The RCIADIC found that while Indigenous people accept the need for Police Services, it was a common experience to feel powerless in the face of police and to wish for a voice at a local level in how their community is policed.\(^1\) The RCIADIC referred to the existence of some outstanding examples of programs in which Indigenous communities and the police have achieved cooperation, and which could be an inspiration for other programs, but noted that these remained very much the exception.\(^2\)

The RCIADIC therefore made a number of Recommendations with the aim of improving the relationship between Indigenous communities and police. By studying and emulating existing examples of programs that were considered effective, and in other cases, review and reform of areas that were found to be problematic. The Recommendations can be categorised broadly as follows:

1. Relationship and communications between Indigenous community groups and police (Recommendations 214 and 215);
2. Updated response to the Australian Law Reform Commission (ALRC) report on Recognition of Aboriginal Customary Law (Recommendation 219);
3. Increased support for Indigenous involvement in community policing initiatives (Recommendations 220 to 222);
4. Police protocols and for interaction with Indigenous communities and Indigenous policy development (Recommendations 223 to 225);
5. Police accountability (Recommendation 226);
6. Police recruitment, education and training (Recommendations 228-231); and
7. Review or study of existing programs:
   (a) Northern Territory Aboriginal Community Justice Project (Recommendations 216-218);

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\(^1\) RCIADIC National Report par. 29.1.1
\(^2\) RCIADIC National Report par. 29.1.1
This Chapter examines the extent to which these Recommendations have been implemented by the Federal, State and Territory governments.

1. Relationship between Indigenous Community Groups and Police (Recommendations 214-215)

Recommendation 214: The emphasis on the concept of community policing by Police Services in Australia is supported and greater emphasis should be placed on the involvement of Aboriginal communities, organisations and groups in devising appropriate procedures for the sensitive policing of public and private locations where it is known that substantial numbers of Aboriginal people gather or live.

Recommendation 215: That Police Services introduce procedures, in consultation with appropriate Aboriginal organisations, whereby negotiation will take place at the local level between Aboriginal communities and police concerning police activities affecting such communities, including:

a. The methods of policing used, with particular reference to police conduct perceived by the Aboriginal community as harassment or discrimination;

b. Any problems perceived by Aboriginal people; and

c. Any problems perceived by police. Such negotiations must be with representative community organisations, not Aboriginal people selected by police, and must be frank and open, and with a willingness to discuss issues notwithstanding the absence of formal complaints.

The RCIADIC noted the achievements of the Tangentyere Council in communicating and acting on the needs of people in Alice Springs town camps and of the Julalikari Council at Tennant Creek in community policing. The RCIADIC emphasised the key importance of engaging representative Indigenous organisations in community policing. The RCIADIC recommended that:

- Community policing be supported with greater emphasis placed on the involvement of Indigenous groups to develop procedures and policies for areas in which substantial numbers of Indigenous people are known to live or gather;

- Police Services develop procedures to negotiate policing procedures with Indigenous communities and to discuss any problems raised by either Indigenous or police representatives; and
The representatives negotiating with Police Services be from representative community organisations and not "hand-picked" by the police.

Although the extent to which these Recommendations have been taken into account varies between communities, it cannot be said that they have been implemented fully. If these Recommendations had been fully implemented, all Police Services would have, and use, procedures for negotiation with key Indigenous community groups on specific policing issues. Available information tends to indicate an intention to proceed in this direction, for example, by appointing liaison officers and committees. However, these initiatives alone do not demonstrate that the outcomes have been reached.

1.1 Commonwealth

During 2011 as part of its "Stronger Futures" initiative, the Commonwealth government conducted a significant series of meetings with over 100 Indigenous communities addressing issues contributing to Indigenous disadvantage. Subsequent policy documents, including an agreement between the Commonwealth and all the States and Territories, as well as separate agreements between the Commonwealth and individual States and Territories, reflect the intention to strengthen partnerships and engage with Indigenous communities and to increase Indigenous involvement in and responsibility for services. This indicates an intention to facilitate implementation of these Recommendations. These agreements appear to contain broad policy statements which suggest that implementation of the Recommendations is at a preliminary stage. The Council of Attorneys General has also been supportive of the introduction of 'effective crime reduction programmes' in Indigenous communities, but its support is necessarily at a broad policy level. From a practical perspective the introduction of such programs is a matter for the States and Territories.

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6 National Partnership Agreement on Stronger futures in the Northern Territory - Implementation Plan for Community Night Patrols.
7 Most policy documents are dated June 2013, with little evidence of substantive developments since then: http://www.federalfinancialrelations.gov.au/content/npa/other.aspx.
1.2 Victoria

In Victoria, community policing was recorded as one of the top four objectives in police strategies in 2003. An Aboriginal Justice Forum was established in 2000 with senior members of police and Indigenous communities and as at 2013 had met over 30 times. There are also nine Regional Aboriginal Justice Advisory Committees currently active.

1.3 Northern Territory

In the Northern Territory, a number of agreements are in place or proposed between police and Indigenous organisations in remote communities, suggesting some progress has been made towards implementing these Recommendations in remote areas.

1.4 Queensland

The Queensland Police Service (QPS) Operational Procedures Manual outlines QPS policy regarding the formation of consultative committees. The purpose of these committees is to identify issues affecting policing in Indigenous communities, consider solutions and report back to the QPS. It is not clear whether the issue identified by the RCIADIC as to the selection of representatives to liaise with police on these committees has been addressed. As discussed further below, there are also many Indigenous people employed in policing in Queensland in various capacities.

1.5 Western Australia

The Western Australian Strategic Policy on Police and Aboriginal People states that the Police will work in partnership with Indigenous people to develop strategies that

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12 Independent Review of Policing in Remote Indigenous Communities in Northern Territory (2010) Allen Consulting, (“Allen Report”) prepared at the request of the Northern Territory Government, identified agreements or plans at various different levels of implementation at Ngkurr, Groote Eylandt, Finke (Apatula), Docker River (Kaltukatjara), Imanpa and Mutiljulu. However, implementation had been slow, partly impeded by changes in governance of Indigenous communities.

increase safety and security.\textsuperscript{14} However, no specific operational requirements for the Police Services to negotiate protocols with Indigenous groups were identified.

\subsection*{1.6 New South Wales}

NSW reported to the Commonwealth in 1993 that these Recommendations had been implemented. However, subsequent reports and analysis indicate this was not correct and in 2000 it was acknowledged that further action was still required to implement systems of negotiation with local communities on policing procedures. In 1994, NSW reported implementing these Recommendations by expanding the Aboriginal Community Liaison Officer (ACLO) scheme, appointing an Aboriginal Client Consultant and four Regional Aboriginal Coordinators, "consultative committees" and "awareness days", and a "customer satisfaction survey": \textit{Justice Under Scrutiny - Report by the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs} (1994). In 1996 the ATSIC Social Justice Commissioner again reported that Recommendation 214 had been implemented. However in 1998 the NSW Aboriginal Justice Advisory Council backtracked from this position, stating that these Recommendations had not been implemented and that Recommendation 214 was so broad in its terms that its effectiveness was limited. It was reported that significant changes and improvements had been made to the treatment of Indigenous people in custody overall, but that there were a number of areas requiring further action, including in the area of "negotiating with Aboriginal communities about policing practices" which it noted was "perhaps an area requiring greatest Government attention". It was noted that police structural reform involving the formation of consultative groups itself is not sufficient to implement the Recommendations, as they require actual negotiated procedures to be in place. Aboriginal Justice Council review of New South Wales government implementation of the RCIADIC Recommendations (2000).

There is evidence of some implementation in an Ombudsman's report covering the period from 2003-2006 but strong recommendations for further work were made.

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\section*{19. IMPROVING THE CRIMINAL JUSTICE SYSTEM: ABORIGINAL PEOPLE AND THE POLICE}
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Following this, in the period from 2007-2011, NSW Police policy advocated establishing Local Area Command Aboriginal Consultative Committees in areas with high Indigenous populations, to create and maintain communication channels and develop local action plans. The current New South Wales Police policy (2012-2017) continues to focus on monitoring, reporting and implementation of action plans.

1.7 South Australia

The South Australia Police Aboriginal and Multicultural Unit works in partnerships with government and community groups on Aboriginal and Multicultural issues within South Australia. A Prevention of Aboriginal Deaths in Custody Forum is held every six weeks at different prisons by the Aboriginal Services Unit (ASU). The ASU was established in 1995 and is responsible for advising and developing the provision of services to Aboriginal prisoners and offenders. The department also employs Aboriginal Liaison Officers.

15 NSW Aboriginal Strategic Direction 2007-2011. It should be noted that the NSW Police Aboriginal Strategic Direction policy documents are largely aspirational; they provide limited evidence of actual implementation of community policing initiatives and involvement of Aboriginal communities, organisations and groups in devising appropriate procedures for sensitive policing.

16 NSW Aboriginal Strategic Direction 2012-2017 p.10-11 and 21. A Steering Committee is established to monitor local command progress; with the outcome sought being "comprehensive review of the Aboriginal environment within Local Area Commands. Current policy continues to focus on the development of local area action plans to be signed by police and an Indigenous "representative" and are to be adopted by majority vote of a consultative committee. The Assistant Commissioner's [Geoff McKechnie's] statement in the 2012-2017 Aboriginal Strategic Direction, to "continue our focus of community policing by consulting with Aboriginal people regarding offences of concern to them and work in partnership to achieve outcomes that reduce crime and the fear of crime" was copied word for word from the Assistant Commissioner's [Peter Parsons'] statement in the 2007-2011 Aboriginal Strategic Direction, suggesting that no new or particular focus has been placed on this objective in the current policy.
1.8 Tasmania

In Tasmania, regional Liaison Officers and a coordinator have been appointed. Current policy requires them to establish a framework for communication and regular meetings with local Indigenous community groups, but no record was identified of any formal consultation procedures or collaboratively developed policing protocols.  

1.9 Australian Capital Territory

In the Australian Capital Territory, the police department is a unit of the Australian Federal Police under an arrangement between the Commonwealth and ACT Governments. Since the deployment of the Crime Reduction Units to North and South district locations within the Territory, engagement with members of the Aboriginal and Torres Strait Islander community is now managed by all team members, rather than by a small dedicated team.  

2. Update on Recognition of Aboriginal Customary Law (Recommendation 219)

**Recommendation 219:** The Australian Law Reform Commission's Report on the Recognition of Aboriginal Customary Law was a significant, well-researched study. The Royal Commission received requests from Aboriginal people through the Aboriginal Issues Units regarding the progress in implementation of the recommendations made by the Australian Law Reform Commission and in some cases from communities which had made proposals to the Law Reform Commission. This Commission urges government to report as to the progress in dealing with this Law Reform Report.

The RCIADIC noted that the initiatives relating to Indigenous community justice provide opportunities for the functional recognition of Indigenous customary law. Functional recognition had been favoured by the ALRC in its report on the subject.

It was not possible for the RCIADIC itself to thoroughly analyse the issues relevant to the potential recognition of customary law, and as a result it did not make recommendations for the implementation of the ALRC report. However, the

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17 The Aboriginal Strategic Plan 2014 refers to proactive consultation and dialogue with Liaison Officers responsible for "developing knowledge of Aboriginal issues… via communication with operational members and local Aboriginal organisations" "establishing a framework for regular meetings between Tasmania Police and local Aboriginal organisations". See http://www.Police.tas.gov.au/about-us/corporate-documents/aboriginal-strategic-plan/ No documents were identified recording these meetings and communications or any resulting police protocols.


19 RCIADIC, National Report par. 29.2.39.
RCIADIC noted that the ALRC report was a significant and well researched study and that, in the course of receiving submissions from Indigenous organisations, the RCIADIC was asked about progress in implementation of its recommendations. As a result, the RCIADIC recommended that government report as to the progress of dealing with the ALRC report.

This Recommendation does not require government to implement the Recommendations of the previous ALRC Report but merely to report on progress in considering it. No specific progress reports issued in response to this Recommendation were identified. Further, amendments to Commonwealth crimes legislation subsequent to the RCIADIC Report specifically exclude Indigenous customary law from consideration in bail and sentencing applications except in extremely limited circumstances.20

At a State and Territory level, no record was identified of an official update on the implementation of the ALRC Report in Queensland, the Northern Territory, Western Australia, Victoria, South Australia, Tasmania or Australian Capital Territory. However, various jurisdictions have given these issues substantive consideration. For example, in particular, the Law Reform Commission of Western Australian conducted a detailed review and published its report in 2006 on whether there may be a need to recognise the existence of Aboriginal customary laws and have regard to those laws within the Western Australian legal system, which contained some 131 recommendations to improve the interface between Aboriginal customary law and the Western Australian justice system.21 In reporting on sentencing of Indigenous offenders, the New South Wales Law Reform Commission recommended that customary law be taken into account.22

A 2009 study published by the Indigenous Justice Clearing House notes that Indigenous Sentencing Courts now operate in some form in every State and Territory

20 Crimes Act 1914 (Cth), ss 15AB(1)(b), 16A(2A), 16AA, as amended by the Crimes Amendment (Bail and Sentencing) Bill 2006. The explanatory memorandum for the amendments indicates that the drafters of the legislation considered, but decided not to follow, this Recommendation. The intention of the amendments was to ensure that customary law was not taken into account so as to lessen the seriousness of any offence. In contrast, although of limited relevance in relation to criminal proceedings, the Evidence Act 1995, s.72 provides that the hearsay rule (that evidence of what another person told the witness is inadmissible to prove the truth of the statement) does not apply to a representation about the existence of content of traditional laws or customs of Indigenous groups.

21 Aboriginal customary laws: final report: the interaction of Western Australian law with Aboriginal law and culture (2006) Law Reform Commission of Western Australia (for additional detail see also Aboriginal customary laws: discussion paper (2006) Law Reform Commission of Western Australia)

22 NSW Law Reform Commission Report 96, Sentencing: Aboriginal offenders, October 2000 includes a recommendation that [w]here a person, who is, or was at a relevant time, a member of an Aboriginal community, is convicted of an offence, in determining the sentence, the court shall have regard to any evidence concerning the customary laws of that Aboriginal community, and the customary laws of any other Aboriginal community of which the victim was a member at a relevant time.
of Australia except Tasmania. Such Courts reflect some incorporation of, at least, Indigenous values, if not law, into sentencing practice.

3. Indigenous Involvement in Community Policing (Recommendations 220 and 221)

**Recommendation 220:** That organisations such as Julalikari Council in Tennant Creek in the Northern Territory and the Community Justice Panels at Echuca and elsewhere in Victoria, and others which are actively involved in providing voluntary support for community policing and community justice programs, be provided with adequate and ongoing funding by governments to ensure the success of such programs. Although regional-and local factors may dictate different approaches, these schemes should be examined with a view to introducing similar schemes into Aboriginal communities that are willing to operate them because they have the potential to improve policing and to improve relations between police and Aboriginal people rapidly and to substantially lower crime rates.

**Recommendation 221:** That Aboriginal people who are involved in community and police initiated schemes such as those referred to in Recommendation 220 should receive adequate remuneration in keeping with their important contribution to the administration of justice. Funding for the payment of these people should be from allocations to expenditure on justice matters, not from the Aboriginal affairs budget.

The RCIADIC regarded community policing programs as having the greatest potential to create an environment of cooperation between Indigenous communities and the police. It referred in particular to the Community Justice Panel (in Echuca, and later throughout Victoria) and the "night patrol" involvement by the Julalikari Council (Tennant Creek).

The RCIADIC recommended that:

- organisations such as the Julalikari Council and Community Justice Panels (CJPs) be provided with adequate and ongoing government funding;
- these schemes be examined with a view to introducing similar schemes in other areas subject to local needs and conditions; and
- people involved in such schemes receive adequate remuneration.

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24 RCIADIC National Report par.29.3.1.
As noted above, Indigenous Sentencing Courts and Tribunals have been widely adopted. Such programs reflect elements of the Victorian CJPs, suggesting that the Recommendation that this programme be studied and emulated was followed.

3.1 Victoria

Victoria regarded these Recommendations as having been fully implemented in 2005 by virtue of the Aboriginal CJPs. Currently there are 13 panels in regional areas with Melbourne metropolitan panels planned. Panel participation is on a voluntary basis, and while that is a deliberate decision, concerns have been raised about significant resource constraints. Current policy advocates a variety of measures to support community programs including grants to support program development and strengthening the role and/or increasing the number of Aboriginal Community Liaison Officers (‘ACLOs’). The ACLO program has been reported anecdotally as successful in managing Indigenous police ‘contacts’.

3.2 Queensland

The Queensland Implementation Report states that these Recommendations were implemented, and referred to the introduction of Queensland’s Police Liaison Officer Scheme and funding given to projects such as a Youth Drug and Alcohol diversion project in 1995 and the "Palm Island Community Justice Projects". The Report notes the allocation of substantial funding to these measures. However, it is notable that PLOs are in fact a slightly different initiative to that undertaken by the Julalikari Council, and more specific evidence of the implementation of these Recommendations in Queensland was not available.

3.3 Northern Territory

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26 Victoria Department of Justice: Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody (2005) ("Victorian Implementation Report"). At the time of the report there were 12 panels and as at 2012 there were 13 panels, with further panels planned.


31 The AJA3 reports that the appointment of a full time APLO in Warrnambool produced a 40% decrease in Koori contacts with the police between 2010-2011.

In the Northern Territory, the Community Court is in place as described above. Local Indigenous organisations (including Tangentyere Council) receive operating grants from the NT Grants Commission and specific grants from individual government departments, however, it is not possible to assess the extent to which these are "adequate" from available information. As there is no single clear source of funding, obtaining ongoing funding can be unpredictable. The "adequacy" of remuneration is also difficult to assess; however, job advertisements indicate attempts to provide appropriate salaries and benefits.\(^{33}\) However, more recently, significant Commonwealth government funding arrangements have been put in place for community policing initiatives in the Northern Territory for 10 years from July 2012, with the aim of supporting up to 350 paid positions in 81 Northern Territory Indigenous communities.\(^{34}\)

### 3.4 Western Australia

The Western Australian government asserted in 2000 that it had implemented this Recommendation and stated that Western Australian Police "took over the management of the Warden Scheme in isolated Aboriginal communities as of July 1, 2000." \(^{35}\) Community wardens are not remunerated.\(^{36}\) Limited information identified about the operation or funding of community justice programs in Western Australia indicates the operation of night patrol services.\(^{37}\) Western Australia's Community

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\(^{33}\) NT community policy officer job position advertisements show salaries of $40,539 for initial 12 weeks training and $50,674 including allowances, in addition to free housing and other benefits - see http://www.pfes.nt.gov.; Julalikari Council Night Patrol Manager in Tennant Creek advertised at competitive salary circa. $95,000-105,000 : http://julalikari.applynow.com.au/jobs/21885.


\(^{36}\) Aboriginal Community Wardens are appointed as "special constables" :WA Police Administration Manual's. AD-1.7. Little other information was identified about the operation of the Wardens Schemes.


19. IMPROVING THE CRIMINAL JUSTICE SYSTEM: ABORIGINAL PEOPLE AND THE POLICE
Crime Prevention Fund provides grants of up to $25,000 for not for profit organisations, Aboriginal Corporations or local government authorities to conduct crime reduction schemes.  

3.5 New South Wales

In New South Wales, there is no evidence that the government specifically examined the Julalikari and CJP schemes, but there is evidence that by 2007 "Aboriginal Community Justice Groups" had been established. While there is some evidence of NSW government funding allocated for community policing purposes comprehensive evidence was not available to determine whether the funding was adequate.

3.6 Australian Capital Territory

The Australian Capital Territory has implemented the Aboriginal and Torres Strait Islander Traineeship Program, which involves a specialised rotation plan through several functional areas within ACT Policing to provide an overview of community policing. In 2014 there were 6 participants in this program. The Australian Capital Territory Government has committed $5.5 million to the Blueprint for Youth Justice 2012-2022 Project, of which one of the key objectives is to reduce the overrepresentation of Aboriginal and Torres Strait Islanders in the criminal justice system. It is unclear whether this funding will be sustained.

4. Protocol and Policy Development (Recommendations 223 - 225)

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39 The 1996 NSW Implementation Report referred to mobile patrols in Bourke and Walgett but noted that these were operating within resource constraints. The NSW Police Aboriginal Strategic Direction 2007-2011 refers to the commitment of the Attorney General's department in coordinating "initiatives such as Circle Sentencing, Aboriginal Community Justice Groups and Community Patrols". Circle sentencing programs currently exist in NSW, Victoria and South Australia - see http://www.creativespirits.info/aboriginalculture/law/circle-sentencing.
40 The 2013-2014 NSW Government Budget Estimates suggest that (at least currently) the NSW Government does allocate expenditure to Aboriginal community justice schemes from the justice budget rather than the Aboriginal affairs budget, in line with the guiding principles of Recommendation 221. However, it is unclear what part of this budget, if any, goes towards remunerating Aboriginal people involved in such schemes.
41 The NSW Aboriginal Strategic Direction 2007-2011 included a strategy for NSW Police to develop an "Aboriginal Program Budget" with the input of the Attorney General's department, but the document is a policy statement, and the extent to which this was implemented could not be determined. The NSW Aboriginal Strategic Direction 2012-2017 does not contain such an objective.

May 2015
Recommendation 223: That Police Services, Aboriginal Legal Services and relevant Aboriginal organisations at a local level should consider agreeing upon a protocol setting out the procedures and rules which should govern areas of interaction between police and Aboriginal people. Protocols, among other matters, should address questions of:

a. Notification of the Aboriginal Legal Service when Aboriginal people are arrested or detained;

b. The circumstances in which Aboriginal people are taken into protective custody by virtue of intoxication;

c. Concerns of the local community about local policing and other matters; and

d. Processes which might be adopted to enable discrete Aboriginal communities to participate in decisions as to the placement and conduct of police officers on their communities.

Recommendation 224: That pending the negotiation of protocols referred to in Recommendation 223, in jurisdictions where legislation, standing orders or instructions do not already so provide, appropriate steps be taken to make it mandatory for Aboriginal Legal Services to be notified upon the arrest or detention of any Aboriginal person other than such arrests or detentions for which it is agreed between the Aboriginal Legal Services and the Police Services that notification is not required.

Recommendation 225: That Police Services should consider setting up a policy and development units within their structures to deal with developing policies and programs that relate to Aboriginal people. Each such unit should be headed by a competent Aboriginal person, not necessarily a police officer, and should seek to encourage Aboriginal employment within the Unit. Each unit should have full access to senior management of the service and report directly to the Commissioner or his or her delegate.

The RCIADIC recommended that:

- Police Services and relevant Indigenous organisations, including legal services at a local level consider agreeing on specific protocols to cover areas of interaction between the police and the community;

- such protocols would address notification of an Indigenous legal service when an Indigenous person was detained, the circumstances in which intoxicated people are detained for protection, processes to enable discrete Indigenous communities to have input into the
placement and conduct of their local police, and any other local concerns; and

- Police Services set up policy units within their structures, headed by an Indigenous person and with access to senior management, to address development of Indigenous policy.

The formal aspects of these Recommendations have been implemented to a significant degree, although in most cases it is not possible to determine the precise degree of local Indigenous community involvement in a particular area. Although broader protocols exist at a State or Territory level, specific evidence of individual local policing protocols developed "at a local level" with community involvement was not able to be located.

4.1 Commonwealth

Commonwealth crimes legislation provides for the notification of Indigenous legal organisations where an Indigenous person is under arrest.\(^{44}\)

4.2 Victoria

As at 1995 the Victorian government considered the Recommendations relating to protocols to be fully implemented except as regards discrete local communities.\(^{45}\) In Victoria, police must notify the Victorian ALS when an Indigenous person is taken into custody within 60 minutes of arrival.\(^{46}\) Relevant issues and objectives are recorded in guidelines in the Victoria Police manual as well as through the Victorian Aboriginal Justice Agreement Phase 3 (‘AJA3’)\(^ {47}\). As noted above, in Victoria an Aboriginal Justice Forum was established in 2000 with senior members of police and Indigenous communities, and, as at 2014, it had met over 30 times.\(^ {48}\) Victoria Police has an Aboriginal Policy and Research unit which oversees the police liaison program, with 98 Police Aboriginal Liaison officers and assistant officers across 50 police stations throughout Victoria who work with an unidentified number of Aboriginal Community liaison Officers to resolve issues concerning Aboriginal people within their local area.\(^ {49}\)

4.3 Queensland

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\(^{44}\) *Crimes Act 1914 (Cth)* ss. 23H, 23J, 23WB, 23XR, 23YK.

\(^{45}\) Victorian implementation Report, p.390.

\(^{46}\) *Victoria Police Manual* – Guidelines on Safe management of persons in police care or custody - Paragraph 4.3 (Initial assessment and recording).

\(^{47}\) Victoria Police Manual Guidelines (Aboriginal Liaison Officers’ Program, s.5.4; Safe Management of Persons in Custody; Community Safety and Liaison, s.5.1); AJA3 objectives 2.2.5 and 5.3.2.

\(^{48}\) The Aboriginal Justice forum is the coordinating body under the Victorian Aboriginal Justice Agreement: *Victorian Aboriginal Justice Agreement Phase III*.

In Queensland, police must attempt to notify an Indigenous legal aid organisation when an Indigenous person is detained for questioning (unless the police officer reasonably suspects the person is not at a disadvantage in comparison with the broader community).\textsuperscript{50} Police procedures provide for a person detained for intoxication to be taken to a "place of safety" rather than being incarcerated, where appropriate.\textsuperscript{51} Queensland Police are also required actively to seek to improve community involvement in policing issues affecting Indigenous groups, and there are specific provisions relating to the formation of representative consultative groups.\textsuperscript{52} The QPS has a Cultural Support Unit which provides advisory and consultancy services to Queensland police in relation to, among other areas, matters in relation to Indigenous communities and includes an Indigenous Career and Development Officer.\textsuperscript{53}

4.4 Western Australia

An accord was entered into between police and the Aboriginal Legal Service WA (‘ALS WA’) in 1995, relating to notification of the ALS WA when a person is taken into custody, and a further protocol relating to improved communication was signed in 2000.\textsuperscript{54}

4.5 Northern Territory

Northern Territory Police guidelines are not publicly available, making it difficult to assess the extent to which the Recommendations relating to specific protocols have been implemented.\textsuperscript{55} However the Northern Territory Police has a specific Indigenous Policing Development Division, tasked with Indigenous policy development in addition to the recruitment, oversight and coordination of Indigenous officers and includes a program for training of Aboriginal Community Police Officers.\textsuperscript{56}

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{50} Police Powers and Responsibilities Act 2000 (Qld) s.420.
\item \textsuperscript{51} Police Powers and Responsibilities Act 2000 (Qld) s. 378; Queensland Police Operational Procedures Manual Ch. 16.6.3.
\item \textsuperscript{52} Queensland Police Operational Procedures Manual Ch.6.4. The intention towards broad community engagement is also expressed in the QPS policy document Aboriginal and Torres Strait Islander Strategic Direction 2008-2012. Similar considerations are also expressed in a Justice Agreement in place from 2000 to 2010 between the Queensland government and the Aboriginal and Torres Strait Islander Advisory Board.
\item \textsuperscript{53} https://www.police.qld.gov.au/programs/community/CulturalAdvisory/.
\item \textsuperscript{54} WAPS and Aboriginal Legal Service WA Accord 1995, referenced in the WA Implementation Report: WA Police Administration Manual s. AD-1.4; further protocol relating to improved communication developed and signed in 2000: Western Australia Police Service Strategic policy on Police and Aboriginal People : see http://www.Police.wa.gov.au/Portals/11/PDFs/ServiceDelivery_Aboriginal_People.pdf.
\item \textsuperscript{55} A person other than a Police officer must not knowingly have the Police Gazette in his or her possession: Police Administration Act (NT) s.165.
\end{itemize}
\end{footnotesize}
4.6 South Australia

In South Australia, Police officers must provide Aboriginal and Torres Strait Islander prisoners with information from the Aboriginal and Legal Rights Movement (‘ALRM’). The police officers making the arrest must also notify the ALRM. ALRM employs Aboriginal Field officers to provide legal services to any Aboriginal and Torres Strait Islander in custody that require their assistance. Police officers are directed to allow these prisoners’ access to the ALRM Field Officers. Police officers allow approved visitors from ALRM to visit a cell complex at any time provided these visits do not interfere with operational requirements. Police are also directed to utilise alternatives to custody such as the Aboriginal Sobriety Group Inc (Mobile Assistance Patrol) which provides transport to Aboriginal people that are under the influence of alcohol.

These measures do not address all of the matters raised by the Recommendations but they do seem to provide some practical and detailed measures aimed at facilitating culturally appropriate services for Aboriginal and Torres Strait Islanders in custody. It appears the ALRM plays an active role in raising community concerns about policing, however, there is not much detail to illustrate what feedback mechanisms are available.

4.7 Tasmania

The Tasmanian Department of Police and Public Safety Aboriginal Strategic Plan outlines several strategies which respond to these Recommendations including:

- the appointment of Aboriginal liaison officers;
- ensuring that Aboriginal Legal Service are notified when an Aboriginal or Torres Strait Islander is taken into custody;
- ensure active consideration is given to alternative to incarceration; and
- establishing a framework for regular meeting between Tasmania Police and local Aboriginal organisations.

While there is no specific protocol document, the various measures that have been implemented under the umbrella of the Aboriginal Strategic Plan go to the heart of Recommendations 215 and 223 - regular, culturally sensitive liaison on critical issues.

The Tasmania Police Manual (‘TPM’) includes a special precaution in relation to Aboriginal people in custody. The TPM stipulates that the custody officer must take

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every effort to notify a relative or friend and the Aboriginal Legal Service if it becomes necessary to detain and/or interview an Aboriginal person. The Director of Corrections in Tasmania has the power to make standing orders for the management and security of prisoners. According to the Director's Standing Order 2.12, issued 23 October 2006, the order provides that prisoners are managed in a manner that is sensitive to their cultural needs. The Plan and the TPM specifically addresses the question of notification of the Aboriginal Legal Service. The special precautions listed in the TMP appear to offer useful guidance in relation to Aboriginal people in custody who are intoxicated.

4.8 New South Wales

In New South Wales, it was reported in 2006 that many Police commands had developed strong working relationships with Indigenous communities to "address crime" but that more work could be done in relation to crime prevention. Reflecting this, the previous New South Wales Police Force policy (2003-2011) included a requirement for local area commands to develop specific Indigenous Action plans. The current New South Wales Police policy (2012 - 2017) focuses on implementation of those Indigenous Action plans and establishes a Police Aboriginal Strategic Advisory Committee of senior Police and Indigenous representatives, tasked with considering Indigenous/Police issues of state-wide significance.

4.9 Australian Capital Territory

In the Australian Capital Territory, if an Australian Federal Police officer detains or arrests an Aboriginal person, an Aboriginal legal aid organisation must be notified and the interview must be conducted in the presence of a relative or legal representative of the person (unless voluntarily waived). The ACT unit of the Australian Federal Police has recently been negotiating an Aboriginal and Torres Strait Islander Justice Agreement as the previous agreement expired in June 2013. The obligations of the Australian Federal Police under the previous agreement included supporting Aboriginal victims of crime.

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58 Tasmania Police Manual 7.62(1).
59 Corrections Act 1997 s 6(3).
60 Director's Standing Order 2.12, 23 October 2006.
63 NSW Aboriginal Strategic Direction 2012-2017 section 2.
64 NSW Aboriginal Strategic Direction 2012-2017 section 2.
65 AFP National Guidelines on persons in custody, section 7.4 (Indigenous Australians).
5. **Police Accountability (Recommendation 226)**

**Recommendation 226:** That in all jurisdictions the processes for dealing with complaints against police need to be urgently reviewed. The Commission recommends that legislation should be based on the following principles:

a. That complaints against police should be made to, be investigated by or on behalf of and adjudicated upon by a body or bodies totally independent of Police Services;

b. That the name of a complainant should remain confidential (except where its disclosure is warranted in the interests of justice), and it should be a serious offence for a police officer to take any action against or detrimental to the interest of a person by reason of that person having made a complaint;

c. That where it is decided by the independent authority to hold a formal hearing of a complaint, that hearing should be in public;

d. That the complaints body report annually to Parliament;

e. That in the adjudication of complaints made by or on behalf of Aboriginal persons one member of the review or adjudication panel should be an Aboriginal person nominated by an appropriate Aboriginal organisation(s) in the State or Territory in which the complaint arose. The panel should also contain a person nominated by the Police Union or similar body;

f. That there be no financial cost imposed upon a complainant in the making of a complaint or in the hearing of the complaint;

g. That Aboriginal Legal Services be funded to ensure that legal assistance, if required, is available to any Aboriginal complainant;

h. That the complaints body take all reasonable steps to employ members of the Aboriginal community on the staff of the body;

i. That the investigation of complaints should be undertaken either by appropriately qualified staff employed by the authority itself, or by police officers who are, for the purpose of and for the duration of the investigation, under the direction of and answerable to, the head of the independent authority;

j. That in the course of investigations into complaints, police officers should be legislatively required to answer questions put to them by the head of the independent authority or any person acting on her/his behalf but subject to further legislative provisions that any statements made by a police officer in
such circumstances may not be used against him/her in other disciplinary proceedings;

k. That legislation ensure that the complaints body has access to such files, documents and information from the Police Services as is required for the purpose of investigating any complaint.

The RCIADIC identified a perceived lack of police accountability as a key difficulty in the relationship between Indigenous people and communities and the police. 67 The formal and involved nature of police complaints processes meant that Indigenous people rarely used them. 68

As a result, the RCIADIC recommenced urgent review of police complaints mechanisms in all jurisdictions, with legislation relating to complaints about police to be based on principles of:

- Investigation by a body that:
  - is independent of the police;
  - reports to Parliament annually;
  - has all necessary access to police files;
  - has appropriately qualified staff (or police officers specifically under the jurisdiction of the body) to undertake investigations; and
  - employs members of the Indigenous community where possible.
- Complainants are able to keep their identity confidential where possible, have access to legal assistance and have no financial cost imposed on them;
- public hearings where appropriate; and
- police officers under investigation are compelled to answer questions (with answers not to be used against the officer at subsequent disciplinary hearings).

These Recommendations have been partially implemented in most jurisdictions.

5.1 Queensland

In Queensland, complaints are generally conducted by the Assistant Commissioner, Ethical Services Command, 69 which is a subset of the Commissioner for Police, with the assistance of the ESC Internal Investigations Group. More serious complaints, including those involving Indigenous complainants concerning mistreatment or failure to provide medical care in custody are investigated by the Crime and Misconduct Commission which has an Indigenous engagement strategy including the objective

67 RCIADIC National Report par. 29.1.1
68 RCIADIC National Report par. 29.5.14
of employing and engaging with Indigenous people. Police officers under investigation are required to answer questions but there is conflicting information about the extent to which they may rely on a privilege against self-incrimination.

5.2 Northern Territory

In the Northern Territory, complaints may be made to the Ombudsman, an office independent of the police, but most complaints are investigated by the Ethical Standards unit within the police.

5.3 Victoria

In Victoria, the Independent Broad-Based Anti-Corruption Commission (‘IBAC’), replaced the previous Office of Police Integrity. The Office of Police Integrity, which had been introduced in 2004 and ceased operating in 2013, had made efforts towards implementing recommendations relating to complaints by Indigenous people. The IBAC, which was established in 2014, provides a mechanism for independent oversight of the police and has substantial powers. Complaints may be made to the police or direct to the IBAC but the Police Commissioner must investigate, inform the IBAC of, and report to the IBAC on, serious complaints. Police officers may be compelled to answer questions, with limitations on the admissibility of the answers in subsequent proceedings.

5.4 New South Wales

The Police Integrity Commission was established in New South Wales to prevent, detect and investigate serious police misconduct. It operates independently of the New South Wales Police Force and complaints may be made directly to the Commission. Complaints against police can also be directed to the New South Wales Ombudsman. Although there are several well developed bodies tasked with

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73 Police Administration Act (NT) Division 6.
74 Independent Broad-Based Anti-corruption Commission Act 2011.
78 Police Regulation Act 1958 (Vic) s.86M-86O.
79 Police Regulation Act 1958 (Vic) s.86Q. “Whistleblower” protection is also afforded in applicable circumstances by the Protected Disclosure Act 2012.
80 Police Integrity Commission Act 1996 (NSW).
investigating police misconduct there does not appear to be any specific requirement that one member of the relevant review panel be an Aboriginal person.\(^82\)

5.5 South Australia

In South Australia, the Office of Police Ombudsman is established to provide oversight of the South Australian police force. The Police Ombudsman is an independent statutory authority entirely separate from the Police Force. A separate branch of the South Australian Police is also tasked with carrying out investigations of designated officers.\(^83\) Police complaints may be made to the Police Ombudsman or directly to the police.\(^84\)

5.6 Tasmania

There are a number of avenues available to make a complaint against the conduct of a police officer in Tasmania. There are internal processes for managing complaints against police that are governed by Police Service Act 2003 (Tas).\(^85\) There also external, independent processes such as the Ombudsman and the Integrity Commission.

5.7 Western Australia

In Western Australia, complaints against police must be referred to the independent Corruption and Crime Commission but less serious matters may then be referred back to the police.\(^86\) The CCC has substantial powers, may access files and second police officers, and it reports to Parliament.\(^87\) The CCC can make complainants' names confidential, there is a system in place to protect witnesses, and public hearings are possible although hearings are generally not public.\(^88\) Police officers may be compelled to answer questions, but contrary to the RCIADIC Recommendation, the answers may be used in subsequent disciplinary proceedings against the officer.\(^89\)

5.8 Australian Capital Territory

Complaints about policing by the Australian Federal Police within the Australian Capital Territory should be addressed to the ACT Ombudsman, which is also the Law Enforcement Ombudsman. The ACT Ombudsman can investigate complaints

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\(^{83}\) Police (Complaints and Disciplinary Proceeding) Act 1985 (SA)(Part 3).

\(^{84}\) Police (Complaints and Disciplinary Proceeding) Act 1985 (SA), section 16.

\(^{85}\) Police Service Act 2003 (Tas) s. 46.

\(^{86}\) The Corruption and Crime Commission Act 2003 (WA) s.3, s.21A.

\(^{87}\) The Corruption and Crime Commission Act 2003 (WA) s.95.


\(^{89}\) The Corruption and Crime Commission Act 2003 (WA) s.94(5).
about the actions of Australian Federal Police members and about the policies, practices and procedures of the Australian Federal Police.  

6. Police Recruitment, Education and Training (Recommendations 228 - 231)

**Recommendation 228:** That police training courses be reviewed to ensure that a substantial component of training both for recruits and as in-service training relates to interaction between police and Aboriginal people. It is important that police training provide practical advice as to the conduct which is appropriate for such interactions. Furthermore, such training should incorporate information as to:

   a. The social and historical factors which have contributed to the disadvantaged position in society of many Aboriginal people;

   b. The social and historical factors which explain the nature of contemporary Aboriginal and non-Aboriginal relations in society today; and

   c. The history of Aboriginal police relations and the role of police as enforcement agents of previous policies of expropriation, protection, and assimilation.

**Recommendation 229:** That all Police Services pursue an active policy of recruiting Aboriginal people into their services, in particular recruiting Aboriginal women. Where possible Aboriginal recruits should be taken in groups.

**Recommendation 230:** That where Aboriginal applicants wish to join a service who appear otherwise to be suitable but whose general standard of education is insufficient, means should be available to allow those persons to undertake a bridging course before entering upon the specific police training.

**Recommendation 231:** That different jurisdictions pursue their chosen initiatives for improving relations between police and Aboriginal people in the form of police aides, police liaison officers and in other ways; experimenting and adjusting in the light of the experience of other services and applying what seems to work best in particular circumstances.

The RCIADIC found that although Police Services had placed emphasis on the initial education and training of police as a means to improve relations with Indigenous communities, it appeared that the training was not as effective as it could be. It noted that measures such as exposure in training to positive aspects of Indigenous culture, improved communication between Indigenous groups and expanding

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90 Ombudsman Act 1989 (ACT), Division 2.1.
91 RCIADIC National Report par.29.6.1.
recruitment policies to focus on more mature people and more Indigenous people were factors that could assist.\footnote{RCIADIC National Report par. 29.6.1-3 and 29.6.11-12.}

The RCIADIC recommended that:

- police training courses be reviewed and amended to include details of the social and historical factors that contribute to Indigenous disadvantage and the history of interaction between Indigenous people and the police;
- Police Services actively pursue recruitment of Indigenous people, and make means available for otherwise suitable candidates to obtain the required educational standard; and
- jurisdictions pursue their own initiatives for improving relations between Indigenous people and police in the form of police aides, PLOs and in other ways, adjusting as necessary to suit their regions.

Recommendation 231 is an extremely general and broad recommendation, and there is sufficient evidence to state that it has been implemented, in some form, in all relevant jurisdictions. The implementation of the other two Recommendations above is less consistent.

6.1 Northern Territory

Northern Territory Police training manuals are not published. As at 2010 Northern Territory Police recruit training included two days of cultural awareness training, but it was considered inadequate for those posted to remote Indigenous communities.\footnote{“Current NT Police recruit training includes two days of cultural awareness training. For most Police officers, this is all the cultural awareness training they receive throughout the course of their careers. As part of the training, recruits are sometimes sent to an Indigenous community to gain firsthand experience from elders and from ACPOs…. The present cultural training provides some ‘basics’ but does not prepare Police officers for the local communities in which they are posted”: Allen Report, p.82-83.}


6.2 Queensland

Since 1992 Queensland has had legislation aimed at promoting equality of employment opportunity in the public sector and increasing opportunities for
Indigenous people (among others). QPS has an Indigenous cadetship program providing a specific route of direct entry into the QPS recruit training program for Indigenous applicants. It has also developed the Queensland Aboriginal and Torres Strait Islander Police (QATSIP) program. The Queensland Police have a number of mechanisms to actively recruit Indigenous people, including the Queensland Aboriginal and Torres Strait Islander Police program. As described above, Indigenous people have significant roles in policing in Queensland in a number of capacities, and Queensland government policies continue to emphasise increasing Indigenous participation in the Police Service and providing culturally sensitive and appropriate training.

6.3 Victoria

The Victoria Police Aboriginal Policy and Research unit is tasked with oversight of the Aboriginal Community Liaison Officer and Police Aboriginal Liaison Officer programs. The AJA3 agreement supports projects for Indigenous people to study in legal and justice related areas as well the public sector but does not specifically provide for accelerated entry into Victoria Police.

6.4 New South Wales

The NSW Police has an Aboriginal Employment Strategy which includes a target of 4% Aboriginal employment. The New South Wales Police Force also offers a program called "Indigenous Police Recruitment Our Way Delivery", which is a specialist training program to assist Aboriginal people to gain entry to the NSW Police Academy.

6.5 South Australia

The South Australian Police supports the South Australian Government's target of 2% Aboriginal employment. The South Australian Police also offer a Police

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95 Equal Opportunity in Public Employment Act 1992 (Qld) (now repealed); Public Service Act 2008 (Qld), chapter 2.
99 Police Liaison Officers (PLOs), Queensland Aboriginal and Torres Strait Islander Police (QUATSIP) and Community Police Officers CPOs.
102 AJA3, objectives 5.2.1- 5.2.3.
103 See NSW Aboriginal Strategic Direction 2012-2017 section 1.4(c).
104 South Australia Police Annual Report 2013-2014, Appendix 1, section 1.3 (Workforce Diversity).
Indigenous Pre-Employment Program. The program aims to improve the capacity of Aboriginal and Torres Strait Islander people to successfully undertake the recruit selection process.\textsuperscript{105}

### 6.6 Western Australia

Western Australian Police policy includes a commitment to cultural sensitivity training of police officers.\textsuperscript{106} The Police Manual requires new members to receive "a period of instruction as to issues of concern to the local Aboriginal community by a member of that community".\textsuperscript{107} Other than a system of Aboriginal Police Liaison Officers in Western Australia, whose numbers are apparently declining,\textsuperscript{108} there is no evidence of any specific initiatives to encourage Indigenous applicants to the Western Australian Police.

### 6.7 Tasmania

The Aboriginal Strategic Plan for Tasmania Police includes a focus on training and education to ensure that police officers have the appropriate training to engage with the Aboriginal community.\textsuperscript{109} The Tasmania Police also has Aboriginal Liaison Officers, which have a key role to play in developing and providing these courses to officers.\textsuperscript{110} The Strategic Plan outlines a recruitment policy which aims to facilitate diverse recruitment but it does not refer specifically to Aboriginals. Tasmanian Police receive cultural awareness training.\textsuperscript{111} The involvement of Aboriginal Elders to assist with recruit training to enhance understanding of Aboriginal issues is also promoted.\textsuperscript{112}

Tasmania has implemented school based programs such as the 'Tasmania, Police in Schools Program'.\textsuperscript{113} Further, the Tasmania Police Aboriginal Strategic Plan outlines strategies to encourage aboriginal youth to become involved in positive partnerships with Tasmania Police members.\textsuperscript{114}

\textsuperscript{106} The Western Australian Strategic Policy on Police and Aboriginal People, s. 3.
\textsuperscript{107} WA Police Administration Manual s. AD-1.6.
\textsuperscript{108} There were 14 Aboriginal Police Liaison Officers in 2012, compared to 96 in 2006. This represents less than 1% of the Western Australian Police Force. The extent to which other members identify as Indigenous was not reported.
\textsuperscript{109} Tasmania Police, Aboriginal Strategic Plan 2014 – 2022.
\textsuperscript{110} Tasmania Police, Aboriginal Strategic Plan 2014-2022.
\textsuperscript{111} Tasmania Police, Aboriginal Strategic Plan 2014-2022.
\textsuperscript{112} Tasmania Police, Aboriginal Strategic Plan 2014-2022.
\textsuperscript{114} Tasmania Police, Aboriginal Strategic Plan 2014-2022.
6.8 **Australian Capital Territory**

In the Australian Capital Territory, the Australian Federal Police employs an Indigenous community liaison officer who liaises with the Indigenous community to establish and maintain positive relationships and foster mutual understanding. The Australian Federal Police also actively promotes the recruitment of Aboriginal people by providing specific employment pathways for Aboriginal people that wish to join the Australian Federal Police. As set out above, the ACT Police hosted the placement of six trainees from the AFP’s Aboriginal and Torres Strait Islander Traineeship Program in 2014. The ACT unit of the Australian Federal Police reports the percentage of employees who are of Aboriginal or Torres Strait Islander descent.

7. **Review of Existing Programs**

7.1 **Northern Territory Aboriginal Community Justice Project**

(Recommendations 216-218)

**Recommendation 216**: That the Northern Territory Department of Correctional Services should, at the conclusion of the review of the Aboriginal Community Justice Project, establish regular meetings with Magistrates to monitor the effective operation of the program and establish a mechanism to ensure that the views of the Aboriginal communities in which the program operates are considered in the context of these meetings.

**Recommendation 217**: That the review of the Aboriginal Community Justice Project should undertake a detailed consideration of the resources required by the Project to operate effectively. Consideration should be given to the creation of specific liaison officer positions employing Aboriginal people to facilitate communications between the court and the community.

**Recommendation 218**: That in reviewing the Aboriginal Community Justice Project the Northern Territory Department of Correctional Services should undertake extensive consultations with all Aboriginal communities which wish to participate in the program. In pursuing this consultation, care should be given to canvassing the entire range of community opinions and the means by which these may be brought, in any relevant case, to the Court’s attention.

The Northern Territory’s Community Justice Project was a program designed to ensure that the view of the Indigenous community was included when considering sentencing issues (including the incorporation of traditional Indigenous forms of punishment into sentencing). The RCIADIC reported that earlier versions of the

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117 ACT Policing Annual Report 2013-2014, page 98 - as at 30 June 2014, the % was 1.4%.
scheme had been proposed and/or operated for short periods in the past, and that a scheme proposed for Yirrkala had been proposed but not implemented and a review by the Northern Territory Department of Correctional Services was in progress. The RCIADIC recommended that:

- at the conclusion of the review, regular meetings be set up to monitor the program in all communities in which it operates;
- the review should consider the resources needed to operate the system adequately, including the appointment of liaison officers; and
- the review should include extensive consultation with all Indigenous communities that wish to participate, to determine how all opinions within the community could best be brought before a Court on sentencing.

It has not been possible to determine whether a review in the recommended terms took place. However, the Aboriginal Community Justice Project as described by the RCIADIC has been replaced with a modern incarnation: the Northern Territory Community Court, a Specialist Court of the Northern Territory Magistrates Courts.

The Northern Territory Community Court grew out of discussions between the Northern Territory Magistrates Court and the Yilli Reung Council in 2004 and is not restricted to Indigenous offenders although most offenders are Indigenous. The court considers community, cultural and other factors during sentencing and operates more informally to allow greater community participation. One or more members of the community (a person of Indigenous cultural and community background if the offender is Indigenous) sit with the magistrate and discuss the crime and appropriate sentencing, and the final sentencing decision rests with the magistrate.119

There are over 50 Indigenous sentencing Courts operating in some form throughout Australia in every State and Territory except Tasmania.120 Accordingly it may be considered that the spirit of this Recommendation has been adopted.

7.2 Study by National Police Research Unit (Recommendation 222)

**Recommendation 222:** That the National Police Research Unit make a particular study of efforts currently being made by Police Services to improve relations between police and Aboriginal people with a view to disseminating relevant information to Police Services and Aboriginal communities and organisations, as to appropriate initiatives which might be adopted.

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118 RCIADIC National Report par. 29.2.26 to 29.2.30.
The RCIADIC recommended that the National Police Research Unit (‘NPRU’) conduct a study into efforts by Police Services to improve relations with Indigenous people, and disseminate the results.

Very limited information is available about studies by the NPRU and it has not been possible to determine whether a specific study as contemplated in this Recommendation has been undertaken. The 2009 National Indigenous Law and Justice Framework, prepared by the Standing Committee of Attorneys-General Working Group on Indigenous Justice, demonstrates a recognition by the Federal Attorneys-General and Attorneys-General of each State and Territory of the need to improve relations between Police Services and Indigenous communities. The report refers to measures that can be taken to do so, including increased engagement with Indigenous communities, emphasis on procedural fairness, and further analysis of the RCIADIC Recommendations to determine and act upon those of “contemporary relevance”.  

7.3 Northern Territory School-Based Program (Recommendation 227)

**Recommendation 227:** That the Northern Territory Police Service School-based Program be studied by other Police Services and that the progress and results of the program should be monitored by those services.

The RCIADIC noted positive comments from Indigenous people on the Northern Territory Police Service School-based program and recommended that Police Services from other jurisdictions study the program and monitor its progress and results.

Based on available information, it seems that most jurisdictions did assess this program and some introduced similar programs but all current programs have now changed. The Schools-based program does not appear to exist in the Northern Territory in the form that was discussed by the RCIADIC, although there is a broader Northern Territory Police initiative involving youth liaison officers.

Police Service schools-based programs exist in Queensland, although they do not appear to be specifically targeted at Indigenous youth.

Western Australia had a schools-based program from 1986 to 2001 but does not appear to have an equivalent program currently.

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122 RCIADIC National Report, par. 29.6.15.
The NSW Police has a School Liaison Police program that engages with high schools to reduce crime and build relationships with young people.\textsuperscript{126}

The Victorian Police has a number of programs to engage with youth but they do not appear to be directly related to high schools.\textsuperscript{127}

The South Australia Police have a number of programs that directly engage with high schools.\textsuperscript{128}

\textbf{7.4 Queensland Community Police (Recommendation 232)}

\textit{Recommendation 232: That the question of Community Police and the powers of responsibilities of Community Councils in relation to them be urgently reviewed.}

The RCIADIC recommended that the question of Community Police in Queensland and the powers and responsibilities of Community Councils in relation to them be reviewed urgently.

This Recommendation was implemented. A detailed review was conducted by the Queensland Police Service and an extensive report was published in 1994.\textsuperscript{129} As described above, Queensland now has different initiatives in relation to policing in Indigenous communities.\textsuperscript{130}

\textbf{7.5 Western Australian Police Aide scheme (Recommendation 233)}

\textit{Recommendation 233: That the question of Aboriginal police aides in Western Australia be given urgent consideration in light of recent developments, including the Police Aides Review (1987), the development of programs for police aides in other jurisdictions and the investigations into the work of police aides reported in the report of Commissioner Dodson and in this National Report and the recommendations of this report. In the consideration of Aboriginal police aides special attention should be given to the wisdom of police aides being engaged to work in communities other than those from which they were recruited.}

The RCIADIC recommended that the question of Indigenous Police aides in Western Australia be reviewed urgently, giving special consideration to "the wisdom of police

\begin{footnotes}
\item[125] Current youth programs described on the Western Australian Police website are Constable Care, Blue light, Police Cadets, Police Rangers and Police and Community youth Centres: http://www.police.wa.gov.au/Youngpeopleszone/Youthprograms/tabid/1830/Default.aspx.
\item[128] https://www.police.sa.gov.au/services-and-events/community-programs/band-of-sa-police/schools-
\item[129] Queensland Police Service Review of Policing on Remote Aboriginal and Torres Strait Islander Communities (1994).
\item[130] Queensland Implementation Report 1999, p.228.
\end{footnotes}
aides being engaged to work in communities other than those from which they were recruited”.

This Report was not able to confirm whether the Western Australian Police Service implemented a formal review. Police aides still exist in Western Australia under the title Aboriginal Police Liaison Officers (APLOs),\textsuperscript{131} although the number of APLOs has been decreasing recently.\textsuperscript{132} The Police Administration Manual limits their powers and responsibilities to matters relating to Aboriginal and Torres Strait Islander people,\textsuperscript{133} and a document appointing an APLO may limit the location or circumstances in which the APLO’s functions may be carried out.\textsuperscript{134} However, there is no direct statement that APLOs will be used only in their own communities.

\textsuperscript{131} WA Police Administration Manual s. AD-1.2: Aboriginal Police Liaison Scheme.
\textsuperscript{132} WA Police Annual Report 2014, see page 118.
\textsuperscript{133} WA Police Administration Manual s. AD-1.2: Aboriginal Police Liaison Scheme, s 1.2.2.
\textsuperscript{134} WA Police Administration Manual s. AD-1.2: Aboriginal Police Liaison Scheme, s.38C.