

**Speaking Notes – NSW Attorney General**  
**Aboriginal Justice Issues in NSW**  
**SCAG HOBART**

In NSW, as in the rest of Australia, the picture of Aboriginal incarceration is not positive. However we do have some good news and we are starting, for the first time in many decades, to see our trends begin to change.

*Facts and figures – positive trends*

During 2006 there were just over 2500 Aboriginal people sentenced to prison in NSW. Aboriginal people are about 16% of all prison inmates in our state. This number is still too high. However we do see some very positive trends.

In the last five years we have seen a drop in the number of Aboriginal people convicted in a NSW court from 14,400 in 2001 to just over 13,800 last year. Most encouraging of all over the last five years in NSW we have seen a steady decline in Aboriginal arrest rates of just under 10% - from 20,000 people on 2001 to just over 18,000 last year. It shows that the effort we have made is starting to pay off. There is still some way to go, especially in bringing prison numbers down, but at least it seems we are getting there.

On the important issues of deaths in custody I am pleased to note that the rate of Aboriginal deaths in prisons in NSW is slightly lower than for non-Aboriginal inmates 1.2 compared to 1.4. When,

sadly, Aboriginal people do die in custody in NSW, it is now overwhelmingly from health related problems, not self-inflicted harm. This is a significant improvement and reflects the success of a major amount of effort that has occurred in our state, especially in the management of prisons, since the royal commission made its findings.

### *New ways of dealing with aboriginal offending*

The NSW Government has implemented a number of innovative programs to deal with Aboriginal offending. We are working in a number of ways - from looking at how we structurally engage Aboriginal people in real decision making, to improved service provision, to directly tackling crime in Aboriginal communities.

In recent years we have seen a real cultural shift in dealing with Aboriginal justice problems, especially in our courts. Instead of the traditional approach of imposing expensive and non-sustainable programs on Aboriginal communities, we are actively looking at ways in which we can structurally reform the way we administer justice, especially at a local community level.

This approach allows local Aboriginal people to play real decision making roles and to take greater control of resolving their own local crime problems. This approach means that we build on the already existing strengths of local Aboriginal communities. Instead of continually adding new programs that become overly expensive and burdensome, we are thinking differently about what we already do, and in this way we can make far greater substantive

change in the administration of justice and in the lives of local Aboriginal people. I'll provide a few examples of how we are doing this.

### *Circle sentencing*

The best known of these efforts is the Circle Sentencing Program in NSW. Our circle sentencing courts have become the basis of a fundamental structural shift in the way we deliver justice to local Aboriginal communities. These are not new or additional courts, but are simply a more effective and innovative way of operating our traditional court systems for Aboriginal offenders. Circle Sentencing is aimed at more serious offences in the local court and usually involve Aboriginal defendants with long criminal histories and often numerous previous prison experiences.

Through this process local Aboriginal people directly control who comes before a circle court, they control the local process and operations of the circle, and through the court itself they work directly with the magistrate to hold offenders accountable for their actions and to develop effective and appropriate local sentences for Aboriginal offenders. We have dealt with over 150 offenders through this process. The program operates in 9 locations, including Sydney, and will be dealing with more than 100 offenders a year.

### *Juvenile circle, care circle and Koori Court pilots*

We have learned much through this process of engaging local Aboriginal people in judicial decision-making and we'll be extending that knowledge to 2 other important areas this year. We'll be testing a juvenile circle court model with the aim of reducing repeat offending among young Aboriginal people. And will also be testing a "care circle". This model will test how we can allow Aboriginal communities to be directly involved in making decisions in children's care and protection courts on the future placement and treatment of at risk Aboriginal children. We will also be working with our Victorian colleagues this year to develop a Koori court in NSW. Our ultimate goal is to have a number of options available to magistrates and communities in dealing with Aboriginal crime that will allow them to choose the most appropriate option, both for the offender and the nature of the crime.

### *Intensive court supervision program*

In further learning from these approaches we have recently tested an intensive court supervision program in two of the more remote NSW communities of Bourke and Brewarrina. These towns are isolated, have high crime rates, and often lack the basic service infrastructure needed to address the causes of offending.

This approach involves the magistrate and the community identifying problems behind a young persons offending behaviour and working together to attempt to develop ongoing support to

assist that young person to break the cycle of their offending. Through this process the community and the magistrate jointly meet with the young offender on an ongoing basis to track their progress and to provide assistance and support to them. A recent evaluation of the program showed it to be worthwhile and we are currently looking to run it in other similar areas. This is another example of how, rather than inventing new programs we are structurally changing the way we administer courts to allow local Aboriginal people to play real decision making roles in the administration of justice in their own areas.

### *Local Aboriginal Community Justice Groups*

Building further on engaging local Aboriginal people we have now established a number of Local Aboriginal Community Justice groups in NSW. Aboriginal Community Justice Groups are representative groups of Aboriginal people who come together to develop solutions to crime and offending problems in their communities. The establishment of these groups provides a real role for Aboriginal communities in the administration of justice. These groups are now prioritising the types of crime that are concerning their community members and working with the government to implement strategies to tackle those crimes. Importantly they are also starting to work with courts and will be directly involved in advising courts on bail and sentencing for Aboriginal people. We are now also seeing these groups working with police. For example, they are in many instances delivering cautions to young offenders, where those cautions would have been traditionally delivered by police officers. More and more

through these processes we are directly engaging local Aboriginal communities in administering justice to their own community members.

*Intervening with “at risk” young men – Tirkandi Innaburra*

We are also testing a new approach to dealing with Aboriginal juveniles before they become involved in the criminal justice system. The Tirkandi Innaburra (tir-kan-di in-a-burra) centre, which is located in the Riverina, is a unique partnership between the NSW Government and the local Aboriginal community and houses up to 16 young men at any given time. Tirkandi Innaburra is for young Aboriginal males aged between 12 and 15, who have potential but are just starting to "get into trouble" or showing signs of being at risk of contact with the criminal justice system. They come from communities located between the Lachlan and the Murray Rivers and between Balranald and the western side of the Blue Mountains. These young people are referred to the center by local services and directly by the communities themselves if they are concerned one of their young people is starting to get into trouble.

The centre provides educational, vocational and cultural programs to improve participant's health, learning outcomes and cultural identity, and accepted its first participants in January 2006.

Since opening 35 Aboriginal boys have graduated from the centre. Only one has since offended and all but one are engaged in education or employment.

Tirkandi Inaburra has implemented a program made up of a range of activities designed to incrementally build educational, vocational and living skills, and strengthen cultural identity. Cultural aspects are woven throughout each activity. All graduates are supported through an exit plan and mentoring programs on return to their communities.

Evaluation of the Centre is underway. This term's participants and their families will be involved in the evaluation process while at the centre and for the following year to assess the impact of the program. The evaluation is due for completion in 2008.

### *Aboriginal Community Patrols*

Our Aboriginal Community Patrols program manages community-based services that operate a safe transport and outreach service for young Aboriginal people who are on the streets late at night.

The overall aim of patrols is to reduce the risk of people becoming involved in criminal and anti-social behaviour, either as potential victims or offenders. Patrols operate late at night when other support services are not available and are known locally as Night Patrols or Street Beats. We operate these services in 14 locations where there are high rates of Aboriginal juvenile offending, both to increase the safety of those young people and to reduce the likelihood they will commit a crime. Most patrols are engaging between 15 – 25 clients per shift.

Evidence indicates that patrols can have reduced, malicious damage to property, vandalism, alcohol related violence street and minor theft offences. Again these services are operated and managed by those communities themselves and work locally with police to set their direction, routes and operating times to ensure they are responding to local problems in real time.

### *Conclusion*

Through these various efforts we have more than 500 local Aboriginal people directly involved in making decisions that affect the administration of justice in their local communities. It is through this more flexible and sustainable approach that I believe we are starting to see some real change.