

## Working It Out Locally Aboriginal Community Justice and Mediation

**Audio cassettes © 1996 Human Rights and Equal Opportunity Commission; the tapes can be ordered for \$20 from HREOC, GPO Box 5218, Sydney NSW 2001, tel 02 9284 9600, fax 02 9294 9611, TTY 1800 620241.**

The two cassettes that make up *Working It Out Locally* cover information and interviews about two different Aboriginal community issues — Elders' Councils as a method of handling juvenile crime, and Aboriginal mediation to resolve community disputes. The material is presented in a radio documentary style for use by communities to provide accessible information and background about two very important initiatives in response to community problems. The cassettes come with sheets which suggest helpful and insightful questions for discussion arising from the programs. Production of the material and the tapes was funded by the Council for Aboriginal Reconciliation and researched and developed by Barbara Salgado from the Office of the Aboriginal and Torres Strait Islander Social Justice Commissioner.

'Bring 'em Up Proper Way' describes the formation of Elders' Councils in northern Queensland communities at Kowanyama, Palm Island and Pormpuraaw as part of a strategy to divert young offenders from the criminal justice system. Among some young Aboriginal people it is seen as 'cool' to go through the criminal justice system. They rapidly become lost to their communities as they pass through a series of detention centres and eventually prisons. The detention process is seen by the communities as putting juveniles into breeding places for criminals and that that is what these young people become. The Elders' Justice Councils now stand as a barrier to their young people getting into trouble because the Councils have authority from their communities to identify wrongdoing and punish offenders — matters properly and traditionally dealt with by senior community members.

Through the Councils offenders against the community can be brought before the Elders with their parents. They can be questioned about what they did, why they did it and what they think should be done in response. Parents are

involved in the process both in terms of their accountability to their communities for the conduct of their children and to help them provide a more disciplined environment for their children. After consultation the offenders are required to do certain things, such as repair and clean up after acts of vandalism and other community service orders which can be supervised by the Elders.

Specific examples of the impact of the Elders' Councils are discussed such as vandalism to a school which not only was repaired by the offenders but led to a cessation of graffiti and better school attendance. A controversial aspect of the operation of the Elders' Councils has been the resort to public corporal punishment for unrepentant repeat offenders. On one occasion discussed on the tape, three youths were given a public hiding by their uncle and grandfather. They were hit until they cried with the express object of breaking their pride and demonstrating to the boys and all community members that their behaviour was intolerable. The impact on the boys is seen as salutary at the community level — their behaviour and body language within the community has been changed by their public humiliation. Some of the young people interviewed comment that they would rather be dealt with by the Queensland Police than by their Elders. An Elder comments that 'If they go to the Police they know they're safe. If they come to us they know they're in trouble.'

The impact of the Elders' Councils has been dramatic. In Kowanyama after the first year of operation of the Council in 1993 the number of juvenile offences dropped from 540 the year before to 2. The rate continues to be low. Since 1993 60% of young offenders dealt with by the Elders Council have not re-offended. The Council administers a structured breach program for young people who do not adhere to community service orders imposed by the Local Courts. In 1994, 74 young people were dealt with and

86% went on to complete their orders. The Councils are supported by the Queensland Corrective Services Commission and the judiciary. Magistrates now regularly refer breaches of community service orders to the Elders Councils for further action and seek pre-sentence reports from the Councils.

In 1995 the Palm Island, Kowanyama and Pormpuraaw Justice Councils received the Australian Council for the Prevention of Violence Award from Government Heads of State. Elders on the Councils point to the wide ranging benefits of the scheme. It is seen as strengthening Aboriginality through re-empowering the Elders and tradition. It returns their Aboriginality to the people. A network of Elders from many more communities is being developed with sound contributions to make, not only to Indigenous and non-Indigenous justice efforts but, as Hopevale Elder Erik Deeral states, to the Australian nation.

'It's A Family Affair' describes two Aboriginal mediation programs. One is the training of Murri mediators by the Community Justice Program, part of the Queensland Department of Justice and Attorney-General. The other is Western Australia's Aboriginal Alternative Dispute Resolution Project.

This tape allows both mediators and participants to describe their experiences of mediation. Both positive and negative reactions are given. While it is frankly acknowledged that mediation is not a solution for all issues, it is presented as a way to give people an opportunity to get things off their chest and to bring people in conflict together to work things out. Some contributors describe how people can be afraid of confrontation and, therefore, reluctant to participate in mediation. There is also the cultural difficulty that Indigenous people will talk around a problem rather than being prepared to address it directly. For these and other reasons mediation is not necessarily consistent with traditional methods of conflict resolution. Mediators are neutral people who come into a community to facilitate grievance handling and attempt to allow the people in dispute to create their own solution. Some issues are not dealt with through mediation, such as domestic violence. Other problems

such as community power imbalance may also not be amenable to mediation. However, mediators who recount their experience tell of many instances where the original issues which lie at the heart of ongoing community conflict can be resolved through the mediation.

While some outcomes of mediation may be painful overall the message from people who comment on the tape is that mediation can help both personal and family growth. Within a community, problem solving of this kind is seen to be part of the reconciliation process and a very worthwhile initiative.

Both tapes make a valuable contribution to community self-determination. They demonstrate that communities can take significant measures to control some serious causes of community conflict. By making the material available on tape and allowing the contributors to speak for themselves, the messages are clear and accessible. It is to be hoped that the tapes receive a wide distribution and provoke not only many discussions but empower more people to take control of similar issues in their own communities.

**SUSAN PHILLIPS**

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## Changing Police Culture Policing in a Multicultural Society

*by Janet B.L. Chan; Cambridge University Press 1997; 255 pp; \$29.95.*

With issues of immigration and multiculturalism igniting debate across Australia, Janet Chan's examination of how the NSW police system attempts to meet its obligations to serve a culturally diverse society is timely. In *Changing Police Culture* Chan analyses processes of change which have been externally motivated and also those which have proceeded internally. She looks at how these processes and their birth either in or outside of the service has affected their success. Key examples of externally motivated change examined by Chan are the NSW Ethnic Affairs Commission's requirement that each public sector service agency develop structured plans to ensure that their agency is responsive to the needs of a culturally diverse society and, perhaps more importantly, the public and media response to the *Cop It Sweet* documentary.

As for the creation of the Police Service's Ethnic Affairs Policy Statement, Chan reveals how the exercise was largely a paper chase with no real commitment by either management or the ground troops. Similarly, in analysing the response of the service to *Cop It Sweet*, Chan illustrates how although the Public Relations Department of the Police Service engaged in extensive damage control by describing the ways in which the service was responding to the problems evidenced in the documentary, senior police also responded with criticism of the documentary as biased and lacking balance and insisted that the behaviour illustrated in the pro-

gram was the aberrant actions of one patrol and did not reflect widespread attitudes within the Service.

Chan also ventures beyond the rhetoric of community policing to ask what, if any, real moves the NSW Police Service has made towards implementing effective consultation strategies with the NSW community. In looking at the processes of change and reform within the NSW Police Chan provides a critique of the commonly held views about police culture and argues that we need to reformulate our theories about it if we are to be able to implement meaningful change. In examining police culture, however, it would have been interesting to see Chan deal with the issue of masculinity within the Police Service and how the various cultures within the Service construct and are constructed by notions of masculinity, and how reform within the Service must deal with these issues of masculinity.

Chan's work provides a useful case study of how attempts to create and implement change encounter resistance and subversion and provides guidelines as to how such change and resistance might be overcome in the future. It is essential reading for anyone who is interested in the twin issues of police culture and the provision of policing services in a multicultural society.

**ANNEMAREE McDONOUGH**

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## Indigenous Peoples of Asia

*edited by R.H. Barnes, Andrew Gray and Benedict Kingsbury; Association for Asian Studies Inc. 1995, Monograph and Occasional Paper Series No 48; 450 pp; softcover.*

*Indigenous Peoples of Asia* is a fascinating contribution to understanding the growing number of voices speaking on behalf of indigenous peoples. Through the work of a large number of contributors the book introduces the reader to the complex position of the diverse indigenous peoples of Asia.

Internationally, efforts such as those of the United Nations Working Group on Indigenous Populations (UNWGIP) have articulated the presence, particular interests and position of indigenous peoples in a manner never before heard. In Australia there has long been a fellowship between the Aboriginal and Torres Strait Islanders and the First Nations people of Canada and the United States, as well as the Maori of Aotearoa New Zealand. The Canadian, Australian and New Zealand indigenous peoples along with those of Central and South America were early participants in and maintain an ongoing contribution to the project of the UNWGIP. The emergence of representation of other indigenous peoples at an international level has been facilitated by the work of the UNWGIP. In many respects the development of awareness of the presence and problems of the indigenous peoples of Asia is a new part of international understanding of the position of indigenous populations.

This book is a culmination of work based on papers given at a Colloquium on Indigenous Peoples of Asia and other seminars at St Antony's College, Oxford from 1989 to 1990. As the editors remark, the work does not purport to speak in the place of indigenous peoples themselves and where possible statements made by particular communities have been published within the relevant chapters. Several essays address the international development of the concept of and politics of indigenous peoples. Some of the problematic dimensions of this development are explored in specific contexts such as those facing indigenous communities in Russia and China.

The contributors are variously anthropologists, sociologists, academics