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GROOTE EYLANDT PRISONERS: A RESEARCH REPORT

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Chapter 1

INTRODUCTION

This small research report was prepared at the request of the Director of Correctional Services for the Northern Territory, Mr R. F. Donnelly, who made the necessary arrangements for the writer to visit Groote Eylandt for two days in September 1983. That visit enabled the writer to have valuable discussions with leaders of Aboriginal communities, the police and others on Groote Eylandt and thus gain a more detailed understanding of the local situation than would have been possible from a study of the literature and the available statistics. Field notes of the visit to Groote Eylandt are included in this report as Appendix A.

The writer's interest in this subject goes back almost ten years when he visited the old Fannie Bay prison in Darwin and was shown the prison records which indicated a disproportionately high number of prisoners coming from Groote Eylandt. It was not possible at that time to undertake any research on the subject, but it was clearly the belief of many of the prison staff at that time that Groote Eylandters saw coming to prison as something of a holiday. It was claimed that, notwithstanding the poor conditions in Fannie Bay, the experience of flying to Darwin, having regular meals and re-establishing contact with friends and relatives in prison made imprisonment a not unattractive prospect for many Groote Eylandters.

Since then the Australian Institute of Criminology, in conjunction with all relevant correctional authorities, has conducted two national prison censuses on 30 June 1982 and 1983, and data from these sources have confirmed that the number of prisoners coming from Groote Eylandt is extraordinarily high. These data are presented in detail in the next chapter.

There is not an extensive literature on the social aspects of life on Groote Eylandt, but extremely valuable background information can be found in a recently published book by Keith Cole.¹ This book describes

1. Cole, Keith, Groote Eylandt (Revised Edition), Keith Cole Publications, Bendigo, 1983

the Groote Eylandt culture in some detail and also traces the history of European contact with the island from Abel Tasman giving it its name in 1644 to the much more recent impact of the Gemco mining company which commenced operations in 1966. Cole also describes the complex structure of the 14 clans which comprise the 1,100 or more Aborigines on Groote Eylandt. Currently, an almost exactly equal number of Europeans live on the island. The majority of the Aborigines live in one or other of the two Aboriginal settlements, Angurugu and Umbakumba, with very small numbers living in six or seven homeland centres or outstations. The Europeans live in Alyangula, the township established by Gemco, or Bartalumba Bay, a small prawn fishing centre.

Of particular relevance to this study is an article published in 1976 by a Northern Territory police officer, Michael Gilroy,² who had served for some years on Groote Eylandt. Gilroy's article is still widely discussed and is the subject of some controversy. He claimed that it is most unusual for a male Aboriginal to reach 20 years of age and never face a criminal charge, and he explained that Aboriginal offenders:

... boast about their imprisonment and with bravado talk about 'the free jet trip'. Their only criticism of Fannie Bay appears to be the lack of grog but 'there is good tucker and easy work' and many of their mates are there. In letters to their brothers and mates, they exhort them to 'get to Fannie Bay' as it's a 'real good place'.

Possibly Gilroy's most disputed contention is:

... these days there are no thorough initiation ceremonies which herald manhood. It appears that young people themselves have chosen an alternative initiation - going to gaol.

A commentator on Gilroy's article, Stuart McGill,³ has taken strong exception to this view of initiation. McGill has written:

One of the central themes of Sergeant Gilroy's article appears to be the contention that a period of imprisonment

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2. Gilroy, Sergeant M., 'Youthful offenders at Groote Eylandt', Legal Service Bulletin, December 1976, pp.124-126
 3. McGill, Stuart, 'Comment on a policeman's point of view', Legal Service Bulletin, December 1976, pp.127-128

at Fannie Bay Gaol has replaced tribal initiation as a symbol of manhood. This is not true. Whilst it is correct that a type of hero worship of ex-prisoners does exist amongst the young boys, this does not mean that imprisonment in Fannie Bay has replaced tribal initiation. Tribal initiation still exists, although on Groote Eylandt it has always been less vigorous and more informal than on the mainland.

A second commentator on the article by Gilroy, John Pilkington,⁴ has not expressed a view on the issue of initiation, but has produced evidence from a study of the Groote Eylandt Magistrates Court's statistics for a three-month period in 1976 which shows that for 92.4 percent of the offences dealt with there was significant alcohol involvement. In this Pilkington is in total agreement with Gilroy and also with the police officers currently stationed on Groote Eylandt who have spoken to the writer.

With this background in mind and considering the imprisonment statistics taken from the national prison censuses, the hypothesis being put to the test in this study may be expressed in fairly stark terms. It is:

The operation of criminal justice services on Groote Eylandt, not only fail to deter criminal behaviour but, actively reinforce and reward such behaviour.

To the extent that any support can be found for such a startling and radical hypothesis, it is clear that changes in criminal justice practices on Groote Eylandt are required as a matter of urgency.

The writer would like to acknowledge the assistance of many people who assisted with this study. In particular, thanks are due to Mr Bob Donnelly whose interest and support made the study possible. Also, Mr Daryl Kidd, principal field officer, and Mr Kevin Hedge, regional field officer, are thanked for their invaluable assistance in arranging meetings with appropriate people on Groote Eylandt. Senior Sergeant John Hancock, officer-in-charge of the Groote Eylandt police station and his staff were also particularly helpful. Finally, the writer would like to acknowledge the assistance of his secretary, Mrs Marjorie Johnson, for competence and skill in compiling this report.

4. Pilkington, John, 'Comment on a policeman's point of view', Legal Service Bulletin, December 1976, pp.128-129

Chapter 2

IMPRISONMENT STATISTICS

The fact that the Northern Territory has the highest imprisonment rate in Australia has been widely documented and has been confirmed in every issue of the monthly publication, Australian Prison Trends, since its first appearance in May 1976. The most recent issue of this publication shows the daily average prisoners for the month of August 1983 as well as imprisonment rates (prisoners per 100,000 population) for each Australian jurisdiction for that month. These basic data are reproduced in Table 1.

Table 1: Daily Average Prisoners and Imprisonment Rates,
August 1983

	<u>Males</u>	<u>Prisoners Females</u>	<u>Total</u>	<u>General Population (in thousands)</u>	<u>Imprisonment Rates</u>
N.S.W.	3379	160	3539	5544	63.8
VIC.	1905	71	1976	3999	49.4
QLD	1688	34	1722	2449	70.3
S.A.	751	22	773	1339	57.7
W.A.	1413	61	1474	1352	109.0
TAS.	216	8	224	430	52.1
N.T.	250	8	258	131	196.9
A.C.T.	69	4	73	233	31.3
AUST.	9671	368	10039	15477	64.9

It has generally been assumed that the high imprisonment rate of the Northern Territory is largely explicable in terms of the high numbers of Aboriginal prisoners. This may well be true but it is of interest to note that evidence that has recently become available, not reproduced here, from the general population censuses of 1975 and 1981 suggests that the race-specific Aboriginal imprisonment rate of the Northern Territory may well be lower than the equivalent rates for most other Australian jurisdictions. The important element is not that Aborigines are more likely to be imprisoned in the Northern Territory, but the fact that there

are proportionately many more Aborigines in the general population of the Northern Territory than in any other Australian jurisdiction.

Whatever the explanation of the differences in imprisonment rates it is clear that the Northern Territory rate in August 1983 was more than three times higher than the national rate and almost twice as high as the next highest Australian rate. Bearing this in mind it is startling to discover that the Groote Eylandt imprisonment rate seems to be from seven to eight times higher than the Northern Territory rate!

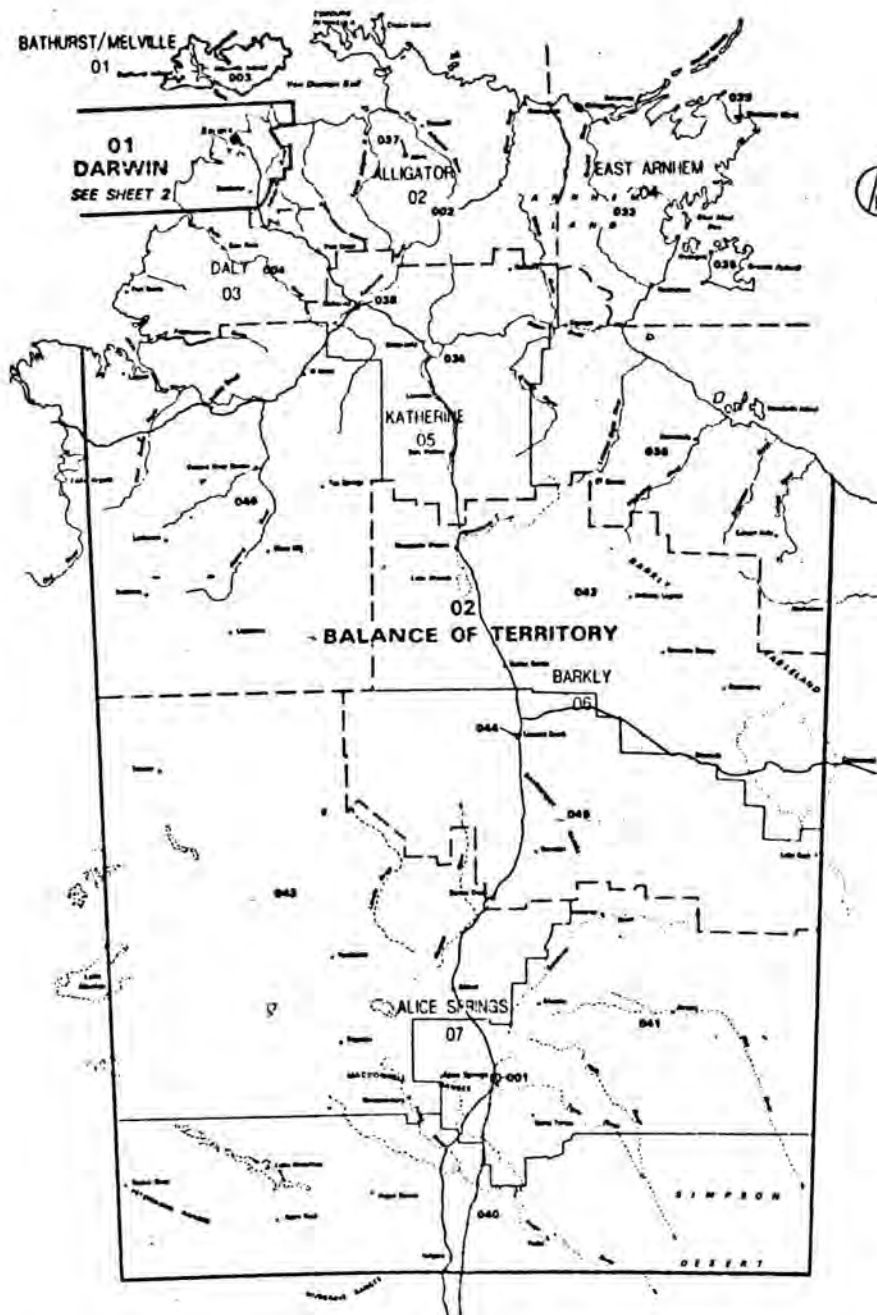
The basic data illustrating this difference are to be found in Table 2 which shows the numbers of prisoners and the imprisonment rates for each Local Government area in the Northern Territory as at 30 June 1982 and 1983. (It should be noted that these rates are not exactly comparable with those produced in Australian Prison Trends as the latter are based on daily average numbers whereas the data in Table 2 refer to single days.)

Table 2: Northern Territory Imprisonment Rates by Local Government Areas, 1982 and 1983

		Population	Total Prisoners 30 June		Imprisonment Rates	
		(1981)	1982	1983	1982	1983
001	Alice Springs, Town of	18395	25	41	136	223
002	Alligator - Balance	4481	7	3	156	67
003	Bathurst/Melville	1586	3	1	189	63
004	Daly	1830	8	4	437	219
033	East Arnhem - Balance	4320	10	9	232	208
034	Elsley - Balance	2296	7	11	305	479
035	Groote Eylandt	2230	37	31	1659	1390
036	Gulf	1115	6	4	538	359
037	Jabiru	1022	2	1	196	98
038	Katherine	3737	3	4	80	107
039	Nhulunbuy	3879	3	2	77	52
040	Petermann	1523	4	1	263	66
041	Sandover - Balance	2263	9	0	398	0
042	Tableland	1115	0	0	0	0
043	Tanami	4058	37	12	912	296
044	Tennant Creek	3118	4	7	128	225
045	Tennant Creek - Balance	2089	7	3	335	144
046	Victoria	2157	12	12	556	556
005-032	Darwin	61412	73	98	119	160
Northern Territory		122626	257	244	210	199

The location of the Local Government areas referred to in Table 2 are indicated in Figure 1.

Figure 1: Local Government Areas, Northern Territory



From Table 2 it can be seen that the Groote Eylandt imprisonment rates are consistently higher than the rates of all other Local Government areas, and that for 1982 the Groote Eylandt rate was more than 25 times the national rate. To draw the distinction between Groote Eylandt and other Australian

locations even more starkly, and perhaps a little unfairly, it could be pointed out that at times the Groote Eylandt imprisonment rate has been approximately 100 times the rate of the Australian Capital Territory. On some occasions Groote Eylandt with a general population of just over 2,000 has produced as many prisoners as has the Australian Capital Territory with a general population of over one quarter of a million.

Even without further analysis, these data would seem to provide strong support for the hypothesis outlined earlier. It is clear that there is something very different from the rest of Australia about the use of imprisonment on Groote Eylandt. The next chapter will examine the known characteristics of Groote Eylandt prisoners in some detail.

Chapter 3

PROFILE OF GROOTE EYLANDT PRISONERS

Data from the first and second national prison censuses, mentioned previously, have been used to construct a detailed profile of the prisoners from Groote Eylandt who were in custody at 30 June 1982 and 1983. This profile is presented in a series of simple statistical tables.

The first table shows that the overwhelming majority of Groote Eylandt prisoners were in custody on the relevant dates at the Darwin prison, but the proportion at Gunn Point was slightly larger in 1983 than one year earlier.

Table 1: Location of Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Darwin	31	83.8	23	74.2
Gunn Point	5	13.5	8	25.8
Groote Eylandt	1	2.7	-	-
Totals	37	100.0	31	100.0

From the second table it can be seen that nearly all of the Groote Eylandt prisoners were male, with no female prisoners being in custody at 30 June 1983.

Table 2: Sex of Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Male	34	91.9	31	100.0
Female	3	8.1	-	-
Totals	37	100.0	31	100.0

An analysis of the ages of this group of prisoners in Table 3 shows that they were predominantly very young. Fewer than 10 percent of the prisoners were older than 28 years on either occasion. The average age seems to be approximately 22 years.

Table 3: Age of Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
40 years +	1	2.7	1	3.2
30 - 39 years	2	5.4	2	6.4
29 years	-	-	-	-
28 years	2	5.4	1	3.2
27 years	2	5.4	-	-
26 years	2	5.4	1	3.2
25 years	1	2.7	3	9.7
24 years	6	16.2	1	3.2
23 years	4	10.8	-	-
22 years	4	10.8	4	12.9
21 years	2	5.4	1	3.2
20 years	1	2.7	6	19.4
19 years	5	13.5	2	6.5
18 years	3	8.1	5	16.1
17 years	2	5.4	3	9.7
16 years	-	-	1	3.2
Totals	37	99.9	31	99.9

As is shown in Table 4, all of the Groote Eylandt prisoners except one of each of the two census dates were Aboriginal.

Table 4: Aboriginality of Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Aboriginal	36	97.3	30	96.8
Non-Aboriginal	1	2.7	1	3.2
Totals	37	100.0	31	100.0

Similarly, all of the prisoners, except one on each of the two occasions, had been born in the Northern Territory. Presumably the two prisoners born out of the Northern Territory were the two non-Aboriginal prisoners shown in Table 4.

Table 5: State of Birth of Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Northern Territory	36	97.3	30	96.8
Queensland	1	2.7	-	-
New South Wales	-	-	1	3.2
Totals	37	100.0	31	100.0

Table 6 shows that well over 75 percent of the prisoners on both occasions were classified as Never Married with a lower proportion being classified as Married in 1983 than was found in 1982.

Table 6: Marital Status of Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Never married	28	75.7	26	83.9
Married	8	21.6	2	6.5
Separated	-	-	3	9.7
Not known	1	2.7	-	-
Totals	37	100.0	31	100.1

The analysis of the employment status of Groote Eylandt prisoners shown in Table 7 reveals an interesting difference between the census results for the two years. Whereas over half of the prisoners for 1982 were classified as employed at the time of their arrest, one year later the clear majority was classified as unemployed. As the figures used in these analyses are very small the data in Table 7 should not be interpreted as reflecting the overall unemployment rate on Groote Eylandt. It is also notable that nearly one-third of the prisoners in custody in 1983 were classified as 'Not known' as far as employment status is concerned.

Table 7: Employment Status of Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Employed	21	56.8	4	12.9
Unemployed	12	32.4	17	54.8
Home Duties	1	2.7	-	-
Student	1	2.7	-	-
Other	1	2.7	-	-
Not known	1	2.7	10	32.3
Totals	37	100.0	31	100.0

The education level of Groote Eylandt prisoners is shown in Table 8 and from this table it can be seen that very few had completed secondary education, with the most common level being the completion of primary schooling or lower.

Table 8: Education Level of Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Post-Secondary	1	2.7	-	-
Complete Secondary	2	5.4	2	6.5
Part Secondary	10	27.0	5	16.1
Complete Primary	9	24.3	21	67.7
Part Primary	12	32.4	-	-
None	2	5.4	1	3.2
Unknown	1	2.7	2	6.5
Totals	37	99.9	31	100.0

Perhaps one of the most surprising aspects of this profile construction is the fact that Table 9 shows that over 80 percent of the Groote Eylandt prisoners on both occasions were classified as recidivists as they had had at least one prior experience of imprisonment. These proportions are considerably higher than found for all Northern Territory prisoners (69.6 of the males and 62.5 of the females being classified as recidivists in the Northern Territory in 1982) and especially higher than the national rates (which show 58.9 percent of male prisoners and 40.0

percent of female prisoners as being classified as recidivists).

Recidivism rates of over 80 percent must at least be described as unusually high.

Table 9: Recidivism of Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Recidivist	30	81.1	25	80.6
First Timer	6	16.2	5	16.1
Not known	1	2.7	1	3.2
Totals	37	100.0	31	99.9

The legal status of these prisoners is shown in Table 10, and from this it can be seen that relatively small proportions were unconvicted prisoners, or remandees, at the time of the censuses.

Table 10: Legal Status of Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Unconvicted	3	8.1	6	19.4
Convicted	34	91.9	25	80.6
Totals	37	100.0	31	100.0

Table 11 shows that the clear majority of prisoners on both occasions were either sentenced, or remanded in custody, by Magistrates Courts. It is noticeable that Supreme Court cases accounted for over 20 percent of the 1982 prisoners but there was only one prisoner from the Supreme Court in custody at the relevant date in 1983.

Table 11: Level of Court, Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	N	%	N	%
Supreme Court	8	21.6	1	3.2
Magistrates Court	27	73.0	27	87.1
Federal Court	1	2.7	-	-
Other	1	2.7	3	9.7
Total	37	100.0	31	100.0

The analysis of Groote Eylandt prisoners by the most serious offence in each case which resulted in a sentence of imprisonment or remand in custody is shown in Table 12. The data in this table suggest that there were proportionately more serious cases in 1982 than in 1983 and this is clearly reflected in the level of the court dealing with each case shown in the earlier table. Table 12 suggests that the most common offence of Groote Eylandt prisoners on both occasions was breaking and entering with driving offences, breach of court orders and assault being the next most significant. Only a relatively small proportion of the offences could be described as at the most serious levels of criminality.

Table 12: Most Serious Offence of Groote Eylandt Prisoners 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	N	%	N	%
Murder	1	2.7	-	-
Manslaughter	1	2.7	-	-
Assault ABH	1	2.7	-	-
Agg. Assault	1	2.7	2	6.5
Other Assault	2	5.4	1	3.2
Rape	1	2.7	1	3.2
Other Robbery	2	5.4	1	3.2
Break & Enter	19	51.3	12	38.8
Fraud etc.	1	2.7	-	-
Motor Theft	-	-	1	3.2
Other Theft	2	5.4	-	-
Maintenance	1	2.7	-	-
Breach of Order (Court)	1	2.7	5	16.1
Driving Offences	2	5.4	7	22.5
Other Offences	2	5.4	1	3.2
Totals	37	99.9	31	99.9

The type of sentence being served by Groote Eylandt prisoners is shown in Table 13 and from this it is clear that indefinite or fixed terms are predominant. The term 'indefinite sentence' refers to one in which a non-parole period or minimum term has been named by the court.

Table 13: Type of Sentence of Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Fixed Term	16	43.2	8	25.8
Indefinite	16	43.2	16	51.6
Life	1	2.7	-	-
Administrative	1	2.7	-	-
Fine Default	-	-	1	3.2
Unconvicted	3	8.1	6	19.4
Totals	37	99.9	31	100.0

The data in Table 14 suggest that only a minority of Groote Eylandt prisoners were taken to court charged with a single offence. It would seem that the average Groote Eylandt offender who is taken to court is charged with at least three or four offences with some being charged with 12 or more offences on a single occasion.

Table 14: Number of Offences for Current Sentence of Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Remandees	3	8.1	6	19.4
1	8	21.6	3	9.7
2	4	10.8	3	9.7
3	5	13.5	2	6.5
4	7	18.9	5	16.1
5	1	2.7	2	6.5
6	3	8.1	1	3.2
7	2	5.4	2	6.5
8	-	-	-	-
9	1	2.7	1	3.2
10	1	2.7	2	6.5
11	1	2.7	-	-
12	1	2.7	1	3.2
14	-	-	1	3.2
19	-	-	1	3.2
20	-	-	1	3.2
Totals	37	99.9	31	100.1

The data in Table 15 show the aggregate sentence imposed on Groote Eylandt prisoners regardless of the number of offences charged and without taking into account the possibility of early release on parole or as a result of the gaining of remissions. To the extent that these data refer only to the 'named sentence' they do not reflect the actual time in custody that is likely to be served, but it is noticeable that only a small proportion of the sentences are for one year or more.

Table 15: Aggregate Sentence Imposed on Groote Eylandt Prisoners, 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	N	%	N	%
Under 1 month	-	-	1	3.2
1 < 3 months	4	10.8	1	3.2
3 < 6 months	11	29.7	4	12.9
6 < 9 months	2	5.4	5	16.1
9 < 12 months	7	18.9	3	9.7
1 < 1.5 years	3	8.1	5	16.1
1.5 < 2 years	3	8.1	3	9.7
2 < 3 years	-	-	1	3.2
3 < 4 years	1	2.7	1	3.2
Over 4 years	2	5.4	1	3.2
Life	1	2.7	-	-
Not sentenced	3	8.1	6	19.4
Totals	37	99.9	31	99.9

A more realistic assessment of the realities of the sentences being served by Groote Eylandt prisoners is shown in Table 16. In this table the actual time remaining to be served at each of the census dates is shown and this suggests that well over 70 percent of the prisoners on both occasions were due for release within six months. It would seem that only very rarely indeed are Groote Eylandt prisoners sentenced to periods which require them to remain in prison for more than one year.

Table 16: Time to Serve of Groote Eylandt Prisoners at Census Dates 30 June 1982 and 1983

	<u>1982</u>		<u>1983</u>	
	N	%	N	%
Under 1 month	9	24.3	5	16.1
1 < 3 months	9	24.3	14	45.2
3 < 6 months	9	24.3	5	16.1
6 < 9 months	3	8.1	1	3.2
9 < 12 months	1	2.7	-	-
Over 1 year	2	5.4	-	-
Unknown	1	2.7	-	-
Remandees	3	8.1	6	19.4
Totals	37	99.9	31	100.0

In summary, the data presented in this chapter suggest that Groote Eylandt prisoners are predominantly young, unmarried, Aboriginal males who are likely to be unemployed, have relatively low levels of educational achievement, are highly likely to have been in prison previously, are dealt with by the Magistrates Court for offences involving property or alcohol and are likely to serve actual prison terms of under one year.

Chapter 4

DISCUSSION AND CONCLUSIONS

There is no doubt in the mind of this writer that there are profound social problems in the Groote Eylandt community (or perhaps more accurately, two communities) and that these problems are associated primarily with culture conflict and alcohol. Starting with the influence of the missionaries who tended to encourage Aborigines to live in larger rather than smaller communities, and in settlements rather than in a nomadic manner, the impact of Europeans on Aboriginal ways of life has been almost universally disastrous. The development of mining operations, even though handled with considerable care, has meant that mining towns have been established and that these have inevitably provided outlets for the purchase and consumption of alcohol. Furthermore, the payment of mining royalties, together with unemployment or 'sit down' money, has meant that Aborigines on Groote Eylandt, while by no means wealthy, have little or no incentive to provide for their own livelihood by way of the traditional pursuits of hunting and fishing. Young men on Groote Eylandt thus have a great deal of spare time which may be used in watching video films, petrol sniffing and obtaining and drinking alcohol. As indicated in the comments by Pilkington¹ and confirmed by the writer's perusal of the charge book in the Groote Eylandt police station, the overwhelming majority of offences committed by Groote Eylandters are related to alcohol. It is not the aim of this report to propose solutions to these problems. Such a task would be much more appropriately undertaken by a researcher with particular experience and expertise in Aboriginal anthropology. This report is solely concerned with the effectiveness and efficiency of correctional services provided for Groote Eylandt offenders.

The statistical and other material presented thus far in this report provides substantial support for the hypothesis that criminal justice services, in particular the use of imprisonment on the mainland, reinforces and rewards the criminal behaviour of some Groote Eylandters. These statistics speak for themselves but the hypothesis is also

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supported by the comments made by the police, Aboriginal leaders and prisoners on Groote Eylandt. The field notes in Appendix A verify this, as do the insightful comments made in the article by Gilroy.² It is not claimed that a large number of Groote Eylandters commit offences with the sole purpose of going to prison, even though some people have suggested this is the case, but there would be little or no dispute with the proposition that for many Groote Eylandters there is no perceived physical hardship or social stigma associated with being sent to prison in Darwin or elsewhere on the mainland. In fact, for many of them, all of the evidence suggests that going to prison may be an enjoyable experience!

To the extent that this is true it would seem that the formal process of punishment for Groote Eylandt offenders is counter-productive in that it encourages further criminal behaviour. It is also very expensive, even though not all of the costs are borne by the correctional authorities as the flights to Darwin are provided by the police. The most insidious costs associated with the current practice are not those of imprisonment and transportation, however, but the costs of the crimes themselves that would have been avoided if the correctional process were more effective. These costs of course are both financial and social as they undoubtedly lower the quality of life enjoyed by Groote Eylandt residents, whether black or white.

The perhaps too obvious solution to this problem is for there to be established on Groote Eylandt a small prison which would provide the necessary accommodation and facilities for the majority of Groote Eylandt offenders. Such a solution would certainly remove the reinforcing aspects of imprisonment on the mainland, and therefore it is possible that some level of deterrence could be achieved. This could have the effect of reducing the incidence of criminal behaviour and thus in the long run reduce the number of prisoners. Even if this highly desirable consequence were only slight, there is considerable attraction with the proposition that Groote Eylandt should, as far as possible, look after its own problems.

While the idea of a local prison seems eminently sensible and is supported in principle by all persons spoken to by the writer, it is not

2. op cit

without problems of its own. These problems or issues to be resolved relate to the appropriate administration, the size of the institution, its location on Groote Eylandt, the level of security required, staffing, the type of regime required, and the relationship between a prison and other correctional options such as community service orders and probation orders. Each of these issues or problems will be considered in turn.

From time to time proposals have been made for the expansion of the cell block at the Groote Eylandt police station and for this to become a local prison providing accommodation for longer periods than the current 28-day maximum. Such an option is not supported as police are generally not suited by training or temperament to the management of persons in custody for significant periods of time. Unavoidably police must accept responsibility for the custody of accused persons prior to bail or court appearance, but police responsibility for sentenced prisoners should not be encouraged. It is recognised that throughout Australia in remote areas police do accept responsibility for sentenced prisoners for specified periods but in view of the increasing demands for the recognition of the rights of prisoners and in view of the generally inadequate facilities available to police, this practice is highly likely to be a source of considerable contention in the future. Almost certainly the cell block currently in use at the Groote Eylandt police station would be seen as failing to satisfy the requirements of the United Nations Standard Minimum Rules for the Treatment of Prisoners, and this would also be true of many other police cell blocks throughout Australia.

For the above reasons it is clear that if there is to be a prison on Groote Eylandt it must be run by the Correctional Services Division of the Department of Community Development. Perhaps more difficult to resolve is the question of size. It would seem appropriate to focus only on those cases where imprisonment was imposed by the Magistrates Court, as for Supreme Court cases the offenders would be required to appear for trial in Darwin regardless of where the actual prison sentence was served. The data presented in Chapter 3 indicate that there were exactly 27 Groote Eylandt prisoners coming from Magistrates Courts on both of the census dates in 1982 and 1983. This may seem to suggest the appropriate size for the prison, but perhaps some allowance should be made for the presumed greater effectiveness. There is no way of accurately assessing this, but

a reasonable 'guesstimate' would be from 20 to 25 prisoners, with the upper limit of this range seeming to be more appropriate.

The evidence presented in Chapter 3 shows that nearly all Groote Eylandt prisoners are male. There were three female prisoners in custody on 30 June 1982 but there were no females in custody on 30 June 1983. This being the case it is proposed that the Groote Eylandt prison should be for males only, and that in the rare cases of females being imprisoned they be transferred to Darwin. For the small number of male and female prisoners who would continue to be transferred to Darwin there would of course still be the highly undesirable reinforcing aspects of the aeroplane flight, but against this being in custody in Darwin would lose some of its appeal as there would be very few other Groote Eylandters with whom to socialise.

One of the broader considerations that would mitigate against the Northern Territory Government deciding to proceed with the proposal for the Groote Eylandt prison at this time is the fact that the total number of prisoners in the Northern Territory throughout the first seven or eight months of 1983 has been considerably lower than in previous years. The Northern Territory total in August 1983 was 258 compared with 336 in March 1982. In the light of this trend there may seem to be little pressure for the allocation of funds in the construction of new prison facilities, but it must be borne in mind that prison numbers tend to fluctuate from time to time in all jurisdictions and the relatively fortuitous current situation may not last indefinitely. Furthermore, it is suggested that the particular needs of Groote Eylandt need to be considered in their own right, regardless of the overall situation in the Northern Territory.

The location of a prison on Groote Eylandt is clearly a matter that would need extensive discussion with Aboriginal leaders. As the question of land rights is such an important and emotive issue there may well be considerable difficulty in obtaining approval for the relatively small area required for the construction of such a facility. As indicated in the field notes, the Aboriginal leaders at Umbakumba suggested that a prison should be 'in the middle of the island', and thus would presumably be equidistant from Angurugu and Umbakumba. Another possibility would be for the prison to be located within the limits of the town area of

Alyangula, with perhaps 'XXXX hill' being considered. While this would obviously be attractive for the prison staff it may not be as convenient for visiting by friends and relatives of the prisoners. No recommendation is made on this obviously sensitive matter.

The level of security required in a Groote Eylandt prison would to some extent depend on its location on the island. If the prison were located in or near Alyangula more secure and therefore more expensive facilities would be required than if it were in a more remote area. In the interests of economy it would be perhaps appropriate to think in terms of a minimum security institution surrounded by a secure chainwire fence, but in order to prevent escapes aided by friends or relatives from elsewhere on the island, the overall level of security required, especially at night, would be best described as medium. This does not imply that all prisoners need to be provided with single cells, but a cell block with a capacity for six or eight prisoners would almost certainly be necessary, with the remainder of the prisoners being housed in small dormitories or association cells with a maximum of five or six in each.

If an arrangement were made for some degree of joint control of the institution by correctional authorities and the police there could be significant cost savings in terms of staff. As indicated previously, police should not have the responsibility for the management of persons in custody for significant periods, but it is suggested that the cell block at the police station could be closed once a prison were established on the island and then the police might be able to assist with the security of the prison, particularly at night. It is understood that similar cooperative arrangements work satisfactorily in other remote areas in Australia such as Broken Hill.

Even with a cooperative arrangement of this type an institution housing up to 25 prisoners would probably need a staff of at least 12 to 15 officers, including the superintendent who would have total responsibility for all aspects of its operations. Appropriate senior or supervisory staff would also be needed, but it is suggested that at the base-grade level all prison officers should be expected to double as work supervisors or industrial officers. Such an arrangement would be cost-effective and would also make the work of the prison officers more varied

and interesting. It is anticipated that the majority of the staff would be appointed from elsewhere, and for them housing would be necessary in Alyangula, but it is suggested that every effort should be made to recruit and train a small number of Groote Eylandters as prison officers. If this could be done the prison would more likely be seen as serving the real needs of the Groote Eylandt community, rather than being a symbol of the law which has been imposed from outside.

Related to the level of security and staffing is the type of regime that such an institution should provide. It is impossible to be definitive, but obviously an active work program would be desirable, especially if such a program were related to undertaking work of value to the total community. There should also be appropriate emphasis on maintaining high standards of health and hygiene. While there must be some provision for work within the institution, particularly for prisoners regarded as escape risks, it is envisaged that most of the work undertaken by the prisoners would be by supervised work parties in various locations on the island. This could include undertaking the physical work necessary for the establishment of new outstations or homeland centres. If possible the work should have some training or educational value, but this could not be provided on a formal basis because of the small numbers and the relatively short sentences that would be served. It would be highly desirable if the program were able to include the provision of opportunity and encouragement for enhancement of skills in Aboriginal arts and crafts in non-working hours. This could be done by the employment of a suitable Aboriginal person as a part-time recreation officer.

While the responsibility for all work and recreation would rest with the superintendent, it is proposed that he should receive advice on these matters from a Groote Eylandt prison advisory committee, comprising Aboriginal leaders, representatives of Gemco, a senior police officer, the resident probation officer and other suitable persons. The superintendent would be an ex officio member of the committee. The work of such a committee would also assist in establishing the acceptability and relevance of a local prison.

With a regime such as that described above with most of the prisoners undertaking work of value to the community, the actual penalty

of imprisonment might be seen as a form of residential community service order program. This is as it should be. It does not follow, however, that a community service order program should not be directly available to the court. Persons sentenced to imprisonment will invariably have committed more serious offences than those sentenced to community service orders, and furthermore, the work undertaken by prisoners would always be in groups and always under supervision, but these conditions would not apply to normal community service orders.

It is recommended that a community service order program be established on Groote Eylandt and that this be one of the responsibilities of the correctional field services officer or probation officer. Before that can be done, however, it would be necessary to locate that officer on Groote Eylandt rather than at Nhulunbuy. At the present time the field services officer located at Nhulunbuy has a very large caseload, approximately half of which is on Groote Eylandt. He visits Groote Eylandt for two days each fortnight and devotes nearly all of the time of those visits to the physical location of persons on probation. Another officer from Darwin also visits Groote Eylandt at approximately monthly intervals in order to assist with this work. This arrangement is extraordinarily expensive and unsatisfactory to the extent that it is virtually impossible for regular and intensive supervision to be provided. There is probably sufficient work on Groote Eylandt at the present time for one field services officer and there would certainly be ample justification for such a permanent officer once a community service order program were established. It is therefore recommended that provision be made for a field services officer on Groote Eylandt with appropriate arrangements being made for housing. This recommendation is independent of action that may or may not be taken in relation to a Groote Eylandt prison.

A resident field services officer on Groote Eylandt together with a local prison would provide a structure which would allow for a higher degree of integration of correctional services than has been possible previously on Groote Eylandt, or is generally found elsewhere. Groote Eylandt could thus become a model for the type of integrated service that should be available in other small communities. The field officer would not be on the staff of, or responsible to, the superintendent of the

prison, but these two officers would obviously be required to work closely together. The field officer would need to have unrestricted access to the prison in order to prepare pre-sentence reports for the court on offenders remanded in custody and in order to prepare pre-trial reports. He would also need to ensure that there was no clash of interests between the work done by prisoners and that done by offenders on community service orders. For this reason it is essential that the field officer is a member of the Groote Eylandt prison advisory committee.

A possible objection to the thrust of the proposals made in this report might be that because of its isolation it would be difficult to attract correctional staff to Groote Eylandt. In the purely subjective view of this writer this argument, if it were made, would be misconceived. It is obviously true that there are acute social problems on Groote Eylandt, but these do not represent a significant threat to the lives and lifestyle of the residents of Alyangula. With good housing, excellent educational and recreational facilities, together with ample opportunity for sport and fishing, one would find it difficult to imagine a more idyllic place to live for a married couple with young children. Furthermore, with regular jet airline services to Nhulunbuy, Darwin and Cairns, Groote Eylandt is considerably less remote than many other locations in the Northern Territory.

Above all, it is suggested that this report has demonstrated the urgent need for upgrading the correctional services that are provided for Groote Eylandt offenders in the interests of the Groote Eylandt community. The present self-defeating, expensive and inefficient correctional practices on Groote Eylandt cannot be allowed to continue.

Chapter 5

SUMMARY AND RECOMMENDATIONS

Groote Eylandt has a population of approximately 2,200 people of whom almost exactly half are Aboriginal. This relatively small community produces as many prisoners as do other communities many times larger. The Groote Eylandt imprisonment rate is from seven to eight times higher than the Northern Territory rate, which itself is more than three times the national rate. These data and the observations of many informed persons suggest that the practice of sending offenders to prison in Darwin is counter-productive in that it encourages further criminal behaviour. An analysis of the characteristics of Groote Eylandt offenders for 1982 and 1983 indicates that they are predominantly young, unmarried, Aboriginal males who are highly likely to be unemployed, have low levels of educational achievement, are highly likely to have been in prison previously, are dealt with by the Magistrates Court for offences involving property or alcohol and are likely to serve actual prison terms of under one year. This analysis suggests that there may be scope for improving the efficiency of the system and reducing the number of prisoners by establishing a prison on Groote Eylandt which would house the majority of local offenders sentenced to prison.

The specific recommendations made in this report are:

1. that consideration be given to the establishment of a prison for up to 25 prisoners on Groote Eylandt;
2. that such a prison be the responsibility of the Correctional Services Division of the Department of Community Development and not a police responsibility, but that the cooperation of the police in providing night security be sought;
3. that the location of a prison on Groote Eylandt be negotiated with Aboriginal leaders;
4. that such a prison provide medium security, but that most of the work of the prisoners be undertaken outside the prison and be of value to the general community;
5. that the work and recreational programs of the prison be the subject of advice to the superintendent from a Groote Eylandt prison advisory committee;

6. that every effort be made to recruit and train some Groote Eylandters as prison officers;
7. that a resident correctional field services officer be appointed to Groote Eylandt; and
8. that this officer be responsible for the establishment of a community service order program as well as the supervision of probationers and parolees.

It is recognised that these recommendations provide the barest bones of a proposal, and that much more detailed preparatory work is needed. It is more appropriate that this detail be provided by officers of the Northern Territory Government rather than by an outside consultant. It is confidently predicted, however, that if this basic proposal is developed and implemented a significantly more efficient and cost-effective system will evolve.

Field NotesSunday, 11 September 1983

As a preliminary to the visit to Groote Eylandt I had discussions on this evening with Mr Daryl Kidd and Mr Kevin Hedge. Daryl is the principal field officer for the Northern Territory Correctional Services Division and Kevin is the regional field officer stationed at Nhulunbuy. His area of responsibility covers the Gove/Nhulunbuy area, Groote Eylandt and Elcho Island. He has a caseload of 67, of whom 27 are located on Groote Eylandt. He visits Groote Eylandt for two days once a fortnight and other visits are made by one of his colleagues from Darwin, Fernando Gomez.

Daryl and Kevin explained the geography of Groote Eylandt to me. The main white settlement, Alyangula, was established by the Gemco Mining Company and has a population of approximately 1,000. The two Aboriginal settlements are Angurugu (population 650) and Umbakumba (population 350). There are also a few small outstations for Aborigines and there is a prawning centre, Bartalumba Bay, which is settled by white people. Of the two major Aboriginal settlements they explained that Angurugu, which was until recent years a mission station, does not allow liquor, but Umbakumba has a beer night six nights a week, with a limit of eight cans per person.

Monday, 12 September

Before flying to Groote Eylandt later in the day I visited the Yirrkala Aboriginal settlement with Daryl Kidd and Kevin Hedge and met the Aboriginal leaders. The most interesting aspect of this visit was the fact that with the full support and encouragement of the Aboriginal leaders the people of Yirrkala are now consuming considerable quantities of kava rather than alcohol and this is thought to result in much lower levels of violence. Kava was introduced to this settlement by a community development officer who is a Fijian. The kava is obtained from an importing company in Sydney at a cost of \$200 for a large tin, of approximately 10 kilos.

It was also explained to me at Yirrkala that the outstation movement was very strong in Arnhem Land and that in many cases offenders were ordered to reside at outstations. It was claimed that this was a very effective measure. It was also explained to me that in contrast to Arnhem Land there are only three or four permanently occupied outstations on Groote Eylandt.

Later in the morning a seminar was arranged for me in Nhulunbuy with the senior officers of the Department of Community Development, the senior sergeant in charge of the Nhulunbuy police station and the Clerk of Courts. In this seminar I briefly outlined the work of the Institute and the purpose of my visit to Groote Eylandt. Some matters that were raised in discussion included the fact that little or nothing was known of the long-term physical effects of kava consumption, and the fact that petrol sniffing was a major problem with young Aboriginals.

After lunch, which was provided by the Department of Community Development, Senior Sergeant Ian Holland gave me a conducted tour of the Nhulunbuy police station and cells and then gave me a quick tour of the district which included the Comalco mining development. He explained that Nhulunbuy was now a relatively crime-free area and that his cell block (four cells for men and two for women together with a reasonably large exercise yard) was only seldom used.

Later in the day we flew to Groote Eylandt and settled into the visitors' quarters of the Gemco Mining Company.

Tuesday, 13 September

Most of the morning was spent in the Groote Eylandt police station in discussion with Senior Sergeant John Hancock and some of the other police officers. I particularly sought Sergeant Hancock's views on why the Groote Eylandt imprisonment rate was so high and he argued that this was the result of the police working extremely hard in response to the high crime rate. He claimed that many offenders had admitted to him that they had committed more offences so that they would be sentenced to sufficient terms which would necessitate their transfer to the Darwin prison at

Berrimah. He also explained that offenders disliked serving sentences in the cells on Groote Eylandt where a maximum of 28 days was allowed. He suggested that in the eyes of the offenders 28 days in the Groote Eylandt cells was equivalent to three months at Berrimah.

Sergeant Hancock expressed the view that punishment had no deterrent for Groote Eylandt offenders. If they were transferred to Darwin they enjoyed what they saw as an easy life, even more so at Gunn Point, and they always had plenty of friends and relatives as well as good food. He also expressed the view that Groote Eylandters were more aggressive or warrior-like than other Aborigines, and that this may be the result of historical isolation. Sergeant Hancock suggested that traditional Aboriginal authority was stronger on Groote Eylandt than elsewhere and that some offenders may seek to be sentenced to Darwin in order to avoid the authority of the tribal elders. Even so, he explained that offenders were always welcomed back to Groote Eylandt after the completion of their sentences and that there was no sense of shame or guilt. He expressed the view that the maintenance of traditional authority provided some slight hope for the future of law and order on Groote Eylandt.

One of the aspects of Groote Eylandt punishment which has in the past been thought to encourage criminal behaviour was the flight on a commercial jet airliner to Darwin. It was apparently common for large numbers of friends and relatives to gather at the airport for farewell celebrations when prisoners were sent away. This also happened on their return. Some two and a half years ago this procedure was changed and prisoners are now transferred to Darwin using a police aircraft and, as no notice of the departure is given, the farewell celebrations are avoided. To a lesser extent when prisoners return on the jet there may nevertheless be a welcoming gathering of friends and relatives.

Sergeant Hancock expressed the view that 98 percent of offences on Groote Eylandt were related to alcohol. Most frequently the offences by Aborigines were against property owned by Europeans and included illegal use of motor vehicles and breaking and entering with a view to stealing or transporting beer. He suggested that when Aborigines committed offences against other Aborigines the matter was likely to be settled by traditional or private justice procedures. There were very few inter-

personal offences against the European population of Groote Eylandt. He also explained that nearly all offenders pleaded guilty and tended to accept arrest as a 'fair cop'.

The police strength on Groote Eylandt is formally nine officers plus a tracker and two police aids, but at the time of the visit only six police were present as two were on leave and one was attending a course. The police station has three vehicles and one boat. The station is manned from 7 a.m. to midnight each day including weekends.

Sergeant Hancock favours the suggestion of a prison being built on Groote Eylandt, but he says that it would only need to be a temporary structure with limited life because it would have a significant deterrent effect. He said that there had been plans for an extension to the cells at the Groote Eylandt police station, but these plans had lapsed. He pointed out that if a local prison was too free in its regime and provision of recreational facilities it would lose its deterrent effect.

I had lunch that day with Mr Alan Wright, the Superintendent - Public Affairs of Gemco, who is regarded as something of an expert on Groote Eylandt history. He gave me many of his views on the reasons for Aboriginal crime and in doing so displayed a profound understanding of the local situation. He expressed considerable support for the notion of a local prison and suggested that such a prison should provide work and educational experiences which would lead to employment with Gemco. Many of his views are reflected in the book Groote Eylandt by Keith Cole, of which I have a copy.

After lunch, with Daryl and Kevin, I visited Angurugu and spoke initially with Lance Tremlett, the Town Clerk, formerly the superintendent of the settlement when it was a mission. Mr Tremlett suggested that reporting of crimes to the police was very high as a result of the idealism inculcated in the Aborigines as a result of the mission. He suggested that a local gaol would have to be policed very carefully or visitors would be there all the time. He expressed some disagreement with the views expressed by former police sergeant Michael Gilroy who had argued that going to prison for young offenders had taken the place of initiation. Mr Tremlett said that those who had not been to gaol were proud of it, but

he agreed that imprisonment carried no stigma. He expressed general agreement with the notion of a local prison, but pointed out that careful negotiations would be needed.

I later met the Angurugu Council President, Jambana Lalara, who agreed that a local prison might be necessary, but argued that discussions would be needed, particularly in relation to the siting. He obviously foresaw some difficulties in having the prison located on the land belonging to a particular clan group. Jambana was very strongly of the view that more parental responsibility was needed in order to curb the misbehaviour of young people. He regretted that many parents did not seem to be concerned with the petrol sniffing of their children.

Wednesday, 14 September

In the morning Daryl, Kevin and I travelled (along the extremely rough unsealed road) to Umbakumba and after some delay held a very fruitful meeting with the President, Claude Mamarika, and about 12 of the senior men of the settlement. This meeting was held under a large tree overlooking the extremely attractive beach and seascape. The group were strongly in support of the idea of a local prison and suggested that it 'should be in the middle of the island'. They all agreed that a local prison would have a much greater deterrent effect than sending offenders away to Darwin.

The Umbakumba men explained that they had recently established a volunteer security squad of eight young men who patrolled the settlement in the evenings carrying boomerangs and other wooden weapons. Their purpose was to prevent fights and other trouble becoming too serious. One of the members of this volunteer group was brought to the meeting wearing his uniform which included security badges on the shoulders. It was claimed that the police had not been called to Umbakumba since this security squad had been established. The volunteer security squad is being given a one-month trial, and its future will be determined at that time. It was pointed out that an attempt at local similar security at Angurugu had not been particularly helpful.

After returning to Alyangula I spent a further one and a half hours at the police station and examined the police charge book which revealed that 292 charges had been laid in 1982. I then analysed the 20 charges that had been laid for the month of May 1983. These results will be presented separately.

Before leaving the police station I interviewed two prisoners who were serving short sentences in the cells. They both expressed the view that Berrimah was more pleasant than being in the police cells where they had nothing to do. One of them who came from Umbakumba even said that Berrimah was as good as Umbakumba. I asked this young man how he spent his time at Umbakumba and he said that he mostly 'watched video'. When pressed for more details he said that he occasionally played basketball but that he was not interested in fishing. Both of them were, however, interested in hunting for wallabies and turtles. They were both most anxious to get through their time in the cells as quickly as possible.

Later in the afternoon Daryl, Kevin and I flew to Gove on our way to Darwin.

David Biles

NAMES AND ADDRESSES OF PERSONS INTERVIEWED

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