



## North Australian Aboriginal Justice Agency

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Freecall 1800 898 251 ABN 63 118 017 842 Email [mail@naaja.org.au](mailto:mail@naaja.org.au)

### MEDIA RELEASE

## **NAAJA acknowledges the 30<sup>th</sup> anniversary of the final report from the Royal Commission into Aboriginal Deaths in Custody.**

**Wednesday 14<sup>th</sup> April, 2021**

The North Australian Aboriginal Justice Agency acknowledges the 30<sup>th</sup> anniversary of the final report from the Royal Commission into Aboriginal Deaths in Custody. The Royal Commission was established in large part to respond to the growing mistrust and suspicion amongst Aboriginals about police conduct in watch houses and stations, where Aboriginal people were dying in custody at an alarming rate. The Royal Commission ran for 5 years. It was broad ranging and comprehensive. The final report, handed down 30 years ago, this month, highlighted the “massive” over-representation of Aboriginal people in custody, and the risks they face in police custody, through inadequate physical and mental health screening, language barriers, and lack of access to competent and culturally appropriate legal advice. The Commissioners handed down 339 recommendations and were at pains to point out that solutions should come from Aboriginal groups, communities and organisations, noting that “the greatest changes in relations between Aboriginal people and the wider community (including police) have occurred in places where the Aboriginal organisations have a significant track record of achievement, are recognised for their professionalism and have gained either legislative or de facto recognition as significant players in the affairs of the community.” One of those recommendations was for the police to negotiate local protocol agreements with the Aboriginal community to address the procedures and rules for the interaction between the two, including to require mandatory notification of Aboriginal Legal Services when police take an Aboriginal person into their custody. In the Northern Territory this recommendation was included in a Police General Order but was never effectively implemented.

In 2018 the Commonwealth Government announced funding to establish a CNS in the Northern Territory. Since 31 July 2019, NAAJA has been proudly operating this service. NAAJA’s CNS is an Aboriginal led, 24 hour, 7 day a week telephone service, providing Aboriginal people in police custody with a health and wellbeing check, reassurance and information about their rights in custody. In doing so, it seeks to address the feeling of powerless of Aboriginal people in custody who are often ignorant of their rights and the custodial processes. The Service also seeks to connect those in custody to family and friends, and make referrals to service providers who can assist them on release from custody.

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**HEAD OFFICE: DARWIN**

61 Smith Street  
GPO Box 1064 DARWIN NT 0801  
Tel: 08 8982 5100 Fax: 08 8982 5190

**KATHERINE**

32 Katherine Terrace  
PO Box 1944 KATHERINE NT 0851  
Tel: 08 8972 5000 Fax: 08 8972 505

**ALICE SPRINGS**

55 Bath Street,  
PO Box 1670 ALICE SPRINGS NT 0870  
Tel: 08 8950 9300 Fax: 08 8953 0784

**TENNANT CREEK**

61 Patterson Street,  
TENNANT CREEK  
Tel: (08) 8962 1332



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Since the Service officially commenced on 31 July 2019, it has received almost 15,000 calls and provided assistance to more than 10,000 people. Many of those people were rendered vulnerable by age, disability, injury, chronic ill health and language or other communication barriers. Almost all were provided with advice, information and support which, but for the CNS, they are unlikely to have received.

What has been evident to CNS staff speaking to these people is the mistrust many have of police. They were unwilling to provide police with information about their basic medical concerns, or crimes that had been perpetrated on them. Our staff were often able to elicit this information, and with the person's permission, provided it to police to ensure the person's wellbeing needs were met. In this way, the Service works with police, not against them, to protect Aboriginal people in custody. Of particular note, the Service assisted a number of victims of domestic violence and sexual assault to access police and medical assistance and support from service providers. It identified pregnant and breast feeding mothers to ensure they were appropriately cared for. It facilitated interpreters for those who needed them. It identified those at risk of suicide to ensure they were managed appropriately, and those with injuries or chronic illnesses to ensure they received the medical assistance they needed.

Despite the recent increase in Aboriginal deaths in custody around Australia, there have been no Aboriginal deaths in police stations in the NT since the custody notification service was introduced.

Prior to the CNS when concerned family contacted police stations seeking information about their loved ones who had been taken into custody, the police declined to provide this information citing a prohibition in the *Police Administration Act*. This stance only served to increase suspicion and mistrust amongst Aboriginal people about the goings on inside these police stations. The Custody Notification Service seeks to break down this mistrust. It does so by shining a light on police practices in the cells and stations across the NT to improve transparency, accountability and by providing accurate and timely information to those in police custody. Last year the service set up a 24 hour 'Family Assist Line' to provide support and information to the families of those in police custody, to allay their concerns and link them up with their loved ones in custody.

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30 years on from the Royal Commission, the number of Aboriginal people dying in custody around Australia continues to rise unabated and Aboriginal people still view police and custody with fear and suspicion. In the Northern Territory this was particularly evident in the weeks and months after the death of Kumunjayi Walker in Yuendumu in 2019, where our CNS staff regularly spoke to people expressing grave fears for their own, or their loved ones' safety while they remained in police custody.

At a time when the NT Government is proposing changes to the *Bail Act* which will only increase the number of Aboriginal youths in police custody, the need for the CNS has never been greater. The service has already assisted more than 1000 youths, some as young as 10, to access diversion, and understand their legal rights.

The CNS is funded exclusively by the Commonwealth Government. This funding ceases on 30 June. When the CNS was set up, the NT Government agreed to fund the Service at the point when the Commonwealth funding ceased. NAAJA is concerned that we are less than three months away from that point yet there is no commitment from the NT Government to honor their agreement. If the CNS ceases to exist it will leave thousands of Aboriginal people in police custody without means of support, advice or assistance, and serve to dishonor the legacy of the Royal Commission into Aboriginal Deaths in Custody.

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