and refurbished. ATSIC, and the council provides operational funds.

The Safe House is operated and managed by a female Aboriginal coordinator, responsible to the Safe House Management Committee. The Safe House has been operating for almost three years and is an excellent example of the achievements of a locally managed program using Aboriginal Dispute Resolution.

Family Violence

A number of educational strategies were implemented to supplement the interventionary responses involving police, court orders, night patrols and Safe House. These include:

¹ The Wine cask levy refers to income generated by the imposition of an additional tax in the Northern Territory. The Levy was introduced in 1990 to fund programs specifically targeting alcohol-related issues. The Federal Government collects the levy and passes the equivalent amount on the NT Government. The funds are administered by Territory Health Services in accordance with the Wine Cask Levy's Committees recommendation, now known as the Public Behaviour Program.

- Implementing the Aboriginal Family Violence Program in the community and in the school;
- Introducing Family Violence and Alcohol and Other Drugs programs in the school;
- The community council adopting law and order including family violence as a standing agenda item;
- Establishing a council law and order committee as a focal point for law and order; and,
- Establishing the Women's Safe House Committee (comprising agency and Safe House staff) reporting directly to the council.

Safe House Usage

- Initially there was a strong reaction to the issue of family violence and the concept of a Safe House, predominantly by older men. This included:
- Council writing to the Office of Women's Policy in July 1997 asking that the Aboriginal Family Violence Program be withdrawn;
- Men arguing during workshops in 1996 that there were customary mechanisms for dealing with family violence, and that a Safe House interfered with that process; and
- Men 'cursing' the Safe House only days before its official opening in August 1997.

There is now wide community support for the Safe House and the role of Safe House staff and Night Patrol staff in resolving family violence. The Safe House Committee reports the Safe House is now involved less in crisis intervention and more in prevention and resolution.

Men accept this and now openly encourage Safe House use and the participation of men in the resolution process. Consequently, family violence at Ali-Curung is now minimal.

Men's Cultural Centre

The Men's Cultural Centre has an important role in family violence resolution. Men at the centre frequently discuss the issue of family violence. A trend has emerged whereby younger males involved in family violence will visit the centre and discuss problems with other males.

Council of Elders

The Council of Elders has an important role as an arbitrator in difficult matters. The council has publicly endorsed the Safe House, after some initial concerns about its role, and members have used their authority to ensure women and children are not 'humbugged' while using the Safe House.

Pre-court Conferencing

Representatives of the police, the Department of Correctional Services and the Law and Order Committee meet frequently before court to discuss relevant issues relating to judicial and community perceptions about offences and offenders.

Alcohol Issues

The implementation of the Aboriginal Living with Alcohol and Alcohol and Other Drugs Programs by the Department of Health and Community Services (formerly Territory Health Services) has been significant. Alcohol issues were identified as the second most important law and order issue. Both programs were operated at the community level and through the school. These programs targeted four aims for the year 2000:

- Re-establish a Regional Alcohol Working Group, comprising the Law and Order Committee, Licensing Commission, police and hoteliers to develop a regional approach to alcohol issues;
- Seek to establish a Community Drinking Area within the Warrabri Land Trust (currently a dry area);
- Formalise the informal agreements in place between Ali-Curung Council and hoteliers about the sale of alcohol and the hours alcohol may be sold to Ali-Curung residents; and,
- Establish an Ali-Curung Alcohol Support Group.

This is another excellent example of strategies evolving beyond the original agreement.

Ali-Curung Council

The Ali-Curung Council has ensured that law and justice achieves a high community profile. The council has:

- Provided substantial council funds and human resources for strategies identified in the plan;
- Allocated a building for use as a Safe House;
- Supported the Safe House;
- Refurbished and repaired the dwelling;
- Provided ongoing operational funds for the Safe House;
- Provided ongoing funds for the Night Patrol;

- Established law and order as a standing agenda item at Council meetings;
- Established a Law and Order Committee;
- Collected data relating to law and justice, and;
- Targeted youth issues, alcohol and family violence as priorities.

Youth Issues

Youth issues were identified in community workshops as the third highest law and order priority. Strategies to date include:

- Reticulating and grassing the football field;
- Renovation and securing the recreation hall;
- Upgrading, lighting and securing the basketball court;
- Establishing the Blue Light Disco;
- Purchasing \$ 1 0 000 of equipment such as disco lights, television, pool tables and juke boxes;
- Establishing a recreation program through the Community Development Employment Program;
- Establishing football and basketball competitions;
- Establishing a school holiday activities program, and;
- Holding after school activities at the recreation hall from 2.30pm to 6.30pm each weekday.

The February 2000 evaluation workshop determined youth issues should remain a high priority for the year 2000.

Community Awareness about Law and Justice

Research and workshopping identified that Aboriginal people had a poor understanding of law and justice issues. Strategies to overcome this included:

- Establishing the Law and Order Committee;
- Pre-court conferencing;
- Relocating court sittings from the police station into the community (council conference room), and;
- Community based workshops on law and justice issues.

Workshops facilitated by OAD, police, Correctional Services and Aboriginal Legal Aid Services on the law and justice strategy were identified as a high priority for 2000.

Cross-cultural Awareness

The Ali-Curung School's Aboriginal teachers produced a cross-cultural awareness kit. The school and the council have developed an information and awareness program for use by the council and other organisations employing non-Aboriginal staff.

Community Objectives and the Future

The achievements at Ali-Curung have been significant. The main objectives identified during the planning processes in 1996 and articulated in the formal agreement of 1997 have been achieved. Similarly, new and emerging issues were identified to be addressed during 2000 and 2001. The Council has been a significant contributor to this.

Council has prioritised its main law and justice concerns, particularly family violence and youth issues, and has supported strategies to address these issues financially and through human resources.

A transition has taken place at another level. Council and community organisations such as the Safe House committee and Night Patrol staff are now major contributors and major innovators. The community has developed a pool of expertise in law and justice planning and community dispute resolution that is receiving widespread recognition.

In October 2000, the Ali-Curung Safe House and Night Patrol staff were invited to be the keynote speakers at the annual Alice Springs Reclaim the Night March and functions. The women were given a standing ovation. The community of Ali-Curung has been inundated with requests for people to attend meetings in other communities to discuss law and justice planning.

People from a number of other Aboriginal communities have already visited Ali-Curung to observe the types of programs and strategies operating there. The council office staff receive frequent requests for information about the law and justice plan, from within the Territory and interstate. As a result Ali-Curung Council has put in place an itinerary of visits to other communities during 2001 to facilitate discussion about law and justice concerns.

It is significant that an Aboriginal community is taking a pro-active role. Often it has been a responsibility of government agencies to provide information about issues and programs that operate well on other communities and to facilitate the development of new programs.

LAJAMANU: 1999-2000

Lajamanu community is located about 800 kilometers southwest of Darwin in the Victoria River District. The current population is about 700.

The community was established in the late 1940s to accommodate Warlpiri language group people relocated from the central Australian desert region under government policy of the time. The town area is established on land excised from pastoral properties just prior to establishment. It is alcoholfree under the Dry Area Legislation of the NT Liquor Act.

The town is on land belonging to the Gurindji people. Warlpiri and Gurindji people acknowledge Gurindji traditional ownership of the land. The closest Gurindji community is Kalkaringi, about 120 kilometers north of Lajamanu. The fact that Warlpiri people live on 'someone else's country' remains a source of tension.

Difficulties can arise over land use for town development, or economic developments, which need to be approved by the Gurindji. The Gurindji have occasionally vetoed development.

Lajamanu is a traditionally orientated community. A number of elders living at Lajamanu today were born and raised 'in the bush', and without the direct influence of non-Aboriginal people or lifestyle.

Participatory Planning at Lajamanu

The Office of Aboriginal Development began visiting Lajamanu in late 1998, at the joint request of the Community Government Council and Tribal Council. The community sought NT Government assistance to address two matters: community management incorporating traditional organisation, and law and order problems.

Initial visits to Lajamanu were aimed at familiarising the community with the role of the agency, the relevant field officers and to commence the awareness process. Awareness sessions enabled OAD to observe community dynamics in action, including the practice of avoidance relationships, recognition and respect for the authority of elders, a high level of community participation, frequent ceremony and the use of Aboriginal Dispute Resolution.

Community awareness was undertaken with various groups, including a series of separate male and female workshops. These sessions sought to draw out regular debate on issues and problems the community saw as related to law and justice. Discussions focused on community perceptions of problems, causal factors, the responsibilities of government agencies, long-term broad strategies and local mechanisms to effect those strategies. Agencies that could potentially provide future input were also identified during the sessions. The awareness sessions revealed a divergence in perception and priorities amongst the men and women within the community. Men rated alcohol issues as primary, whereas women rated family violence and youth issues as their major concerns followed by alcohol.

Joint group sessions established a set of community priorities. For Lajamanu family violence was seen as a key priority issue for the community & the establishment of a safe house was considered. The community did not have a clear understanding about the concept of a Safe House and there was some fear, suspicion and uncertainty that it might not be appropriate for Lajamanu. It was arranged that a group of women would visit the Ali-Curung Safe House, which had had been operating successfully for a number of years. However, when the trip eventuated it was made by a group of 10 senior men. They spoke to the staff and the Ali-Curung Community Council. It soon became obvious that this was to be very important in terms of gaining the men's support and understanding of what this community based solution to family violence really meant. The men's fears were curbed and they returned eager to have a Lajamanu Safe House established. A large number of Lajamanu women have since traveled to Ali-Curung to further investigate the management and operation of the Safe House.

Following a number of months focusing on community awareness, large community forums were held. Issues raised in the awareness sessions were now openly discussed. The community meetings were usually lively events, and at times dominated by a small group. Representatives from government agencies at these meetings were often overwhelmed by the dominance of particular elders and their comments.

The expression of strongly held views in these forums has to do with making a statement of ambitious claims about an issue by opposing factions. It does not necessarily mean that either party holds a fixed position on an issue, and it is acceptable and expected behaviour. This often occurs on a gender basis, with men vehemently attempting to override the female position, reinforcing the need for male and female planners. The emergence of lively and sometimes heated debate was taken as a positive sign by the facilitator, despite the perceptions and conclusions of field officers from other agencies. The participatory planning method purposely seeks to elicit a range of attitudes within the community on specific issues. Exposing divergent attitudes to structured community debate and locally based mechanisms has proven influential in altering individual, group and community attitudes.

Aboriginal people will often agree to the view of government officers or non-Aboriginal people perceived to be in authority. This can have serious implications for Aboriginal people. The NT Supreme Court in *R v Anunga* (1976) recognised this as a serious problem when police apply 'standard' questioning techniques to Aboriginal clients and consequently introduced the Anunga Rules. The Anunga Rules set in motion a series of major reforms aimed at ensuring police officers use more appropriate techniques when communicating with Aboriginal people. Few guidelines however, have been established for field officers in other program areas who deal with Aboriginal people. The planners have observed Aboriginal people appearing to adopt contradictory positions to avoid moral judgements, offending or disagreeing with non-Aboriginal people. This is usually superficial and can be a trap for inexperienced government officers who often leave a meeting believing they have gained support for a proposal when they have actually been dismissed from the discussion.

Consistent with research on other Aboriginal communities, Lajamanu residents demonstrated during the awareness sessions an extremely poor understanding of the law and justice system, the dynamics and culture of government and the community's position in relation to government as a service provider and itself as a client. There was a marked level of dissatisfaction with the law and justice system, and an overwhelming perception that it at times promoted recidivism within the community. In addressing this deficiency, an opportunity must be provided to Aboriginal communities allowing them meaningful participation in the justice process and in the delivery of services. Strengthening localised social structures and mechanisms that deal effectively with social disorder enables the community to regulate

unacceptable social practices itself in the first instance, for example condoned aggression. Social structures within the community have not emerged in isolation of external skills and assistance. The Model provides communities with assistance and the expertise required to help build social structures and encourages the further development of these structures by creating opportunities to constructively participate in the justice process.

During the same period as the community awareness sessions OAD coordinated meetings at regional (Katherine) and senior management levels (Darwin) to establish the capacity of agencies to undertake future tasks and to seek the relevant assurances. Agencies were encouraged to attend these community forums to contribute as issues relevant to their areas were raised.

Community Empowerment and its Results

The community recognised a need for a central local organisation to progress initiatives considered during the various forums. A Law and Order Committee was formed with an equal number of men and women, and was subsequently endorsed by the Lajamanu Community Government Council. The committee has community and council support to act as the focal point for law and justice matters. The community awareness stage successfully attracted the 'right people for the job' that is, respected senior people who have some literacy skills, have a special interest in promoting social harmony and who are able to be committed long-term members. This is an important element of any local organisation seeking to influence social aspects within a community.

OAD staff visited Lajamanu regularly over the 10 months following the Committee's formation. Decisions about all aspects of initiatives and issues were made following careful community consideration outside the organised committee meetings. A measure of the success of the Committee is that it now convenes about four meetings of its own with community residents to every one formal meeting with OAD or other agencies. It is a key local organisation and is proactive in community dispute resolution.

Although accommodating Aboriginal decision-making processes takes time, it is ultimately the most efficient way to ensure programs are delivered and used as the community intended them.

The Law and Order Committee has:

- Successfully sought joint funding from Territory Housing and ATSIC to establish a Women's Safe House to assist with family violence problems;
- Established the Women's Safe House Management Committee. This Committee and the Community Government Council has made a number of visits to evaluate the Ali-Curung Safe House and has undertaken training workshops with Ali-Curung staff members;
- Developed an Outstation Diversionary Program that utilises culture as a behavioural educational tool rather than punitive measures. The Program aims to divert at-risk youth under community and family supervision on traditional country. The submission was a product of several months negotiation

between five local organisations involved in law and justice planning. The community is keen to extend this program beyond the at-risk youth group;

- Developed the Lajamanu Works Order Program (pre-court), administered by the Law and Order Committee and managed by the Community Corrections Officer;
- Established a Night Patrol Service and management committee. The service was established without the assistance of external training and management support and is jointly operated by the Tribal Council and Women's Safe House Committee.
- Established regular pre-court conferences. Attendance includes the relevant Magistrate, Legal Aid, Lajamanu Police, Police Prosecutions, the Aboriginal Community Police Officer, Correctional Services, OAD and representatives from the Law and Order Committee, Safe House Committee, Tribal Council, Night Patrol and the Community Government Council;
- Monthly meetings with Lajamanu Police, the Aboriginal Community Police Officer and community residents in relation to the possible diversion of matters prior to prosecution, and;
- Provided formal advice upon request to Legal Aid on matters that have come before the local court. This has been particularly successful with matters involving juveniles and young adults.

The Ministerial Council for Aboriginal and Torres Strait Islander Affairs has chosen the Lajamanu Community as the pilot community for the National Indigenous Family Violence Strategy in the Northern Territory.

Community Objectives and the Future '

Lajamanu Community Government Council operates on a very tight budget and, unlike Ali Curung, will not become a financial contributor to the strategies in the Community Law and Justice Plan, which formally commenced in November 2000. Agencies assisting the process will need to develop ways of securing funding for some projects, and progress is likely to be slower than in Ali Curung.

Reducing the levels of family violence and putting in place programs to tackle youth issues have been targeted as priorities by the Committee and progress is being made. Discussion is under way with the Department of Sport and Recreation to develop a longer-term sport and recreation plan for the community, including upgrading facilities. Community awareness programs targeting alcohol and other drugs are expected to begin during 2001.

Community organisations are currently discussing the use of an Outstation some distance from Lajamanu to provide a range of healing and cultural programs for people with family violence or alcohol problems or at-risk youth. They would also be available for court-mandated diversionary programs.

TRENDS IN LAW AND ORDER: A STATISTICAL SNAPSHOT

Statistical indicators show a downward trend in a number of law and justice areas at AliCurung. However, it is difficult to collect accurate information about community wellbeing. There are often valances between the statistical data collected by departments and agencies, and the anecdotal or qualitative data provided by community-based collection. This suggests current data collection methods should be reviewed.

OAD has trialled several models for data collection at Ali-Curung in an effort to find a practical, workable model to measure Abodginal perceptions about everyday community life. There is a growing need for this model as the gap between mainstream and Aboriginal data widens. Work is ongoing.

Mainstream Data Collection

Mainstream data collection systems are usually:

- Designed by non-Aboriginal people to measure the outcomes of programs intended primarily for non-Aboriginal clients, and;
- Based on data collected by non-Aboriginal people (police, health, education, housing etc) and analysed and researched by non-Aboriginal statisticians.

Forms, surveys and questionnaires are more often designed to meet the requirements of the service provider or funding agency than those of the community. Often the data is used for internal acquittal purposes, fiscal control, financial reporting, administrative requirements or measuring workloads and performance of agency staff.

Statisticians and researchers sometimes hold community-based data, which is usually anecdotal or qualitative, in low regard. Aboriginal anecdotal and qualitative data is of the most value in gauging community activity and wellbeing. However, it is seldom collected. When it is collected, it is sometime disregarded or considered unimportant and is used supplementary to mainstream data.

OAD has sought advice from the Australian Bureau of Statistics (Aboriginal Liaison Unit) about developing appropriate forms and data collection methods for use in Aboriginal communities. The bureau advised that its data collection relied on mainstream methodology and therefore could not accommodate Aboriginal -specific data forms or collection systems.

Ali-Curung Model 1

In conjunction with Ali-Curung Community groups, OAD devised a community-controlled method for collecting data on law and justice. It used data from the Night Patrol, Safe House, the police station and the health clinic.

The Ali-Curung Council undertook to collect and collate data on a monthly basis. OAD developed 'tick box' forms with the community groups, and a spreadsheet in the council office where data was to be input. An Aboriginal office administrator was trained in data collection and data input. The system worked well for a while, but finally ran into difficulties.

For example:

- The spreadsheet information was not sufficiently clear or readily understood by council members;
- There were differences between data provided by government agencies such as Police and Territory Health and community organisations such as Safe House and Night Patrol in a number of areas, and;
- Staff were not consistent in filling out the relevant forms.

It was clear Aboriginal staff were having difficulties with quite rudimentary data collection and interpretation. The council was also unable to maintain regular data collection because of Aboriginal avoidance relationships between the office administrator and Safe House and Night Patrol staff. Aboriginal Safe House and Night Patrol workers also found it difficult to determine which events should be recorded against which tick box. Further, the data collection systems could not accommodate or record accurately events affected by different cultural circumstances.

At one meeting, council members concluded the only meaningful way for law and justice data to be interpreted and understood by local people would be to have the data incorporated into a series of dot paintings. This highlights the different worldviews between the two cultures and the inherent weakness of relying on mainstream data collection and analysis methodology to provide accurate information.

Ali-Curung Model 2

The most useful data collected at Ali-Curung has been that recorded by the Night Patrol and Safe House staff. Each staff member records events in the daily diary. The information is recorded in story form, in either basic longhand or printed format. Where the staff member lacks literacy skills, another worker enters the story.

Female OAD project officers visit on a regular basis and workshop each individual journal entry with the workers to ensure an accurate interpretation of events. This approach has provided a valuable community perspective of local law and justice which statistical data collection could not provide.

For example:

- The journals show that local dispute resolution in family violence using customary mechanisms is effective. Daily journals do not record the same perpetrator offending over a prolonged period of time. Habitual family violence matters have been resolved within six months;
- The purpose of the Safe House can be seen to have changed from crisis intervention to facilitating the community response to resolving family violence. Statistics show that 27 to 30 women used the Safe House each month for respite when it first opened. This has been reduced to one or two a month;
- Community-based data provides a relevant and acceptable community definition of family violence. Facilitating Aboriginal Dispute Resolution has become a major component of the Safe House women's role, but it is difficult to record with a mainstream statistical model because these models cannot define 'customary'. The women's role is substantially different to counselling or referral to other programs;
- Female on female violence is the most prevalent form of violence recorded in the journals and is often described as 'jealousy fighting'. It is regarded as controlled violence and is closely monitored by family who will intervene if necessary, and;
- Yarda is likely to be responsible for much of the violence including family violence and jealousy fighting.

In the examples used above, statistical data collection is unable to provide information for the community, planners or service providers on which strategies can be based or resources targeted, because statistical data does not interpret culture or measure the extent and outcomes of Aboriginal Dispute Resolution practices. Community based data can be interpreted by the women and can be used by the agencies to develop strategies supporting local initiatives.

These examples also question the wisdom of pursuing policy and programs with a typical Eurocentric bias. Consequently agencies send a message to communities that all violence is wrong, and that violence is not the Aboriginal cultural way, or is solely a result of alcohol abuse or post colonial stress, when clearly this is in conflict with some elements of Aboriginal Dispute Resolution practices. Programs advocating these views reflect policy desires of agencies rather than providing communities with assistance in developing constructive ways of handling problems. A denial of Aboriginal cultural realities in order 'to achieve politically sound policy (irrespective of the outcomes) does little to assist communities in addressing their present problems. It needs to be recognised that some Aboriginal dispute resolution cultural practices contain elements of low level violence. Whilst not condoning the use of low-level violence, controlled violence and violence associated with ritual should be recognised as still having an important role in remote and traditional communities dispute resolution processes regardless of any views to the contrary. This demonstrates the difficulties of trying to apply one problem solving process across two fundamentally different cultures.

Police and the Health Clinic at Ali-Curung use statistical data collection systems that do not analyse types of violence, levels of violence or causal factors. All violence is viewed and recorded as criminal violence and not as part of dispute resolution which may be the more accurate reflection of events. Because of this, mainstream data and community-based data will be different.

Agencies that rely solely on statistical data without the community interpretations of the causes, can easily implement inappropriate programs or waste resources targeting the wrong issues. At Ali Curung,

because of the use of community-based and interpreted data, the planners were able to support community dispute resolution structures which do resolve issues. Mainstream data could only have pointed towards additional policing resources or more family violence programs, which would not have resolved the issues.

Community-based data allows a distinction between different types of violence and brings into question whether some events historically recorded as violence in normal data collection systems are in fact violence at all.

For example, most non-Aboriginal service providers are unable to distinguish between violence and ritual. The early stages of community dispute resolution are invariably conducted publicly and loudly - sometimes with low-level violence, such as pushing, slapping, hitting or stone throwing, but predominantly with shouting, yelling and threatening. This is rarely spontaneous and is often planned and negotiated.

This is ritualistic. Often the people involved in the public display may not be the people involved in resolving the dispute. It may be the first stage of a lengthy process that will be negotiated to a conclusion by other clan members. It is wasteful and disempowering to the community for agencies to develop interventionary strategies for what is normal behaviour associated with dispute resolution.

The planners have seen many cases of where this behaviour has been recorded as both verbal and physical abuse, while the community reality is that it is necessary to achieving an outcome. Aboriginal people see it as restoring relations between the parties and within the community to prevent similar incidents in future. In her book *Daughters of the Dreaming*, Diane Bell refers specifically to this at Ali-Curung in 1976. She recounts a meeting between Warlpiri and Kaytej disputants to determine the community store was the ideal venue to stage a forthcoming fight because it was a location where all the community residents could gather to listen. She also refers to the frequent staging of fights on a weekend when there was less chance of intervention in the disputes by white staff. The events recorded by Bell were planned. Her reference to 'fights' was most likely in the context of ritual associated with fighting, which is usually controlled to minimise bloodshed. Nonetheless, it is a powerful form of dispute resolution for Aboriginal people.

There are other types of ritualistic penalty, relating to mortuary rites, marriage obligations and ceremony. The community does not view this as violence per se, but as a cultural imperative.

Often, violence under the influence of alcohol or drugs is viewed quite differently from 'sober violence'. Sober violence, because it is manageable and can be controlled by the women, is often not viewed with the same importance as 'drunk violence', which may be uncontrolled and have far more serious implications. The indiscriminate or ill-informed recording of what constitutes family and community violence can quickly distort statistics. Often it reflects nothing more than the moral judgements of the data collector.

For these reasons statistical data collection and analysis cannot deal with the complexities of another culture. The planners have therefore not relied on this information as the primary indicator of community wellbeing or to measure the effectiveness of law and justice planning.

Applying the Model Beyond the Justice System

The law and justice planning model should be portable across other program areas and other government and non-government service providers.

The law and justice planning model has been successful at Ngukurr community, where Paul Josif and Associates used participatory planning to assist the community in developing a five-year housing plan from 1994 to 1999. It turned housing in the community on its head. Ngukurr had had major housing stock problems, serious housing design faults affecting many houses and a serious water problem. In 2000, the Menzies School of Health Research in their Evaluation of Environmental Health Survey Data - Indigenous Housing Report, found Ngukurr's housing program the best from a study of 80 communities.

At Ngukurr, participatory planning was the ideal vehicle to identify and empower local management and decision-making systems.

"A clear, traditionally based system of social, cultural and land management exists within the Yugal Mangi area. The system is clan based and forms the basis of maintaining traditional Aboriginal law within a contemporary cross-cultural setting. A 'clan' refers to a group of people who have for example, common totems, and lands. Members of the Yugal Mangi clans have both patrilineal and matrilineal associations with land, although primary responsibility is claimed through the father (ie. Miniringi). Clans consist of one, or several extended family groups linked by both kinship and marriage. These clan groups manage their own affairs in ways which are relevant at both a cultural and social/political level. Decisions and actions are made which are all of political and managerial traditional and contemporary and work across two cultures."

Paul Josif and Associates, Yugal Mangi Housing Plan 1994 -1999

There are seven language or tribal groups and 20 clans at Ngukurr. Self-management, in both a traditional and contemporary sense, rests at the clan level, not with the language or tribal groups or the 'community' such as through a community council.

With this as the basis, the planner and clan leaders were able to work out ways to devolve responsibility for housing from a central administration model to clan-based management. Each clan now has its own housing budget and set of books, and has financial accountability for houses occupied by clan members. Program areas managed by clan leaders include rent collection, repair and maintenance, minor new works, cyclical maintenance and participation in forward planning for community housing. Clans also manage other programs such as CDEP and the Night Patrol/Warden Scheme.

There appears to be no major reason why participatory planning, involving the coordination of service provision and the development of agreements between community organisations and agencies, should not be used as a model for social change in other program areas.

The practice and principles described in this paper, and by Paul Josif and Associates, could equally apply to health, community management, education, infrastructure development and economic development as much as they do to housing and law and justice.

Territory and Commonwealth service provision systems have not been particularly successful in promoting the marriage of traditional and contemporary management practices. For example the Territory and Commonwealth normally deliver services at the 'community' level through community councils established under the *Local Government Act (NT)* or the *Associations Incorporation Act (NT)* or through 'community' programs. However, decision-making affecting people's daily lives are enacted at a different level. Because these different levels of decision making are informal (such as those described by Josif previously) it has always been difficult for government service provision to utilise these mechanisms.

The key factor in facilitating successful self-management at community level is enabling the interaction of community groups (clans, family, skin, tribal council, traditional owner's etc) with government services (police, health, education, family violence etc). The planner's role in identifying and developing these mechanisms is critical.

There has been considerable discussion at the national and state Territory level about different models for improving service provision outcomes for indigenous people and a number of different framework agreements and regional agreements have been proposed. It is likely that the further traditional decision-making is from the primary service providers, the more tenuous will be a compatible arrangement between Aboriginal and non-Aboriginal management systems. Accordingly, any change in service delivery method will need to be carefully managed to ensure there is no further disempowerment of local community organisations. Individual communities will need to ensure they have a mechanism in place to reflect local aspirations and allow them to effectively deal with a new system of service provision.

It is equally important that the development of individual and organisational skills at the community level is continued to enhance the change occurring at other levels of government. There appears to be no reason why communities should not be assisted in the development of community self-management systems, which recognise and formalise locally relevant structures as a mechanism through which change can be managed. Law and justice planning provides a model that could apply to other program areas and deal with service provision and development issues at the Commonwealth, Territory or regional levels.

CONCLUSION

This paper presents a model for social change in remote Aboriginal communities seeking to address law and justice concerns. It is based on the proven and powerful process of participatory planning. This model, in conjunction with effective coordination of resources through agreement between a community and its service providers, is recognised as successful in an area characterised by failure - on the part of governments and Aboriginal communities. This model shows how Aboriginal communities and their service providers can successfully establish common ground and work towards a mutual purpose.

It promotes devolving responsibility for law and justice issues from agencies to community organisations where relevant and appropriate, including using Aboriginal Dispute Resolution and customary decision-making mechanisms.

The process demands a whole-of-government response to issues identified by communities and a range of interventionary, crisis, preventative and education programs for short-term and long-term priorities.

Governments need to focus on ensuring:

- Responsibility for policy and program development rests a unit that is adequately resourced to research, develop and monitor an overarching policy framework. An overarching framework will ensure policy and program development occurs in a community context and is not focused on a single issue;
- Field officer skills need to be to a great extent upgraded through appropriate training. Service delivery to remote area communities can be significantly improved if adequate resources are provided; and
- The development of a data collection system that gives more weight to community-based and qualitative data to in order that an effective evaluation of community planning is undertaken.

If these challenges can be met, Aboriginal law and justice planning will fulfill its potential as a model, making it a valuable tool for change in program areas such as housing, health and community management.

THE LAJAMANU COMMUNITY LAW AND JUSTICE PLAN

Preamble

On 15 September 1998, the Lajamanu Community Government Council and the Lajamanu Tribal Council jointly wrote to the Chief Minister for the Northern Territory, the Minister for Police, Fire and Emergency Services and the Minister for Aboriginal Development seeking the support of relevant Government departments in implementing a number strategies to address local law and order and anti social behaviour concerns. The Office of Aboriginal Development was instructed to coordinate a whole-of-government response to assisting the community with these issues.

The issues the community wished to address included:

- establish a community justice panel to deal with minor offences, particularly offences relating to alcohol misuse
- reduce the levels of family violence
- develop the role of the Tribal Council of Elders in a range of community management areas
- recognise the role of the Elders by amendment to the Community Government Council
- Constitution to recognise the status and authority of Elders
- investigate the control of alcohol consumption through the use of relevant by-laws.

Subsequent work with the community and service providers has resulted in strategies being formulated to address these and other issues. These are described in the Lajamanu Community Law and Justice Plan.

The Lajamanu Community Law and Justice Plan has developed from a number of community meetings, workshops and meetings with community groups, organisations and residents including:

- the Lajamanu Tribal Council
- the Women's Safe House Committee;
- the Lajamanu Law and Order Committee;
- Wulain Outstation Resource Centre;
- Lajamanu Community Government Council;
- community meetings;
- discussions with individual residents; and

- meetings with government and non-government agencies.

Some of these committees did not exist, and had to be developed and established in order to support various strategies which were evolving from the process.

The workshops and meetings have taken place throughout 1999 and 2000. A community meeting has established a Law and Order Committee as a focal point for local law and order concerns.

The Plan incorporates an important role for community groups in addressing law and order concerns, for example the Tribal Council in family violence dispute resolution, the Law and Order Committee in Pre-Court Conferencing and the Wulain Outstation Resource Centre in providing operational and administrative support for an Outstation Diversionary Program.

The main objectives of the Lajamanu Community Law and Justice Plan are to:

- provide a framework for the Tribal Council members to make decisions about local law and justice matters in conjunction with other law and justice facilitators within the community;
- enable Aboriginal people, via the Tribal Council membership or through the work of the Law and Order Committee, greater participation in law and justice processes;
- encourage greater responsibility by Aboriginal people in local law and justice matters; allow for the development of local diversionary programs;
- act as a forum whereby the courts can be made aware of Aboriginal customary law implications if necessary; and
- reduce the levels of family and community violence.

The Plan recognises the community, government agencies and non-government agencies play an on-going role in law and justice issues. Under this Agreement a framework has been developed to assist the Tribal Council and other groups as appropriate to contribute further to these processes.

The Lajamanu Law and Justice Plan is based on the principle of participatory planning. Facilitators to the Law and Justice Agreement (OAD) work with the community and the relevant agencies to put in place the various mechanisms to allow strategies to be implemented. A number of strategies are being implemented whilst the Plan itself is being developed.

For example, considerable work has been done with respect to:

- establishing a Women's Safe House Management Committee and support group;
- implementing a joint Territory/Commonwealth funding arrangement to renovate a building for use as a Safe House;
- implementing a Night Patrol;
- establishing Pre-court Conferencing;

- developing diversionary programs; and
- establishment of a Law and Order Committee.

A number of strategies have been identified through the consultation processes and the respective actions required have been allocated against various agencies as part of the Plan.

BACKGROUND

Lajamanu is a community of about 700 people including 50 non-Aboriginal, people with a further 4060 people residing on outstations in the region. Lajamanu was established as a community during the early 1950's and was previously known as Hooker Creek.

The community was established for Warlpiri people from Yuendumu and other western desert locations who were relocated into the area, which is on traditional Gurindji home country. The nearest Gurindji community is Kalkarindji, about 1 00km to the north of Lajamanu.

The relationship between the Warlpiri and Gurindji over the issue of land, land ownership and development has always been tenuous. More recently there has been a general understanding that Lajamanu is a Warlpiri community and its direction and development is to be determined by Warlpiri people. Hence the Gurindji have now appointed three Warlpiri people to the Lajamanu Community Government Council to act in the role of "Traditional Owners" for, and on behalf of the Gurindji people in relation to matters effecting Lajamanu and its immediate surrounds.

Community Organisations Involved in the Plan are:

- The Lajamanu Tribal Council refers to the "skin" system operated in many communities. There are 8 skin groups, comprising four male and four female groups. Tribal Council membership is drawn from people from each of these skin groups. There is approximately 35 Tribal Council members residing at Lajamanu and outstations.

The Tribal Council already has a substantial, albeit informal role in community matters, and it has been common practice for matters of community importance to be referred from the Lajamanu Community Government Council to the Tribal Council for resolution. The Agreement between the Tribal Council and service providers seeks to formalise these arrangements.

The Tribal Council is not a formally organised Council with clearly defined functions. It draws its authority from the status and seniority of its individual skin group leaders. The Tribal Council or more accurately members with a vested interest in specific issues will come together to resolve certain issues. Membership is therefore not static and different groups of people are called on to address different matters.

The Tribal Council considers itself to have a strong community leadership role in social and cultural issues. The Tribal Council is able to influence community values, and can achieve

positive outcomes. The Council has identified law and justice and family violence as two priority areas in which it should have involvement.

- The Lajamanu Law and Order Committee originated from a meeting of Tribal Council,

Community Government Council and Women's Resource Centre representatives, as a group to act as a focal point for agencies in dealing with law and justice issues. The Committee is very active and meets frequently to discuss issues and facilitate initiatives. The Committee has been involved in discussions about diversionary programs and has commenced pre-court conferencing with Police and Correctional Services.

The Women's Safe House Management Committee comprises a group of women who are regular workers or visitors to the Lajamanu Women's Centre. They have particular interest in family violence and the establishment of a Safe House as part of a strategy to address this issue. The women have also met with Council members on a number of occasions over law and order matters. The women have visited Ali-Curung to study the administration and operation of the Ali-Curung Women's Safe House. The visit to Ali-Curung is part of the process of assisting these women to provide a management structure for the operation of the Lajamanu Safe House.

The Wulain Outstation Resource Centre provides a range of support services to ten Outstations in the region. They vary in distance from 25km to 280km from Lajamanu. The Resource Centre has in the past operated a Community Service Order program, via a works program on these Outstations. It is keen to participate in similar diversionary type programs which may be developed.

The Lajamanu Community Government Council was established in 1981 and it provides a range of services and functions according to its Constitution under the Community Government Act. It provides the bulk of community management and administration. The Community Council has applied for and has received funding to assist define a broader management role for the Tribal Council. The Community Council is the incorporated organisation in terms of funding for various projects.

Lajamanu Night Patrol is an interim service developed by the community following a number of community meetings chaired by the Tribal Council and Law and Order Committee. The community considered it appropriate to commence the Service prior to formal training and receipt of a vehicle, as it has been imminent for sometime. The overseeing Committee has developed an operational structure and a system of dealing appropriately with matters which include the involvement of police (including the Aboriginal Community Police Officer) and a widely represented Working Group of community representatives.

THE ROLE OF COMMUNITY ORGANISATIONS IN LAW & JUSTICE

This section defines how the various Community Organisations can participate more fully in local law and justice through assisting in the implementation of strategies identified Plan.

The Organisations believe they are best able to participate in the law and justice process in these areas:

- (1) At the earliest possible time (when an offence has been committed or when trouble is occurring);
- (2) When matters go to court'.
- (3) Family violence;
- (4) Alcohol related issues
- (5) Diversionary programs;
- (6) Pre-court conferencing; and
- (7) Other law and justice strategies

1 Involvement at the time of an offence

The Tribal Council expressed a view that in relation to the resolution of local law and justice issues, community efforts to resolve the matter should be initially exhausted prior to Police involvement except as follows;

- In the case of more serious matters or those subject to mandatory reporting requirements;
- Where the victim expresses a desire for direct police involvement or Police believe the welfare or safety of the victim is at risk.

In situations where agreement on appropriate action cannot be reached, the decision on action to be taken will rest with police.

Community groups who could participate in this process are the Tribal Council, Law and Order Committee and Safe House Management Committee. The role of these groups is largely to facilitate a community resolution to dispute, either directly as mediators or by involving the relevant family members in the matter.

The processes are:

- (a) Police and representatives from the Tribal Council or other groups, such as the Law and Order Committee will meet at the time alleged offences occur or when there is a dispute or matters occurring likely to involve Police.
- (b) Where the victim does not request direct police involvement following the incident, the meeting will determine a further course of action:
 - Police handle the matter;
 - the Tribal Council or other groups deal with the matter locally;
 - a joint Tribal Council/Police response is initiated; or
 - the matter is referred to a Community Diversionary Program.
- (c) A Community Diversionary Program may include:
 - a fine;
 - banishment from the community to another community or outstation;
 - restitution (by family or clan);
 - removal of the offender to an Outstation Program or ceremony camp
 - a Community Service Order; or
 - other punishments or programs determined by the Tribal Council or other groups.
- (d) Community Diversionary Programs will contain these elements:
 - the community program must be an appropriate level of action to the offence;
 - the offender must agree to participate in the Diversionary Program,
 - in the case of a minor, the Tribal Council or other groups must ensure the relevant guardian is involved; and
 - the victim must agree to participate with the Community Diversionary Program.
- (e) The Tribal Council, other community groups and Police will meet on a regular basis to review the effectiveness of the Diversionary Program.

2. Tribal Council or Law and Order Committee members assisting at court

The Tribal Council and the Law and Order Committee believe a representative (or representatives) from either or both groups should be available at court to assist the magistrate and court processes generally.

- (a) A Tribal Council representative (or representatives) or Law and Order Committee members will attend court sittings to assist the Magistrate. This could include assisting on the bench where appropriate.
- (b) The Tribal Council representative or Law and Order Committee members will also be available to advise CAALAS representatives about any action, programs or punishment which have been determined, or already undertaken, as part of a Diversionary Program.
- (c) CAALAS will seek the views of the Tribal Council or Law and Order Committee members on these matters and will make the information available to their clients and the courts,
- (d) Correctional Services will seek input from the Tribal Council or Law and Order Committee in the preparation of court reports and breaching orders.

3 Family Violence

Family violence is viewed by the Tribal Council, the Law and Order Committee and other law and justice facilitators as the most pressing issue effecting the Lajamanu Community at present. The Lajamanu community is committed to establishing a strategy to address family violence issues which are consistent with principles of restorative justice.

Senator Herron through the Ministerial Council for Aboriginal and Torres Strait Island Affairs (MCATSIA) announced the development of a National Indigenous Family Violence Strategy, endorsed by all State and Territory Governments. One community from each State and Territory was selected by MCATSIA to participate in the development of the National Strategy. Lajamanu was selected as the Territory community, based on the activities currently being developed by the community.

Strategies at Lajamanu are designed to trigger a community response dealing with family violence issues.

Lajamanu was selected for a number of reasons:

- the community are already developing an Aboriginal Law and Justice plan to address local law and order concerns;
- family violence was identified by the community as a high priority within the local law and order plan;
- some strategies to address family violence are already being effected;

- the communities isolation (700km from Katherine) means locally developed initiatives will be most effective and need to be supported.

Local organisations will play a key role in the development and implementation of the Strategy, most notably the Tribal Council.

Tribal Council membership consists of senior elders with close relationship links based on the traditional "skin kinship" system. The type of issue and the people involved in matters that come before the Tribal Council influences the composition of Tribal Councilors over that particular matter. The resolution of disputes will thus have regard to and be appropriate for the circumstances and the individual.

The Women's Safe House staff will also play an active role in the facilitation and participation dispute resolution. Some members are common to both committees. The advantage of dispute resolution at the local community level is the ability of the community to blend customary and mainstream resolution mechanisms. This process is one of cultural and community development.

It is the intent of the Agreement to encourage the development of these processes, whilst not restricting the exercise of an individual's right of choice when seeking intervention or resolution in family violence matters.

The Agreement is a framework for cooperation between agencies to address family violence, it is not a prescriptive document and instead should be utilised to assist participants.

The occurrence of family violence has been attributed to various issues. Alcohol related violence and cultural practice, including the maintenance of customary marriage systems contribute to an increase in family violence. There are growing concerns for older community residents with younger people, and particularly women, challenging the concept of "promised marriage." The use of violence is practiced in many cultures as a method of maintaining social and cultural practices, however the use of violence is not condoned by the signatories to this Agreement. Hence the need for community awareness strategies to be developed with long term educative programs put in place to address these social and cultural practices.

Additionally there are fundamental differences between Aboriginal and non-Aboriginal people about perceptions of family violence, and what constitutes family violence. Notions about family violence are often vague, and vary considerably between members of the community, and between males and females. There are also differences of opinion about how family violence should be resolved.

Whilst the majority of people believe customary mechanisms for resolving dispute should apply, there are others who are increasingly seeking non customary intervention such as "keep the peace orders" "restraint orders," or by requesting intervention by Police and the courts. There are also examples, on some communities, where the customary mechanisms for dispute resolution are no longer effective, often leaving women without sufficient protection from assaults.

There are also different cultural perceptions between Aboriginal and non-Aboriginal people about the rights of individuals and the rights of clan, or family. Non-Aboriginal people view the rights of individuals as paramount and this right is protected in law. Additionally governments' family violence strategies tend to focus on the rights of the individual (victim) and not on the rights of family or clan involved in the maintenance of customary marriage systems.

The customary practice at Lajamanu is that the rights of individuals are often subservient to those of a broader social unit, and often the rights of a group/clan will take precedence over the rights of individuals. This is a common rule in matters of customary marriage.

The Tribal Council seeks to establish a leadership role on these vital social/cultural issues primarily to,

- assist with existing mechanisms to reduce levels of family violence;
- facilitate customary mechanisms for addressing family violence (where the individual has opted for this course of resolution);
- evaluate the effectiveness of customary marriage dispute resolution systems to ensure women are fully protected under Aboriginal Customary Law; and,
- achieve a better understanding between Aboriginal and non-Aboriginal people about family violence in a cross-cultural situation.

To assist facilitation of this process, the framework for the Agreement between the Tribal Council, Police and other agencies should contain these basic elements;

- (a) Where police determine appropriate circumstances exist, they will meet with the Tribal Council or other relevant community groups to determine how best to resolve matters relating to family violence.
- (b) Matters with Aboriginal Customary Law implications (as in customary marriage practice), will be dealt with in the first instance by the Tribal Council (unless the victim requests otherwise).
- (c) Police should only assume responsibility for arranging transport and accommodation away from the community for female victims of family violence where police determine that the welfare or safety of the victim is at risk and that the victim's immediate removal from the community is necessary. In other cases the Women's Safe House workers may deal with this in conjunction with the Tribal Council, and other community organisations where relevant, if it is determined this is an appropriate option.
- (d) Notwithstanding arrangements between Police and the Tribal Council, or other dispute resolution facilitators such as the Women's Safe House staff, Police will provide protection through direct intervention as and when required.
- (e) The relevant Government and non-Government agencies and Women's Safe House Committee and Law and Order Committee will form a Working Group to develop a range of intervention, preventative and educative family violence strategies.

Protocols relating to the operation of points (a) through to (e) will be developed by the Family Violence Working Group which is the rightful forum for defining how local arrangements can best operate.

These local arrangements are intended to provide a choice of options for individuals and families in handling family violence.

4 Pre-court Conferencing

- (a) The Law and Order Committee, Police, OAD, CAALAS and Correctional Services will meet the day prior to court to review the court list and determine where locally designed diversionary programs may be applied.
- (b) On the basis of the pre-court meetings, arrangements may be reached with regards alternative ways for the community to deal with alleged offenders.
- (c) Diversionary programs may be negotiated between Police and the Law and Order Committee at any stage within the law and justice process.

5. Other Law and Justice Strategies

A number of other strategies are expected to evolve from the consultation process between government and non-government agencies and the community with respect to law and justice. Some of which are already being discussed or implemented include:

- (a) Community awareness about law and justice.

This will require agencies and organisations including NT Police, Correctional Services, Aboriginal legal aid, Tribal Council and the Law and Order Committee to develop and promote a greater understanding among the community of law and justice issues.

- (b) Diversionary Programs.

The development of an Outstation Diversionary Program has been ongoing over the past few months. This will require the involvement of Police, Correctional Services, Wulain Outstation Resource Centre, Tribal Council and the Law and Order Committee.

- (c) Youth Activities.

The development of a range of sporting and recreational facilities and the establishment of a sports program, after hours and school holidays activities program are an integral component of strategies aimed at decreasing the number of youth coming into contact with the justice system. These are also important to outcomes in diversionary programs. Agencies likely to be involved include Sport and Recreation, Wulain Outstation Resource Centre and others.

- (d) Establishment of a Community Night Patrol.

The Lajamanu Community Government Council currently has an application for funds with government for the establishment of a Night Patrol. An interim Night Patrol has been established by the community, and is operated and staffed by the Women's Safe Home Committee and Tribal Council. At this stage the Service has focused on two problem areas; youth vehicle offences and offences against the community's

liquor restrictions. Further development and support is needed for the Night Patrol, who have a close working relationship with the local Police and the Aboriginal Community Police Officer.

(e) Family and Victim/Offender Conferencing.

Courts are already diverting juveniles into conferencing programs, however further work is required to develop conferencing in conjunction with other diversionary programs. The Law and Order Committee is seeking to establish locally facilitated and controlled conferences for matters diverted from the Court under the mandatory sentencing provisions and matters referred by the community.

STRATEGIES ARISING FROM THE LAW & JUSTICE PLAN

This section identifies some of the programs, resources or actions required by various government and non-government organisations to assist implement strategies identified in the Plan. These will continually change, evolve and be further defined through the various workshops and committees.

LAJAMANU COMMUNITY

The Tribal Council

The Tribal Council will undertake to:

keep the Aboriginal Community Police Officer informed about who can be contacted in the event of urgent meetings being required between Police and the Tribal Council;

participate on the family violence working group;

nominate an appropriate representative to attend court and assist the court processes; convene full Council meetings as a matter of urgency in the event of having to implement local actions, diversionary programs or other methods of intervention; and participate in the community awareness of law and justice.

Lajamanu Community Government Council

The Community Government Council will undertake to:

- establish law and justice as a standing agenda item at Council meetings;
- coordinate the participation of Police, the Tribal Council and Law and Order Committee at these meetings;
- participate in the family violence working group;
- participate in community awareness programs concerning law and justice and family violence;
- coordinate the refurbishment and securing of the Women's Safe House; and,
- as the relevant incorporated organisation, the Community Council will receive and acquit funds for any projects arising from the law and justice strategy.

Women's Safe House Committee

The Women's Safe House Management Committee will undertake to:

- provide advice and support for the management of the Safe House;
- provide monthly statistical data on the operation of the Safe House to the Community Council;
- record monthly statistical data relating to victim attendance, including repeat victim/offenders;
- facilitate a community response to family violence through coordinating family and community meetings if appropriate;
- participate in community awareness about family violence; and
- participate on the family violence working group.

Lajamanu Law and Order Committee

The Lajamanu Law and Order Committee will:

- report to the Community Council on law and order matters;
- act as a focal point for community law and order concerns;
- participate in pre-court conferencing;
- assist with the development and implementation of diversionary programs; and
- participate in family violence dispute resolution where appropriate.

Wulain Outstation Resource Centre

The Wulain Outstation Resource Centre will undertake to participate in community diversionary programming and court ordered Community Service Order programs.

- provide operational and logistical support to the program; provide administrative support to the program; maintain an Outstation in good repair;

- maintain good systems of communication with the Outstation; assist with the development of a program of works activities; participate in regular coordination meetings about the law and justice strategy; and
- liaise with the relevant law and justice agencies and the Law and Order Committee about diversionary programming.

Lajainanu Night Patrol Service

The Lajamanu Night Patrol will undertake to:

- report to the Community Council and the Law and Order Committee
- meet with Lajamanu Police regularly to assess appropriate courses of action
- participate in community awareness about law and order issues;
- participate on the family violence working group participate in pre-court conferencing;
- assist with the development and implementation of diversionary programs; and
- participate in dispute resolution where appropriate.

LAJAMANU SERVICE PROVIDERS

Government

Office of Aboriginal Development

The Office of Aboriginal Development will undertake to:

- meet with the relevant government agencies and community groups the day before court to determine if local Diversionary Programs can be effectively implemented for some alleged offenders (OAD will provide the initial administrative and coordination support for pre-court conference forums);
- provide overall coordination and monitoring of the Plan and facilitate strategies arising from the Plan, including diversionary programs, Safe House, Night Patrols etc;
- develop a community based and operated evaluation program for the project to measure changes in local law and justice outcomes;
- participate in community awareness of law and justice; and

- provide membership to the family violence working group.

Territory Health Services

The Aboriginal Family Violence Program will undertake to:

- in conjunction with the Centrecare NT, implement relevant family violence strategies;
- establish a family violence working group and provide the overall coordination and administrative support for the working group;

The working group will:

- develop family violence strategies and policies for the community;
- provide support for local customary dispute resolution systems;
- provide support for the Tribal Council and other community groups on family violence matters;
- participate in community awareness of family violence;
- assist and evaluate the effectiveness of customary dispute systems;
- develop an agreement between the Tribal Council, other community groups and government agencies about a consistent response to family violence;
- promote family violence awareness through the school to target school age children;
- the working group will comprise of representatives from the relevant Government and Community organisations including:

The Tribal Council;

- The Lajamanu Law and Order Committee;
- Police;
- Aboriginal Family Violence Program;
- Alcohol and Other Drugs Program;
- The Lajamanu Community Government Council; OAD;
- Centrecare NT;
- Aboriginal and Torres Strait Islander Commission; and Women's Safe House Management Committee.
- examine and develop other law and justice strategies which may arise from these meetings, including for example:
 - an effective Night Patrol service;
 - a Women's Safe House;

- examine/facilitate the establishment of relevant youth programs; support systems for the Aboriginal Community Police Officer; examine current dry area legislation and or alternative drinking strategies; and assist develop local diversionary programs.

Alcohol and other Drugs Program

The intent of these Programs will be to:

- assist the community develop an alcohol and substance abuse strategy;
- introduce alcohol awareness programs through the school to target school age children;
- provide alcohol counselling services to individuals;
- provide council and the Tribal Council with relevant expertise and information about alcohol and drug related issues; and
- participate in the family violence working group.

NT Police

The NT Police will undertake to:

- investigate ways to support the Aboriginal Community Police Officer and to review the level and types of policing services from time to time;
- meet with the Tribal Council and other community groups on family violence matters;
- participate in pre-court conferences with the Law and Order Committee, Correctional Services and OAD;
- meet with the Tribal Council and the Law and Order Conunittee to determine the application of community diversionary programs;
- participate in law and justice agenda items at Council meetings;
- participate on the Family Violence Working Group; and
- participate in the community awareness of law and justice.

Correctional Services

Correctional Services will undertake to:

- participate in pre-court conference meetings with other agencies the day prior to court.

- liaise with the Tribal Council and Law and Order Committee for input into court reports, breaching orders or other matters where a community perspective will be beneficial to the justice system.
- participate in community awareness of law and justice

Central Australian Aboriginal Legal Aid Services

CAALAS will undertake to:

- participate in pre-court conference meetings the day prior to court
- provide the courts with information about community diversionary programs if required; and
- participate in community awareness programs concerning family violence and law and justice.

Aboriginal and Torres Strait Islander Commission

ATSIC will undertake as a member of the Family Violence Working Group:

- provide general support and advice;
- maintain a monitoring role in the strategy;
- support a joint funding arrangement with Territory Housing for the establishment of a Safe House;
- coordinate and liaise with other funding agencies to identify funding sources to assist the strategy; and participate in regular coordination meetings with other agencies and community representatives.

Department of Sport and Recreation

The Department of Sport and Recreation will undertake to assist community diversionary programming by working with the community to develop sport and recreational interests, in particular:

- an audit of current sporting and recreational facilities and equipment;
- an estimate of costs required to replace, upgrade or purchase facilities and equipment to a reasonable standard;
- assistance in developing a five year purchase, repair and replacement for its sporting and recreational equipment;

- assistance in developing an organised Community Sport and Recreation Program;
- assistance in developing relevant after hours and school holiday activities program; and
- assistance in identifying relevant funding agencies and or resources and programs which may be applicable to the Lajamanu community.

Department of Local Government

The Department of Local Government will undertake to assist the community to:

- enhance the role of community elders by amendment of the community government scheme to formally recognise the status and authority of the elders;
- assist the Community Government Council develop and define mechanisms which allow for the exercise of traditional authority in a range of community management and socioeconomic areas;
- assist the Community Government Council with an examination of community by laws relating to law and order, alcohol, animal control and litter prevention; and
- participate in regular coordinating meetings pertaining to the law and justice strategy.

Non-government

Centrecare NT

In conjunction with the Aboriginal Family Violence Program, Centacare NT will undertake to:

- implement relevant family violence strategies as determined through meetings and the family violence working group; and
- participate in the family violence working group.