

**TALKING POINTS FOR NATIONAL INDIGENOUS JUSTICE FORUM**

**DATE:** 22 November 2007  
**TIME:** 2:30 pm  
**PLACE:** Parliamentary Annexe, Undumbi Room,  
Level 5, Queensland Parliament House  
Cnr Alice and George Street, Brisbane

***Introduction***

- Good afternoon. First, may I acknowledge the traditional owners of the land we meet on, the Murri people, and pay my respects to their elders, both past and present.
- I welcome the opportunity to speak to you today. It is a pleasure to attend and be part of the National Indigenous Justice Forum.  
There are challenging issues to be addressed in Indigenous law and justice and it is important that we meet to share ideas, successes and lessons learned.
- As many of you will be aware, the Productivity Commission released its third Overcoming Indigenous Disadvantage report this year, outlining the wide gaps that remain in outcomes between Indigenous and non-Indigenous Australians.  
Of particular concern is the significant over-representation of Indigenous people in the criminal justice system, both as victims and offenders.
- The Australian Government's response to this widening gap is a commitment of \$3.5 billion in Indigenous specific programs in the 2007–08 Budget.
- As you will be aware, the Australian Government has also committed a further \$587 million as part of the emergency response to stabilise and protect Indigenous communities in the Northern Territory.
- The Attorney-General's Department has been working closely with FaCSIA, the Department of Finance and Prime Minister and Cabinet, as well as our portfolio agencies, on funding, legislative, communications, and operational aspects of the Northern Territory response.

- The Department will receive an additional \$11.05 million in this financial year allocated to the Northern Territory Night Patrols program, the Aboriginal Interpreters Services and additional legal services for Indigenous Australians in the Territory.
- The vision of the Commonwealth Attorney-General's Department is to achieve a just and secure society, and we undertake this work within the context of the whole of government approach to Indigenous affairs.
- As part of this vision, the Commonwealth Attorney-General's Department released the consultative draft of the National Indigenous Law and Justice Strategy in July for discussion and feedback.

The due date for comments was 19 October, however late comments will still be accepted.

### *History*

- I will outline a recent history of the draft Strategy before describing briefly its key features.
- In 2006, the Ministerial Taskforce on Indigenous Affairs identified the development of a National Indigenous Law and Justice Strategy as a priority for the Commonwealth Attorney-General's Department.

The intention is to provide a national framework that intersects with key approaches across jurisdictions, bringing them together to provide a common understanding of the priorities, successes and continuing issues.

- The Department has developed a consultative draft Strategy, in this spirit, as a formative framework and welcomed widespread input.

I emphasise that we see the draft Strategy as the starting point for positive engagement with our stakeholders, especially State and Territory governments.

- The Department consulted the National Indigenous Council, the National Aboriginal Justice Advisory Committee and the National Network of Indigenous Women's Legal Services about the draft Strategy's aims in September 2006.
- Feedback from the initial consultation indicated strong support for a national justice framework as a first step to ensuring better coordination of justice related policy and programs.
- Feedback also emphasised the importance of a broad approach to justice, including both preventative and treatment strategies and with appropriate attention to the underlying causes of criminal behaviour - health, education, employment and so forth.

### *Outline of draft Strategy*

- In terms of the key elements of the draft consultative Strategy, four broad strategic aims provide the parameters of the framework. The aims are to:
  1. reduce crime in communities and improve access to justice
  2. reduce imprisonment and juvenile detention
  3. increase actual and perceived safety, and
  4. reduce the impact of family violence.

- These aims address relevant headline indicators identified in the Overcoming Indigenous Disadvantage report such as family and community violence and imprisonment and juvenile detention rates.

We have to formally acknowledge that some of these indicators have shown very little improvement, despite efforts by governments and communities over recent years.

I note, for example, that imprisonment rates have progressively worsened, with Indigenous Australians 12.9 times more likely than non-Indigenous Australians to be imprisoned in 2006.

- This indicates that we need a more comprehensive and integrated framework, and I hope that this draft Strategy will be the basis for such a strategy.
- 11 key actions are identified under the four strategic aims, as building blocks towards achieving the objectives of the draft Strategy. The key action areas include:
  - addressing the underlying causes of crime
  - improving access to legal aid services
  - addressing the overrepresentation of young people in the criminal justice system, and
  - providing a holistic response to issues of family violence.
- The key action areas are fleshed out to a degree in the draft Strategy's action plan.

However, the emphasis in the draft consultative strategy is the provision of a flexible framework that will be shaped and developed through the substantive input of stakeholders.

As such, the draft consultative Strategy does not tie specific implementation actions to performance indicators, nor is there a prescriptive structure for coordination or communication at this stage.

- These key features will be developed based on feedback received through the consultation process with the intention of respecting and harmonising, to the best degree possible, the views, priorities and approaches, put forward by stakeholders.
- For example, the Department envisions that the final Strategy will link strongly with Aboriginal Justice Agreements where they exist, and other State and Territory frameworks for Indigenous law and justice.

### ***National Indigenous Law and Justice Strategy consultation plan***

- In July and August this year, the draft Strategy was distributed to over 200 Government departments and agencies, Indigenous and mainstream community organisations and representatives and research and policy institutions.  
These included the National Indigenous Council, State and Territory Aboriginal Justice Advisory Committees, Indigenous legal aid providers, family violence and prevention legal services, legal aid commissions, community legal centres, Aboriginal health organisations and State and Territory justice departments, courts and police.
- This widespread consultation process demonstrates the Department's strong desire to build a genuine partnership with State and Territory governments and the Indigenous community, to realise the aims of the National Indigenous Law and Justice Strategy.
- The National Aboriginal Justice Advisory Committee (NAJAC) was asked to take a lead role in this consultative process, particularly to facilitate community comment.
- In addition to any other comments they wished to make, the Department requested comments from stakeholders specifically on:
  - the appropriateness of the four broad strategic aims and 11 key action areas
  - how the draft Strategy could intersect with key strategies, policies and approaches in their areas of responsibility
  - the priorities they have in their areas of responsibility
  - appropriate performance measures and responsibilities, and
  - examples of good practice across the key action areas.
- Stakeholders were also encouraged to forward the draft Strategy to other interested parties.

### *Comments received on the draft Strategy*

- The Department has received 51 responses to the draft Strategy as at 19 November, from a broad range of stakeholders, including the National Justice CEOs Group.

I am pleased by the overall quality of the responses received to date and the different perspectives they provide on the issues currently facing Indigenous Australians.

- I would like to take this opportunity to thank those of you who have provided comments on the draft Strategy, and to share with you some of the key themes that are emerging from the review of that feedback currently underway.
- There has been broad support for the four strategic aims, but also suggestions on how they can be further improved. For example, several responses have identified that the aim should be to reduce not only the impacts, but also the level of family violence.
- Other comments have emphasised the need to reduce Indigenous Australian's contact with the justice system as a whole, including as victims of crime, rather than focusing only on reducing imprisonment and juvenile detention.
- Some responses have also identified the need for the values set out at the beginning of the document to be more fully integrated into the strategy.
- There is strong support among the responses for a strategy that addresses the underlying causes of crime and includes a long term commitment to early intervention and prevention and community capacity building.
- Responses have also expressed support for a more coordinated approach involving cooperation between Commonwealth and State and Territory governments, community organisations and the Indigenous community working together to develop and implement initiatives to address the law and justice needs of Indigenous Australians.
- Much of the feedback emphasises the need for genuine engagement and partnership with Indigenous communities throughout both the development and implementation phases of the Strategy, and also in the development and measurement of indicators of success.
- There is support for an approach that is 'smart on crime' rather than 'tough on crime', with an increased focus on diversion and restorative justice programs.
- There has been some concern expressed that the Strategy may lead to duplication of effort across Commonwealth and State and Territory governments.

I would like to emphasise that the intent of the Strategy is not to impinge upon or to duplicate existing strategies and programs at the national level, but to add value to existing approaches by fostering greater cooperation and increased coordination.

- The final Strategy will build upon the lessons learned by States and Territories in the development of Aboriginal Justice Agreements and similar strategies.

For example, the Victorian Aboriginal Justice Advisory Committee (AJAC) has played an important role in the development and implementation of the current Victorian Aboriginal Justice Agreement.

The existence of funded and effective AJACs, or complimentary arrangements, is important to the ongoing work and strengthening of the peak body on Indigenous justice issues, the National Aboriginal Justice Advisory Committee (NAJAC), and may be one of the final Strategy's objectives.

It will also champion existing practice that is having a positive impact on reducing Indigenous disadvantage in the areas of law and justice.

### *Next steps*

- The Department is committed to ensuring that the final Strategy reflects the priorities of all stakeholders and provides a practical response to the law and justice needs of Indigenous Australians.
- Some stakeholders have asked for extensions to provide comments and these are still being received.

These comments are being reviewed and revisions to the draft Strategy will be considered against them.

### *Conclusion*

- In conclusion, I would like to emphasise that the draft consultative Strategy provides an opportunity for discussion on how the Australian Government, State and Territory governments, Indigenous communities and other stakeholders can work together more effectively to develop policy, determine priorities and coordinate services and programs.
- The Department acknowledges that the success of the final Strategy will depend upon how accurately it reflects the interests and concerns of key stakeholders.  
Your comments will, therefore, make an important contribution to the next iteration of the Strategy.

- The Department considers that the National Indigenous Law and Justice Strategy will be an important tool that brings together law and justice approaches across jurisdictions and provide a definitive framework of priority actions and measurable objectives to help realise better justice outcomes for Indigenous Australians.

I look forward to working closely with you on the further development of the strategy.