

ACT

Indigenous Justice Issues

Item No: 15
Sponsor: Victoria

There is no agenda paper for this item. Ministers are invited to make their own jurisdictional report.

The following has been written in a way that would allow you to use the sentences as speaking notes should you so wish.

BACKGROUND

The colonisation of Australia was perpetrated on the myth of 'terra nullius' and this has significantly impacted on Australia's First Nation peoples. Historical records and accounts articulate the actions of a hostile approach to our Indigenous peoples. These actions include widespread killing (massacres and ethnic cleansing up until 1927), removal from traditional lands to highly controlled environments (camps, chain gangs, religious missions and government reserves up until the 1960s), policies that sanctioned the removal of children by the state known as the 'stolen generations' (cultural genocide), infringements of basic human rights (legislative effect), assimilationist attitudes and practices (prejudicial views such as 'a dying race') and policies that were highly intrusive and paternalistic ("dog tags", denial of Indigenous language or expression of culture, permission required to marry through the 'Protector of Aborigines', having to denounce your aboriginality and not associate with other Aboriginal people to become a citizen of Australia, etc).

The oppression of Indigenous peoples described above has been hidden from the wider community. The treatment of Indigenous Australians has led to a continuing denial and 'blame the victim' approach to any movement attempting to secure Indigenous rights and justice. Australians continue to stereotype Indigenous people based upon the dysfunction and disadvantage they endure. There is little recognition that the inflicting of systemic and long term pain and suffering has had significant detrimental consequences. Shouts of 'coon' and 'go home' were yelled from passing cars towards the participants of the ACT Aboriginal march on the 14 July 2007, but such sentiment by the general community is part of the course for Aboriginal people. Many that have actually attempted to articulate the truth through official reports or within bureaucratic and political structures have been ostracised, undermined and ridiculed for their views (e.g. black armed band views – Sir Ronald Wilson, Bringing them Home Report). Many Australians struggle with the descriptors of invasion, assimilation and genocide. Until an official recognition of these descriptors is tolerated as the truth, a continual denial and blame approach will need to be employed to adequately shift

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ownership of the problem. Obviously, there are perceived legal ramifications surrounding such descriptions. 'Sorry', however, does not equate to carrying a personal burden of blame. Sorry is an acknowledgement of history. But there continues to be a threat to Australia's international reputation in the area of human rights and race relations. Whilst the ordinary Australian may not recognise international judgements and perceptions of our nation, internationally many will continue to view us in a similar way they did South Africa in the 1980's.

The impact of Australia's white history on First Nation peoples cannot be adequately described in relation to the pain, suffering and despair felt by the Indigenous community. Indigenous people are living consequences of our history and they continually refer to the '*struggle for survival*'. Reconciliation is a way forward to allow their pain to be heard with a view towards holistic healing. However, the Australian Government turned Reconciliation into an ideological concept of '*Practical Reconciliation*'. The underpinning strategy for *Practical Reconciliation* was the COAG trials which were focussed towards improving community development which did not succeed. It could be argued that the attitudes underpinning the ideology of Practical Reconciliation generally excluded the principles of community empowerment and control. The need to control is something that features heavily in modern governmental approaches. Indigenous people have learnt not to trust governments or people that represent them. There is a need to understand these attitudes. Many equate this oppression and subsequent rebellion to that experienced by the Irish. The difference in Australia is that Indigenous people are a minority and significantly more disadvantaged. The current strategy to assist children by way of a militaristic and policing interventalist approach is an escalation of previous failure. Funding has been inadequate in relation to need, and programs are engineered with a top down, ideological approach with short term unsustainable impacts.

The neglect of Indigenous Australians by the wider Australian community as a whole is now being seen at the Indigenous family level. Indigenous Australians have been victims of systemic abuse (physical, sexual, psychological and emotional) as described above and now they are inflicting this widespread abuse on themselves, their children, their families and their communities.

So 'Justice' has a wide focus, particularly given you can't segregate the consequences within the Justice sector from the other problems surrounding the Indigenous community. The cause of incarceration is offending behaviour underpinned by dysfunction and disadvantage. Holistic solutions (housing, health, employment and education) were proposed as part and in response to the Royal Commission into Aboriginal Deaths in Custody in 1991. The responses to the RCIADIC have recently been determined to be a failure in relation to incarceration.

Reducing incarceration has been a high priority of all governments since then, but rates of Indigenous incarceration have not been reduced. Research suggests that the growing population of Indigenous children and youth throughout Australia will be exposed to risks that will ultimately increase Indigenous incarceration in future. Policy initiatives are urgently required to address what the community describes as the 'lost generation' ie lost to the system.

In reality, reports and briefings to politicians portray defensible positions and positive spin. There is no quick fix to these issues. Long term investment in innovative sustainable community development initiatives is required. The principles on which such initiatives are effective include community participation in their design and delivery (empowerment) and solutions that address both the symptoms of disadvantage and the underlying causes. A table has been developed for you entitled ***Developing solutions to improve Indigenous Outcomes (Attachment A)*** that maps the systemic problem described in the above paragraphs and proposes the types of inputs required for effective solutions.

ISSUES

The ACT Government has recently funded a new organisation called the **ACT Aboriginal Justice Centre (AJC)**. The AJC was incorporated by the Ministerially appointed Aboriginal Justice Advisory Committee (AJAC) and has assumed the role of the Aboriginal Justice Advisory Committee (AJAC) in providing advice to the Government and agencies on Indigenous Justice Issues. The objects of the AJC are located at Attachment B.

The AJC is recurrently funded as a crime prevention initiative and will partner with agencies to facilitate the creation of an Aboriginal Justice Agreement in the 2007/08 financial year. The AJC was a priority and an outcome of the last ACT Aboriginal Justice Agreement.

The AJC will take the lead on reducing Indigenous incarceration in the ACT by providing or linking persons to support and prevention programs that compliment, but do not duplicate the role of the Commonwealth funded Aboriginal Legal Service and other service providers in education, health, employment and the like. The AJC has sought partnership funding from a number of Commonwealth agencies, but has been unsuccessful to date.

As part of the AJC's role, the AJC participates in the National Aboriginal Justice Advisory Committee and provides Jurisdictional Reports which also act to keep agencies in the ACT informed of developments. The latest June 2007 report is located at Attachment C and provides information in a range of areas that demonstrates a number of initiatives in the ACT.

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Attachment A

**Developing solutions to improve Indigenous Outcomes
Mapping the Problem**

Consequences	Symptoms	Causes	Solutions to address causes	Inputs for solutions
<ul style="list-style-type: none"> ➤ Incarceration for violence and crime ➤ Institutionalisation ➤ Suicide ➤ Lower life expectancy ➤ Cycle of poverty ➤ Economic and social disadvantage 	<ul style="list-style-type: none"> ➤ Substance abuse ➤ Despair ➤ Poor mental health ➤ Poor physical health ➤ Violence and abuse ➤ Low literacy ➤ Lack of education leading to poor skills and capacity ➤ Poor parenting skills ➤ Limited access to goods and services 	<ul style="list-style-type: none"> ➤ Poor access to appropriate services or lack of services ➤ Lack of funding ➤ Blame shifting ➤ Marginalisation ➤ Denial of rights – terra nullias ➤ Cultural genocide ➤ Institutional and individual racism ➤ Assimilation policies ➤ Blaming the victims ➤ Lack of understanding by broader community ➤ Solutions targeting symptoms rather than causes ➤ Lack of engagement ➤ Lack of effective consultation 	<ul style="list-style-type: none"> ➤ Improving Rights ➤ Community control in design and delivery of services ➤ Innovation ➤ Respect and developing trust ➤ Intensive support ➤ Capacity building ➤ Sustainable developmental approaches ➤ Culturally competent services ➤ Intensive cross cultural training for non indigenous policy and program officers ➤ Long term sustainable initiatives ➤ Indigenous voice and representation ➤ Developing social and economic entrepreneurs ➤ Mapping and sharing success 	<ul style="list-style-type: none"> ➤ Additional funding for innovative programs other than basic services ➤ Access to opportunities ➤ Holistic solutions – individual, family, community ➤ Partnership and coordinated approaches ➤ Reconciliation activities ➤ Follow international best practice ➤ Whole of Government and Community – Federal, State, Local, Community ➤ Political will and bipartisan support ➤ Agreement making ➤ Ability to take risks ➤ Acceptance of historical truths by non indigenous Australians

Attachment B

The objects of the Aboriginal Justice Centre Inc Constitution are:

- (1) For Aboriginal Torres Strait Islander people to work together to provide services that target and address the causes of disadvantage for Aboriginal and Torres Strait Islander people in the ACT resulting from the effects of colonisation, marginalisation, social attitudes and discrimination;
- (2) To significantly address the causes and effects of Aboriginal and Torres Strait Islander persons coming into contact with the criminal justice system by:
 - (a) providing culturally appropriate services to Aboriginal and Torres Strait Islander people and their families which reduce criminal offending, incarceration and over representation in the criminal justice system with particular emphasis on providing direct support, preventative programs, referral and other related support services;
 - (b) providing and/or improving the effectiveness of legal and related support services working to assist Aboriginal and Torres Strait Islander people who become involved in the criminal justice system in the ACT;
 - (c) liaising and coordinating with governments, key agencies, service providers and other bodies to improve and maximise the availability of culturally appropriate service provision to Aboriginal and Torres Strait Islander people within the ACT; and
 - (d) represent the views of the ACT Aboriginal and Torres Strait Islander Community in relation to broad justice issues impacting upon the community.
- (3) To recruit and train persons, including volunteers, to advance these objects.
- (4) To promote awareness, understanding and acknowledgement of the diversity of Aboriginal culture and the needs of Aboriginal and Torres Strait Islander people in the ACT and undertake education and community awareness activities to achieve these objects.
- (5) To promote awareness of mainstream society, systems and services to Aboriginal and Torres Strait Islander people in the ACT to allow them access their entitlements and rights that are available to the wider community, and
- (6) To undertake activities that the Board deem appropriate to improve the emotional, spiritual and physical wellbeing of Aboriginal and Torres Strait Islander people in the ACT through service provision and the development of programs.

Australian Capital Territory

**Aboriginal Justice Centre
(AJC)**

***Jurisdictional Report to the
National Aboriginal Justice Advisory Committee***

June 2007

**ACT Jurisdictional Report
19-20 June 2007**

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Aboriginal and Torres Strait Islander Issues in the ACT

Statistical Background

The jurisdictional report tabled in 2006 highlighted statistical information from the ACT report, *Social and Cultural profile of Aboriginal and Torres Strait Islander People in Canberra*, and the *ABS 2002 National Aboriginal and Torres Strait Islander Survey (NATSIS)*.

Anecdotally it is suggested that there is no substantial improvements with regard to the reduction of Indigenous incarceration or recidivism rates in the ACT. Efforts have been undertaken to collaborate with respective stakeholders to establish a locally coordinated process for sharing secure justice related data to be used for monitoring, measuring impacts and developing evidence based strategies.

To this end, the following key information presumably remains that Aboriginal and Torres Strait Islander people in Canberra:

- make up only 1% of the total population, but comprise around 10% of people in the justice system. This particularly involves youths, especially males.
- had the second highest proportion of persons removed from their natural parents, a high incidence of personal stressors in their lives, and the highest proportion of victims of physical violence in Australia.
- have lower average incomes in comparison to non-Indigenous people in Canberra.

Overcoming Indigenous Disadvantage

The Steering Committee for the Review of Government Service Provision (SCRGSP) **Overcoming Indigenous Disadvantage, Key Indicators 2007** report disturbingly highlights that outcomes for Aboriginal and Torres Strait Islander Peoples particularly in the area criminal justice are deteriorating.

Prime Minister John Howard, in his letter to Mr Gary Banks, Chairman of the SCRGSP requested the committee to improve indigenous data. As mentioned this would support the identification and demonstration of impacts of programs and services targeting justice outcomes for Indigenous Australians.

The report demonstrates increases in the national imprisonment rates during 2002-2006 for Indigenous women and men as 34% and over 20% respectively. Imprisonment and juvenile detention rates are listed as 'Headline Indicators' in this report.

In particular, male juvenile detention rates in the ACT for ages 10-17 years are in the highest proportions and are of great concern for the Indigenous community.

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ACT Aboriginal Justice Centre

The Aboriginal Justice Centre Inc has now been in operation at its location in the Griffin Centre since September 2006. It is currently staffed by a CEO; an Office Manager and an administrative assistant; plus two 'Case Managers'.

Justice work in progress in the ACT

Over the past few months the AJC has been extremely busy in the following activities whilst striving to develop internal operational policies and procedures:

1. Examining best practice functions relating to service delivery in the areas of justice with the view to developing an integrated service model to assist AJC clients.
2. To date where appropriate the centre has been providing assistance to individuals within the criminal justice system, plus listening to and partnering with organisations to enhance the services in a collaborative approach.
3. The final stages of a review of the Interview Friends Program which the AJC now has responsibility for managing and coordinating is almost complete. Best practices recommendations are expected to be adopted to strengthen the program and enhance its volunteer capacity.
4. Maintaining good relationships, as well as, establishing new ones with as many stakeholders as possible to support justice services, including liaison with police, courts, legal services and correctional facilities.
5. Provided submission to the ACT Policing's Watchhouse Operations review conducted by the AFP and the Ombudsman office. The basis for the AJC submission was derived from monitoring of the RCIADIC recommendations and anecdotal information relating to the treatment of detainees whilst taken into custody. The AJC has been interviewed and have consequently been informed that our submission has contributed to a number recommendations in the yet to be released report.
6. From July the AJC will auspice an Indigenous radio program to facilitate access to Indigenous and mainstream programs and services in the ACT that will support individuals exercising their rights. These areas included but are not limited to housing, Centrelink, employment, consumer issues and human rights in relation to access to services.
7. Researching accessible data to develop an AJC database, plus utilise the data to develop evidence based submissions for funding justice related programs.
8. Linking with educational programs like 'Ontrack' and those delivered by Gugan Gulwan Youth Corporation to examine opportunities to support further prevention and diversion programs for youth.
9. AJC has enrolled staff and Interview Friends volunteers on the Winnunga Nimmityjah's Alcohol and Drug Community Service worker Cert (iii) to further develop skills and knowledge useful to their functions. This program is expected to be in full swing in July.
10. Planning a services mapping and gapping exercise to identify gaps and develop strategies for filling the gaps and minimise duplication in service delivery.
11. Developing strategies for engaging with community to draw out justice related issues impacting on community and individuals, which will further assist with the development of strategic directions for the AJC.

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12. The AJC has developed an operational plan to direct the delivery of the strategic directions and key priorities for the current year. It is expected that the Board will revisit its strategic directions and operational plan for the achievement of sustainable outcomes in relation to keeping ACT Indigenous people out of the criminal justice system.

Integrated services

The AJC is committed to an integrated service delivery model that encompasses the broader roles, responsibilities and functions of the current 'case managers' and one that will assist with the delivery of the overall objectives of the AJC. It is acknowledged that the roles of community workers like the AJC 'case managers' are highly complex and demanding functions that can potentially have lasting 'burn out' affects on individuals.

To this end, the AJC case managers have commenced facilitation of a support group targeting Indigenous workers in similar jobs and under similar pressures to ease the burden of the demand by integrating services and programs.

This is viewed by the AJC as another avenue of communicating not only the services provided by the AJC and supporting workers but raising awareness of services and programs available for which Indigenous persons have a right to access as Australians.

The AJC is mindful of others in pursuit 'integrated services' and do not wish to duplicate or detract from the key principles of collaborative arrangements.

Future Strategic Directions

The AJC's strategic directions are described on www.actajc.org.au. As it grows it also seeks to further consolidate the strategies for improving the well being of the ACT Indigenous community by reducing the incarceration and recidivism rates, plus increasing the awareness of rights to services and programs.

The consolidation of strategic directions for the AJC should derive from the development of a Justice Agreement with the ACT Government underpinned by perhaps a three (3) to five (5) plan for which effective and culturally appropriate services and programs can be delivered from.

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ACT Corrective Services

Updated contribution to the 2007 ACT Jurisdictional Report to the National Aboriginal Justice Advisory Committee is as follows:

Under programs/services provided by ACT Corrective Services, please note that the ACT Women's Inter-sectorial Reference group has been discontinued. Similarly, the Indigenous Reference Group has been placed on hold until further advice on through care options for the new AMC are submitted to the ACTCS Operational Working Group for consideration.

The following new initiatives are under consideration:

- Development of a workable relationship with the Aboriginal Justice Centre (AJC), with respect to the effective delivery of a range of correctional & community based services to indigenous offenders.
- In collaboration with the AJC, explore & develop placement & program options for Indigenous offenders, placed on a court order to undertake a drug & alcohol rehabilitation program, and
- Also, in collaboration with the AJC and Auswide (ACTCS identified tender), develop a framework (under an AMC prisoner transitional release program) that will provide sustainable long term employment opportunities for indigenous offenders.

Further information:

Harry Williams, Manager, Indigenous Services and Cultural Diversity Unit, ACT Corrective Services (02) 6207 2319

ACT Ombudsman's Office

This office did not have anything to contribute to this report but indicated will make future contributions and maintain continued relationships with issues concerning the AJC.

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Indigenous Victim Support

The presence of violence in Indigenous families and communities is a widely acknowledged problem across the States and Territories. Violence and abuse undermines the capacity of individuals and families to achieve positive educational, vocational and social outcomes.

The Victims of Crime Coordinator (VoCC) is the ACT's statutory advocate for victims of crime under the *Victims of Crime Act 1994*. The Office of the Coordinator works to ensure that any victim of crime receives the assistance necessary to enable their participation in the administration of justice. Indigenous clients to the Office vary from 1-5% per annum.

A research project into Indigenous Victims of Crime in the Criminal Justice System commenced during 2006-07. The project is an initiative of the VoCC and is assisted by a Reference Group comprising Indigenous and non-Indigenous stakeholders. The first phase of the research is being conducted by the Australian Institute of Criminology (AIC) and examines the circumstances for those Indigenous victims of violence who have chosen to access the criminal justice system and the support available to them. The second phase of the research will be the conduct of targeted interviews with key informants.

Other mechanisms for victim support in the ACT include the Victims Services Scheme. The government-funded scheme (\$1.162m per annum) provides access to a range of services for psychological and physical therapeutic interventions to victims of crime or their family members. Service provision under the scheme is based on a "brief intervention model". The services are provided free, up to a maximum number of visits, depending on the nature of crime and the demonstrated needs of the victim. At different stages of the intervention, clients and their case coordinator can review the helpfulness of the services within an overall "case plan".

Most of the scheme's clients are victims of personal crime. In 2004-05, 21 out of the 603 clients (3%) were Indigenous victims. VoCC advocates strongly for the development innovative approaches to ensuring that the criminal justice system protects Indigenous victims of violence and meets the needs of the wider Indigenous community.

The Victims of Crime Coordinator, the ACT's statutory advocate for victims of crime, provides pre and post-Circle preparation and support for Indigenous and non-Indigenous victims.

Other specialised services for those who experience sexual assault and for domestic or family violence victims also exist in the ACT, including ACT Policing's Sexual Assault and Child Abuse Team (SACAT), Canberra Rape Crisis Centre (CRCC) and Domestic Violence Crisis Service (DVCS). Both the CRCC and the DVCS have Indigenous specific workers to conduct outreach to the Indigenous community, develop culturally-appropriate responses to Indigenous clients and create linkages with other Indigenous services.

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ACT Health & Winnunga Nimmityjah Aboriginal Health Service

ACT Health is currently implementing programs towards improving Aboriginal and Torres Strait Islander Health in the ACT. *A New Way: The ACT Aboriginal and Torres Strait Islander Health and Family Wellbeing Plan* was developed in collaboration with Winnunga Nimmityjah Aboriginal Health Service (WNAHS) and the Commonwealth Department of Health and Ageing. The Plan presents a long-term vision and commitment to achieve measurable change in health and family wellbeing of Aboriginal and Torres Strait Islander in the ACT and surrounding areas. It has a strong commitment to building resilience through a number of key strategies including:

- strengthening support services for families at risk, and improving coordination of services across government and the community; and
- increasing the scope of maternal and child health services according to identified need.

This department also recently launched the Cultural Respect Implementation Plan which has a number of strategies in place to make ACT's health system a culturally safe environment for Aboriginal and Torres Strait Islander people and strengthen the relationships between the health system and Aboriginal and Torres Strait Islander people.

These Plans strategically outline the ways in which ACT Health will improve its operations to design and deliver health services to Aboriginal and Torres Strait Islander people living within the ACT. One example is the introduction of a mandatory *Aboriginal & Torres Strait Islander Health Impact Statement* process that seeks to ensure that for all new Territory policy and plans developed, Aboriginal health and wellbeing is taken into account and where appropriate incorporated.

Improving Aboriginal health data quality continues to be a priority. The Aboriginal & Primary Health Unit continues to work with the Registrar General's Office to improve the quality of Aboriginal identification on death registration data, a process that includes making Aboriginal identification mandatory. Additionally ACT Health continues to report against Territory and nationally agreed benchmarks for data quality and data collection process.

ACT Health works closely with a number of organisations involved in Aboriginal and Torres Strait Islander health and funds a number of programs in the Act including the following at WNAHS:

- the Aboriginal Midwifery Access Program providing antenatal and postnatal support to Aboriginal and Torres Strait Islander mothers;
- the Hearing Health Program that provides a comprehensive screening service, and a referral service for children in need of further treatment;
- the Dental Health Program which provides dental assessment and treatment services for Aboriginal and Torres Strait Islander children, youth and adults;
- the Mental Health Service which provides support to clients to facilitate access by clients to mainstream mental health services;
- the Dual Diagnosis Program involving a dual diagnosis outreach worker who coordinates the provision services with indigenous clients with a dual diagnosis of mental health and drug and alcohol issues and their families; and
- the Youth Detox Support Service providing programs for young Aboriginal and Torres Strait Islander people aged 14 through to 18 years who experience

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problems with alcohol and other drugs. This work extends to working with Aboriginal and Torres Strait Islander youth at the Quamby Youth Detention Centre (Quamby).

ACT Health has been working to develop the *ACT Corrections Health Service Plan 2007-2010* which is due for release later this year, having consulted widely including with WNAHS, ACT Corrective Services and NSW Justice Health in the process. Currently ACT Health, through the Corrections Health Program coordinates health services provided at the Belconnen Remand Centre (BRC), the Symonston Temporary Remand Centre (STRC) and Quamby. The Plan has been drawn up in preparation for major changes in the ACT's correctional system; the Alexander Maconichie Centre (AMC) will replace both BRC and STRC (as well as accommodate prisoners normally sent into the NSW prison system), and Quamby will be replaced by a new youth detention centre at Gungahlin.

Services provided by ACT Health to ACT Corrective Services include medical and dental support through WNAHS and Community Care and education programs in areas such as men and women's health, diabetes, cardiovascular and other diseases, and drug and alcohol.

With research funding, WNAHS along with government and other stakeholders has developed a draft Holistic Model for Health Care Delivery for Indigenous Prisoners for AMC.

WNAHS currently provides the following specific services to Aboriginal and Torres Strait Islander clients in the corrections system:

- weekly visits to BRC by a doctor and health worker;
- fortnightly visits to Goulburn and Cooma gaols by a doctor and health worker;
- Pharmacotherapy;
- advocacy and referral counselling services;
- court support and transport;
- youth diversion program;
- men's group;
- home maintenance program;
- parenting program; and
- anger management program.

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Human Rights Commission

The Human Rights Commission commenced operation on 1 November 2006. The Commission replaced the Human Rights Office and the Community and Health Services Complaints Commission and established a Disability & Community Services Commissioner and Children & Young People Commissioner. The Commission provides an independent, fair and accessible process for dealing with complaints about discrimination, health and disability services and services for older people and children and young people as well as promoting service improvement and developing awareness in government and the community of human rights. The Human Rights Commissioner is conducting a human rights audit of the ACT's adult correctional facilities, similar to the audit of the Quamby Youth Detention Centre (2005).

From mid-June 2007 the Commission will offer a weekly clinic at the AJC to answer enquiries about discrimination and the operation of the Commission. This will improve and support access by the Aboriginal community to the services provided by the Commission. Further information about the functions and activities of the Human Rights Commission is at www.hrc.act.gov.au or phone 02 6205 2222.

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ACT Council of Social Service

The ACT Community Sector is working to become more inclusive of Indigenous communities and to improve the cultural appropriateness of services, workplaces and forums for Indigenous consumers, workers and organisations.

Indigenous members of our community rely heavily on the provision of community services, disproportionately to their representation in the general population. To provide culturally appropriate services, community organisations must develop their ability to be inclusive, recruit and sustain Indigenous workers, and participate in networks that reach out to and into the Indigenous community.

Building trust is a two-way process and existing Indigenous networks and organisations need support to reach out to the broader community sector to gain the greatest benefit from available services for their consumers. Several existing networks have developed these links but require ongoing support to sustain them.

The ACT Council of Social Service (ACTCOSS) Indigenous Sector Development Project has three broad areas of focus: supporting individual organisations in their structures and processes; facilitating and advising community sector networks on cultural appropriateness; and, providing cultural awareness training to community sector workers, volunteers and consumers.

ACTCOSS has two identified Indigenous workers within our staff team who support the project, and who also support other ACTCOSS staff to be culturally appropriate in their work within the community sector.

For further information about the Project or about the Sector Development Work please contact ACTCOSS on (02) 6202 7200 or e-mail actcoss@actcoss.org.au

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ACT Policing

Indigenous Community Liaison Officer (ICLO)

The ICLO undertakes a wide variety of tasks including developing and maintaining a network of contacts between police and local indigenous communities in order to strengthen cooperation and communication. The ICLO provides support and encourages positive role models to enhance police/indigenous youth relationships as an effective crime prevention strategy.

Since 1998, ACT Policing has recognised the need for the services of an Indigenous Community Liaison Officer to improve relations between the police and members of the Aboriginal and Torres Strait Islander communities in the ACT. Initially, the role was to primarily liaise with the indigenous community of the ACT, and has grown to assisting in establishing and maintaining positive relationships and fostering a mutual understanding between both entities.

The ICLO is involved in a wide range of activities to aid ACT Policing strengthen its relationship with the indigenous community in the ACT. These include:

- Conducting two camps a year in the Jervis Bay region of NSW for groups of 'at risk' indigenous youth to expose young urban indigenous people to a more traditional community and lifestyle. The youth undertake a variety of outdoor activities and lifestyle experiences and are introduced to indigenous culture and traditions;
- Facilitating excursions for Indigenous youth to sporting and cultural events. This involves the ICLO and other members of ACT Policing accompanying youth on excursions in an effort to breaking down barriers between indigenous youth and police;
- Working closely with ACT Reconciliation and NAIDOC (National Aborigines and Islanders Day Observance Committee) and managing all ACT Policing participation in the ACT NAIDOC and Reconciliation activities;
- Involvement with The ACT Aboriginal Justice Centre, which is designed to provide a coordinated approach to Aboriginal and Torres Strait Islander justice programs and services in the ACT;
- Participation in the 'On Track' Program (a joint initiative of Gugan Gulwan and Narrabundah Primary School); providing an opportunity to interact with participants in a flexible alternative education program for Aboriginal and Torres Strait Islander students;
- Involvement in the Melba Indigenous Program/Refuel Program. The program is specifically designed to assist identified indigenous female students at risk to become involved in PCYC activities and the ReLink program. The Program seeks to develop their interpersonal and team building skills over a ten week program.
- The ICLO is partnered with the PCYC and supports the PCYC's ReLink program's involving indigenous youth at risk;
- Facilitating and participating in Restorative Justice conferencing involving members of the Indigenous community, involving providing input to the addressing justice issues for indigenous offenders and victims of crime;

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- Maintaining key working relationships with other external agencies and non-profit organisations to support Act Policing. These organisations focus on Indigenous social, welfare, health, family violence, education and crime prevention issues and include the Indigenous Education Board; ACSRA (Boomanulla Oval); Birrigai Outdoor School; AFP Malunggang Indigenous Officers Network; Winnunga Nimmitjiah Aboriginal Health Service; Aboriginal Justice Centre; Guga Gulwan Indigenous Youth Centre; and Quamby Remand Centre;
- Working with key stakeholders such as the Catholic Education, Birrigai Outdoor School, The National Museum, Department of Education and the Aboriginal Community Sports and Recreation Association (ACSRA) and participating in events around the Canberra Region, such as the annual ACT Student Reconciliation Day attended by over 2000 people;
- Educating police officers about the indigenous culture and encouraging them to develop a better understanding and interaction with persons of an indigenous background;
- Providing recruits and newly sworn members, as well as other operational policing areas, methods on how to improve their interaction with members of the indigenous community;

Key Stakeholders for the ICLO include:

ACT Policing
Restorative Justice Unit
Police Citizens Youth Club (PCYC)
Dept of Education and Training
Indigenous Education Unit
Winnunga Aboriginal Health Service
Guga Gulwan Aboriginal Corporation
Boomanulla Oval
Canberra Raiders
Quamby
Narrabundah Primary School
Birrigai Outdoor School

If you have any Indigenous issues or require further information regarding the ICLO contact:

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Aboriginal and Torres Strait Islander Services

As at June 2007, Aboriginal and Torres Strait Islander Services (ATSIS) within the Office for Children, Youth and Family Support (OCYFS) is progressing a number of initiatives that relate to Aboriginal and Torres Strait Islander children and young people. The following information relates to two of these initiatives.

Narrabundah House Indigenous Supported Accommodation Service (NHISA)

Narrabundah House is a supported accommodation facility providing culturally based residential and integration programs for young Aboriginal and Torres Strait Islander males, aged between twelve and eighteen years, who are at risk of entering custody or becoming homeless. This service commenced in March 2005.

The facility provides shelter in a safe, caring, and culturally sensitive environment. Residents are supported in addressing their at-risk behaviour using various strategies including linking residents to support programs available within the ACT; aiding residents at court appearances; encouraging residents to participate in cultural activities; re-engaging residents with Aboriginal and Torres Strait Islander communities; and promoting attendance in personal development programs.

In 2005-06, NHISA accommodated twenty-one young Aboriginal and Torres Strait Islander males for varying periods of time.

Integrated Service Delivery for Aboriginal and Torres Strait Islander People

In 2006-07, the ACT Government provided funds to develop a model of integrated service delivery for at-risk Aboriginal and Torres Strait Islander families. The project has a strong early intervention focus, aimed at diverting families away from the statutory systems of care and protection services and community youth justice.

During 2006-07, work has been undertaken to scope the project in more detail, establish governance structures and develop agreed processes and practice tools. The project will utilise the OCYFS Case Management Framework and ATSIS expects to begin working with identified families in late June, early July 2007.

Further information:

Neil Harwood, Director, Aboriginal and Torres Strait Islander Services, Department of Disability, Housing and Community Services (02) 6207 0497

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ACT Youth Justice

New Youth Justice Centre

The construction phase for the new youth justice centre is under way with building contractors now on site. The development of policies and reforms in regard to service delivery, operations and programs continues to occur whilst the building progresses.

Throughout the design phase of the project, the Aboriginal and Torres Strait Islander community in the ACT have been involved in consultations to inform the design of the new centre. The Aboriginal and Torres Strait Islander Service in the Office for Children Youth and Family Support have made a major contribution to the design of the spiritual space. The space is circular and incorporates design features such as open plan, natural light and outdoor areas that were said to be important to the Aboriginal and Torres Strait Islander community.

The naming of the new youth residential centre has also been an important process and will be announced by the Minister for Children and Young People, Katy Gallagher, at a naming ceremony at the site on the 2 July 2007.

In addition to the work that has been underway for the new centre, background work has been undertaken to improve the data collection and reporting processes within the youth justice area. It has been identified through this process that the previous percentages of Aboriginal and Torres Strait Islander children and young people in detention in the ACT (30-40%) actually applies to admissions not to numbers of children and young people, however when we look at the numbers of Indigenous compared to non-Indigenous children and young people in detention the figure is still high at 38% for the 2005/2006 financial year. In contrast, when taking all supervision into account, including community based orders, the percentage applying to Indigenous children and young people is 23%.

We are continuing to work to improve the data collection and reporting to ensure the accuracy of the data provided. The youth justice area in the ACT is also researching diversionary options to address the over-representation of Indigenous children and young people in the youth justice system and in particular those in youth detention. Work is also continuing on the development of policy for parents in youth detention.

Another area of ongoing work is in regard to legislative reform. The *Child and Young People Act* is currently under review and an extensive consultation process is ensuring that the new legislation complies with the *Human Rights Act* and with the recommendations from the *Royal Commission into Aboriginal Deaths in Custody*. Cultural Plans are being introduced across the Office for Children, Youth and Family Support and are currently in place in the care and protection area.

Further information:

Email: DHCSYouthDetentionCentre@act.gov.au

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Circle Sentencing

The ACT **Ngambra Circle Sentencing Court** commenced in May 2004 and has now been in operation for 3 years. It is currently only available for adult offenders. The primary objective of the Ngambra Circle Sentencing Court is to reduce recidivism of Aboriginal & Torres Strait Islander offenders. The emphasis of the community's participation is on rehabilitation, support and healing.

The Court is guided by a Practice Direction of the ACT Magistrates Court. The ACT Magistrates Court Act (Section 309 – Directions about procedure) provides a legislative basis for the use of a Practice Direction to guide its operation. A Steering Committee of stakeholders is convened by the Circle Magistrate, Magistrate Shane Madden, to discuss the progress of the Circle. The Magistrates Council may consider amendments to the Practice Direction by way of a written submission.

In 2005/06 the ACT Government committed \$100,000 recurrent funding for 5 years to the Court's operation. The funding is a contribution to a Co-ordinators salary and the costs associated with convening the Court. The Court convenes at various times on a Wednesday morning at the Aboriginal and Torres Strait Islander Cultural Centre at Yarramundi Reach if the offender is on bail and in a hearing room at the Court if the offender is in custody.

Since the Court began in May 2004, it has sat on 46 occasions and dealt with 32 offenders. As at the end of June 2007, 5 offenders are pending consideration by the Elders panel.

The majority of offenders before the Court are for offences relating to domestic violence attributable to long-term alcohol and drug abuse. Other offences relate to traffic matters and minor assault. The offenders must plead guilty to the offences and be prepared to submit to a panel of elders who recommend an appropriate sentence commensurate with the gravity of the matter to the presiding Magistrate. There is a screening process by an Elders Panel to assess the suitability of the offender appearing before the Circle Court.

Given the nature of the proceedings, the Court is highly intensive and a session lasts for 2-3 hours with the Elders panel gaining an understanding of the offender's behaviour. The new sentencing legislation introduced in the ACT in June 2006, the *Crimes (Sentencing) Act 2005* and the *Crimes Sentencing Administration Act 2005* enables the Elders Panel to recommend combination sentences which may link the offender to appropriate programs and support.

The success rate outweighs the failures in terms of recidivism and whilst intensive longitudinal studies have not been undertaken in the ACT, it is thought that the Circle has a 75% success rate. The Circle process promotes the offender taking responsibility for their actions with the support of the community. It improves the chances of rehabilitation and 'healing' by the offender.

Further information:

Michelle House, Coordinator NCSC, ACT Magistrates Court (02) 6217 4255

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Provision of Women's Legal Services

No contribution to this report at this point.

Police Consultative Board

No contribution to this report at this point.

<http://www.jcs.act.gov.au/pcb/index.htm>

ACT Aboriginal and Torres Strait Islander Representative Body

As part of the October 2004 ACT election process, the ACT Chief Minister publicly announced support for the establishment of a democratically elected Aboriginal and Torres Strait Islander representative body for the ACT

Earlier in 2006, the *Aboriginal and Torres Strait Islander Community Consultative Council* conducted a series of community consultations with the local Aboriginal and Torres Strait Islander community on the structure of a possible representative body. The results were documented in a report presented to the Chief Minister in April 2006.

In accordance with the policy direction provided prior to 1 July 2006, the Government Solicitors Office (GSO) set about to adapt the *Associations Incorporations Act 1991* to enable the Aboriginal and Torres Strait Islander people of the ACT to elect a representative body.

Both the GSO and the Office of Aboriginal and Torres Strait Islander Affairs undertook considerable work to adapt the provisions of the *Associations Incorporations Act 1991* to accommodate the representative body.

A number of complex issues arise in relation to tailoring a representative body to meet the Government's objective, the expectations of Aboriginal and Torres Strait Islander people, and being consistent with the *Associations Incorporations Act 1991*. The issues include: membership, the objects, the name of the corporation, the committee, the elections and the title of President.

Given the complexity in adapting the *Associations Incorporations Acts 1991*, and consistent with the views expressed by the Aboriginal and Torres Strait Islander community during the consultations supporting a legislated outcome, it is proposed that consideration be given to the elected body being established under its own legislation.

It is proposed that the ACT Government consider that new legislation be drafted with the following features, among others:

- an election of seven candidates held every three years;
- the role of the elected body will be prescribed, including its ability to call Chief Executives of ACT Government agencies to discuss issues of interest;
- the responsibilities of each elected member will be prescribed;
- the relationship between the elected body and the Traditional Owners will be prescribed;

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- the whole of the ACT will constitute one electorate for the elections;
- the election timetable will be prescribed as will procedures for calling for nominations and for an election, details about eligibility to vote, voting and the voting process, including the appointment of scrutineers;
- procedures for disputes and casual vacancies will be included; and
- details of the process for ascertaining the results in a multi-member election will be included.

It is important that members of the local Aboriginal and Torres Strait Islander community are comfortable with the proposed legislation. To this end, it is proposed that further consultation be undertaken with members of the local Aboriginal and Torres Strait Islander community on the proposed draft legislation later this year.

Next Steps

It is proposed that the ACT Government consider the option of proceeding with new legislation to establish the new elected body by 1 July 2008.

Subject to approval by the ACT Government to proceed, new legislation is drafted by October 2007 and a process of community consultation is undertaken in November 2007. It is anticipated that the new legislation be tabled in December 2007 and an election be held in early May 2008 with the new elected body meeting on 1 July 2008.

Further Information Maurice Walker, Acting Manager Office for Aboriginal and Torres Strait Islander Affairs, (02) 6205 3639

<http://www.dhcs.act.gov.au/community/ATSIA/consult.html>