

NSW Aboriginal Justice Plan



Beyond Justice 2004 - 2014



NSW
Aboriginal Justice
Advisory Council





Cover painting: **Douglas Pearce**

Douglas Pearce, along with several other inmates at Long Bay Gaol, were invited to submit a painting that described their experiences with the criminal justice system as well as their interpretation of what the NSW Aboriginal Justice Plan hopes to achieve.

Douglas has called the painting **Behind Bars** and he explains:

“There are two figures trapped and feeling hopeless in jail.
The little figures around the outside are babies waiting to be born.
I hope that after they are born they won't be behind bars.
The dots are the tricky paths in life.
Make sure you pick the right path.”

Published in Sydney by NSW Aboriginal Justice Advisory Council
Level 6, 8 - 12 Chifley Square
Sydney NSW 2000
www.lawlink.nsw.gov.au/ajac/publications
Printed February 2005
ISBN: 0 7347 28107
Online
ISBN: 0 7347 2811 5
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**NSW
Aboriginal Justice
Advisory Council**



A NSW GOVERNMENT INITIATIVE

Graphic Design and Artwork Production
Chris Fowler | www.cfp.net.au

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Acknowledgement

The Aboriginal Justice Advisory Council (AJAC) would like to thank the many people who have been involved with and supported the development of the Aboriginal Justice Plan. Most importantly, our thanks to the Aboriginal people themselves who made time to attend the community forums (September to October 2002) and regional summits (February to March 2003), held across NSW.

We would like to thank:

- › Members of the Aboriginal Justice Plan Taskforce, including representatives from the Aboriginal Health & Medical Research Council of NSW, Aboriginal Education Consultative Group, Coalition of Aboriginal Legal Services, the elected arm of ATSIC and the ATSIC State Policy Office, NSW Aboriginal Lands Council, Local Government and Shires Association, Aboriginal Housing Board, the Chairpersons of the Human Services and Criminal Justice System, Chief Executive Officers, advisers to the Ministers for Aboriginal Affairs and Juvenile Justice and the Attorney General.
- › Our partners of the Aboriginal Justice Plan Reference Group, which comprised approximately 50 representatives drawn from government and non-government sectors, civil society organisations, other Aboriginal community organisations and academic institutions.
- › Representatives who participated in Issues-Based Working Groups (IBWG), such as the AJP Discussion Paper IBWG, the Strengthening the M.I.S.S.I.N.G Links IBWG and the Legislative Opportunities for the AJP IBWG.
- › The Aboriginal Justice Advisory Council Regional representatives.
- › Our young people on the NSW Aboriginal Youth Justice Advisory Network.
- › The many policy officers across government agencies.
- › Frontline service providers such as police, Department of Community Services workers, Aboriginal Education Assistants, youth workers and local councils.
- › Staff of the AJAC Executive Unit.

Special thanks is warranted to the following people:

- › The Hon. Bob Debus, NSW Attorney General
- › Carmen Parter and Scott Hawkins, AJP Project Team
- › Brendan Thomas, Executive Officer, AJAC
- › John Feneley, Assistant Director General, Attorney General's Department
- › Maureen Tangney and Carolyn Marsden, Legislation and Policy Division, Attorney General's Department
- › John Sampson, Departmental Spokesperson, Attorney General's Department
- › Nichole Hertogs and Alastair McConnachie, Ministerial Advisers to the Attorney General.

THANK YOU

NSW Aboriginal Justice Advisory Council



MARCH ACROSS SYDNEY HARBOUR BRIDGE FOR THE RECONCILIATION COROBOREE 2000 | RICK STEVENS | FAIRFAX PHOTOS

Foreword

The **NSW Aboriginal Justice Plan** presents an opportunity to make substantial inroads into addressing the deep causes of crime in Aboriginal communities across the State.

For the first time top down community consultation was replaced by ground up community negotiation. Aboriginal people, assisted by the Aboriginal Justice Advisory Council (AJAC), have led the development of the Plan using their direct and equal voices to drive the agenda. This extensive negotiation is the cornerstone of the Plan. Communities found themselves inspired to focus on restoring cultural practices amongst children, young people and adults. They have welcomed the opportunity to take responsibility for reconciliation by shaping programs and services that will promote healing within their communities.

In all, 60 Government and non-Government agencies and more than 700 Aboriginal community members have had direct involvement in the Aboriginal Justice Plan.

The final Plan has the endorsement of the NSW Criminal Justice CEOs Group, the Human Services CEOs Group and the Cabinet Committee on Aboriginal Affairs. This level of consensus has been brokered by the hard work of the Aboriginal Justice Plan Taskforce to ensure a unified approach to reducing Aboriginal over-representation in the justice system.

Over the last decade it has become increasingly apparent that to reduce the tragic over-representation of Aboriginal people in NSW prisons we must deal with the underlying causes of crime and incarceration.

For too long we have regarded crime and Aboriginal incarceration in isolation, without appreciating the reality of the intertwined strands of everyday Aboriginal life: an unequal status in terms of health, housing, education, employment, income and justice. It is clear that criminal justice agencies alone cannot overcome all of these social ills.

The Plan replaces fragmented policy approaches to Aboriginal justice with a coordinated response based on strong partnerships between Government and Aboriginal communities.

For Government, the development of the Aboriginal Justice Plan meant listening to the needs of Aboriginal people. Agencies were asked to look critically at their interactions with Aboriginal people; to realign services; and to reassign resources. On each occasion they have risen to the task, taking action to improve existing programs and to renew their focus on practical and effective local solutions.

We cannot pretend that the path laid down by the **Aboriginal Justice Plan** will be other than challenging. To be successful, we must deliver equal access to services and programs for both Aboriginal and non-Aboriginal people. We must ensure Aboriginal people's rights and responsibilities are respected, and that Government learns better ways to respond to Aboriginal needs.

Only a cooperative response by Government and communities can hope to make progress in overcoming Aboriginal economic, social and political disadvantage. We are confident that the **Aboriginal Justice Plan**, implemented through the NSW Aboriginal Affairs Action Plan **Two Ways Together**, is just such a response.

The **NSW Aboriginal Justice Plan** affirms the Government's commitment to true reconciliation by directing where and how work can be done to resolve underlying issues in Aboriginal justice. The Plan provides the foundation for the relationship between government and Aboriginal communities over the next decade. We welcome the release of the **Aboriginal Justice Plan** and look forward to continued partnerships between Aboriginal communities and the NSW Government.

Bob Carr
Premier

Bob Debus
Attorney General

Lennie Frail
**Chair - Aboriginal Justice
Advisory Council**

Bobbi Cattermole
**Chair - Aboriginal Youth
Justice Advisory Network**





ABORIGINAL AND AUSTRALIAN FLAG | ANDREW TAYLOR | FAIRFAX PHOTOS

Introduction

The 1991 Royal Commission into Aboriginal Deaths in Custody (RCIADIC) completed the most extensive inquiry in Australian history into Aboriginal involvement within the criminal justice system. The Commission made 339 recommendations aimed at reducing the number of Aboriginal people coming into contact with the criminal justice system. The Commission's recommendations provided an important early blueprint for dealing with the problem of Aboriginal over-representation.

Over a decade after the Royal Commission, the number of Aboriginal people in NSW prisons has continued to increase. Currently Aboriginal people comprise approximately 1.9% of the NSW population, however, they constitute approximately 19% of adult male prisoners in NSW gaols¹. Approximately one in every three women in prison is Aboriginal². Aboriginal young people are also over-represented as they comprise between 39% and 47% of all juveniles in detention in NSW³.

Not only are Aboriginal people over-represented as offenders but the number of Aboriginal people who are victims of crime is also serious. Data provided by the Bureau of Crime Statistics and Research found that Aboriginal people were the victims in approximately 9% of all common assaults and 14% of all assaults occasioning grievous bodily harm in NSW⁴.

In 1997 a National Indigenous Deaths in Custody Summit was held to examine strategies to reduce the increasing imprisonment rate of Indigenous people across Australia. At that summit each State and Territory government agreed to develop a comprehensive Aboriginal Justice Plan and agreed that these plans would focus on specific justice issues as well as the underlying causes of offending in Aboriginal communities. Specifically the summit agreed that each Aboriginal Justice Plan would address underlying social, economic and cultural issues, justice issues, customary law, law reform and funding levels. The Plan would also include planning mechanisms, methods of service delivery and, mechanisms for monitoring and evaluation.

The NSW Government agreed that the Aboriginal Justice Advisory Council (AJAC) would lead the develop-

ment of the NSW Aboriginal Justice Plan. The Plan is unique as Aboriginal communities have led its development involving 18 months of extensive Aboriginal community negotiations and widespread consultation with NSW and other government agencies. Public submissions have been called for on three occasions in the Plan's development. Fourteen Aboriginal community meetings were held across NSW and a further six Aboriginal Justice Plan regional summits were held to develop the Plan's content and structure. In all more than 700 Aboriginal people and all major NSW government agencies have been directly involved in the ongoing development of the NSW Aboriginal Justice Plan.

The Aboriginal Justice Plan focuses more broadly than on the criminal justice system alone. It provides for significant activity to ensure the justice system works effectively for both Aboriginal victims and offenders, while also tackling those factors that can be clearly linked to offending in Aboriginal communities.

Recent research identifies clear linkages between poor education levels, housing conditions, unemployment, family disruption, alcohol consumption, long-term health problems and Aboriginal involvement in the criminal justice system. By targeting these specific problems, the Aboriginal Justice Plan aims to reduce the likelihood of Aboriginal people becoming involved in the criminal justice system.

During the Plan's development, Aboriginal communities highlighted these issues and strongly urged that resources be directed towards early intervention and prevention activities, particularly those targeting the needs of Aboriginal children, young people and their families.

Communities stressed that these activities should apply a holistic, family and cultural approach. They also wanted to have the resources to address their issues themselves and heal their communities. They said, for example, that tackling generations of grief and trauma is a necessity when addressing the many social problems. As one elder said:

“We need to reclaim our roles and address the inner conflict around identity, the anger that is present in our people from generations of oppression ... we are all hurting ... we need a lot of healing as a community ... we need to reclaim our roles as men and women, as fathers, mothers, brothers and sisters, aunties and uncles being returned to communities as a means of restoring community and family cohesion”.

The Aboriginal Justice Plan also aims to squarely place Aboriginal people at the centre of defining and resolving their own problems. It will achieve this by man-

aging and implementing the Plan at a local level through structures that engage and empower Aboriginal communities in the justice system and in preventing crime in their communities. Clear evidence-based research in Australia and overseas has shown that those efforts that aim to empower local Aboriginal people and provide their communities with the real authority to make decisions have the greatest potential for immediate and long-term success in reducing Aboriginal crime.

The Aboriginal Justice Plan, through its goals, principles and strategic actions, will lead government agencies to engage and negotiate with Aboriginal communities in decision-making processes. It provides overall leadership and coordination in directing our efforts in reducing the over representation of Aboriginal people in the criminal justice system and in making Aboriginal communities safe places.

¹ ABS (2002) 2001 Census, ABS, Canberra

² Lawrie, R (2003), *Speak Out Speak Strong*: Researching the Needs of Aboriginal Women in Custody, NSW Aboriginal Justice Advisory Council, Sydney.

³ Monthly data from the Department of Juvenile Justice covering the period August 2001 to April 2002.

⁴ Bureau of Crime Statistics & Research, Data Request

⁵ Hunter, B. (2000) Factors Underlying Indigenous Arrest Rates, Bureau of Crime Statistics & Research

⁶ Cunneen, C. (2001) *The Impact of Crime Prevention on Aboriginal Communities*, NSW Crime Prevention Division and Aboriginal Justice Advisory Council, Sydney.

The 10-year plan

Goals

The Aboriginal Justice Plan's goals are to:

1 *Reduce the number of Aboriginal people coming into contact with the criminal justice system* in its entirety – for offenders, Aboriginal victims of crime and the broader Aboriginal community.

2 *Improve the quality of services* for Aboriginal people. This aspect applies to all services offered by the Government to Aboriginal people, with the specific aim of redressing the factors that lead to offending by improving the quality of services and ensuring that they are responsive to the needs and aspirations of the Aboriginal community.

3 *Develop safer communities* by recognising that the majority of victims of offences committed by Aboriginal people are other Aboriginal people and that many offences are not reported through the criminal justice system. It recognises that there is a clear desire among Aboriginal communities to resolve their own crime and offending problems and for communities themselves to work together to improve their own safety and the safety of others.

The 10-year plan

Principles

The implementation of the Aboriginal Justice Plan is underpinned by a set of *principles* that will guide decision-making. The principles are:

- 1** As Aboriginal people understand their own problems and issues, they are best placed to find innovative ways to address them.
- 2** The significant cultural diversity among NSW Aboriginal communities will be recognised and respected, along with their differing needs being acknowledged.
- 3** Connection to culture and family and the wider Aboriginal community is an essential component of protecting and supporting all members of the community.
- 4** The responsibility for addressing the underlying causes of crime in Aboriginal communities is shared by Aboriginal communities, governments and the broader community.
- 5** The provision of improved access to opportunities and services for Aboriginal people promotes choices that reduce the likelihood of their contact with the criminal justice system.
- 6** The negative impact of past government policies, practices and philosophies on Aboriginal people will be recognised and acknowledged.
- 7** Aboriginal people have an inherent right to equality before the law, a right to self-determination and a right to live free from discrimination.

The 10-year plan

Strategic Directions

The Aboriginal Justice Plan comprises seven *strategic directions*, each of which clearly describes an area of action to be undertaken through the Plan.

They are:

- 1 Aboriginal children
- 2 Aboriginal young people
- 3 Community well-being
- 4 Sustainable economic base
- 5 Criminal justice system
- 6 Systemic reform
- 7 Leadership and change

Each of the strategic directions contains a clearly stated *objective* and a set of *strategic actions* that will lead existing or new work of government and communities in that area. The strategic actions indicate the types of approaches desirable to achieve the Aboriginal Justice Plan's goals. Each of the strategic directions is further described in the following sections of the Plan.



CHILDREN FROM THE MATRAVILLE SOLDIERS SETTLEMENT PUBLIC SCHOOL AT THE OPENING OF THE CADI JAM ORA GARDEN IN THE BOTANICAL GARDENS IN SYDNEY ON 26 JULY 2001. THE DISPLAY TELLS THE STORY OF THE CADIGAL PEOPLE, THE TRADITIONAL ABORIGINAL OWNERS OF THE SYDNEY CITY AREA | BRENDAN ESPOSITO | FAIRFAX PHOTOS

Strategic Direction 1: Aboriginal Children

Objective: Provide Aboriginal children with the best start in life by supporting their early childhood development, growth and schooling and giving attention to needs of their carers and families.

Strategic Actions

- | | |
|---|---|
| <p>1 Build the capacity, self-worth and resilience of Aboriginal children.</p> | <ul style="list-style-type: none"> ➤ Increase the number of Aboriginal children (0-3 and 3-5 years old) in early childhood activities through programs that aim to support their growth and development. ➤ Improve Aboriginal children's participation and involvement in organised sport, art and community activities by further developing programs that support their growth, development and citizenship skills. ➤ Develop Aboriginal children's pride and self-worth by establishing initiatives that use Aboriginal people (particularly elders) to teach the children about their culture. |
| <p>2 Improve the quality of health services for Aboriginal children.</p> | <ul style="list-style-type: none"> ➤ Work with Aboriginal families (and their extended families) to improve their ability to manage their children's health through an education and information strategy that develops their knowledge and skills about child health needs and available support services. ➤ Reduce low birth weight and high death rates among Aboriginal babies through specific services and educational activities that ensure Aboriginal mothers have a thorough understanding of the need for care whilst pregnant. ➤ After birth, improve access to culturally acceptable early intervention and assessment services that aim to improve the health and well being of mothers and babies by providing support, information and referral to other services. ➤ Reduce Aboriginal children's hospital admission rates by improving access to holistic services that provide support to carers. |
| <p>3 Create safe households for Aboriginal children.</p> | <ul style="list-style-type: none"> ➤ Recognise Aboriginal family and kinship structures in legislation, policy and programs, where appropriate. ➤ Ensure that child protection policy and practices actively engage Aboriginal communities and utilise Aboriginal family and kinship structures as a matter of priority. ➤ Develop strategies to reduce the incidence of child sexual assault, physical abuse and neglect in Aboriginal communities. ➤ Improve support and counselling mechanisms for Aboriginal Children who have experienced sexual assault, violence or neglect. ➤ Support community run programs that aim to empower Aboriginal children (and others) to break the silence on sexual abuse. ➤ Strengthen and recognise Aboriginal extended family structures by increasing the proportion of Aboriginal children placed in extended families (Aboriginal kinship placements). |

Strategic Actions

4 Improve quality of health services in school for Aboriginal children.

Address specific health issues known to directly affect the learning capacity of Aboriginal children, including:

- › Improving nutritional intake of Aboriginal children at school;
- › Reducing hearing impairment caused by middle ear infection (Otitis Media) amongst Aboriginal children (0-14 years of age); and
- › Reducing the occurrence of dental caries amongst Aboriginal primary school children.

5 Reform the education system to meet the needs of Aboriginal children.

Directly engage local Aboriginal communities in developing programs to:

- › Improve pre-school and primary literacy and numeracy skills of Aboriginal children;
- › Develop learning styles and teaching techniques that meet the unique cultural and educational needs of Aboriginal children.
- › Increase Aboriginal children's attendance at school through actively involving Aboriginal families, and extended families in school based student support.

6 Build the capacity, self-worth and life skills of Aboriginal children's carers.⁷

- › Improve parenting, budgeting and conflict resolution skills amongst Aboriginal families through the development and implementation of Aboriginal family strengthening strategies.

⁷ A carer, within the context of the Plan, includes mothers and fathers, aunties and uncles, and grandparents or other members of the extended or kinship family structure who have primary responsibility for an Aboriginal child.

Strategic Direction 2: Aboriginal Young People

Objective: Build the skill capacity, self-worth and resilience of Aboriginal young people to create healthy young individuals.

Strategic Actions

- 1 Create vibrant and functioning young Aboriginal people.**
 - › Improve Aboriginal young people's participation in organised sport, art and community activities.
 - › Develop community managed programs for young Aboriginal people at risk of offending, that provide rehabilitation, cultural healing and personal development services.
 - › Develop strategies to address Aboriginal youth suicide and self harm.
 - › Reduce the number of homeless young Aboriginal people by reshaping programs and services that provide access to quality housing.
 - › Develop state-wide strategies to reduce family violence in Aboriginal communities.
- 2 Build the knowledge base of young Aboriginal people's understanding about their legal rights and obligations.**
 - › Improve Aboriginal young people's knowledge of their rights under the criminal, civil and family law, through targeted information and education strategies.
- 3 Support Aboriginal young people to maximise education and employment opportunities.**
 - › Engage Aboriginal communities to work with schools and develop learning styles and teaching techniques that meet the cultural and educational needs of young Aboriginal people to ensure their outcomes are equal to those of non-Aboriginal young people.
 - › Support young Aboriginal people's employment opportunities through specific Aboriginal transitional programs (vocational education training school programs) from school to work.
 - › Support young Aboriginal people to continue their education through specific programs for transition from school to entry into all forms of higher education.

Strategic Actions

4 Improve quality of services to Aboriginal young people to meet their specific needs.

- › Actively improve the quality of health services to young Aboriginal people through initiatives that address the special needs of young Aboriginal people.
- › Establish services to specifically meet the mental and emotional health needs of Aboriginal young people, particularly throughout adolescence.

5 Reduce the over-representation of young Aboriginal people in the criminal justice system.

- › Examine options for Aboriginal community-based sanctions for young Aboriginal people who commit criminal offences.
- › Improve Aboriginal young people's knowledge of their rights to services, particularly in relation to contact with the police.
- › Develop Aboriginal crime prevention strategies that specifically provide for young Aboriginal people.
- › Consider community-based policing programs to provide Aboriginal young people with full access to all interventions under the **Young Offenders Act**.
- › Examine options for community-based and operated programs that aim to provide new sentencing options as alternatives to custody.
- › Ensure access to sexual assault counselling services for young Aboriginal people held in detention centres.
- › Analyse educational and training needs of Aboriginal young people in detention.
- › Conduct ongoing yearly reviews of services to young Aboriginal people in detention.
- › Examine family and community-based bail support and accommodation mechanisms and programs.
- › Consider introducing specific transitional programs for young Aboriginal people in the criminal justice system to facilitate their return to their community as well as access to education and training.
- › Improve access to services for young Aboriginal people who are victims of crime, specifically violent crime.

Strategic Direction 3: Community Well-Being

Objective: Create safe and strong Aboriginal communities by minimising the factors that contribute to offending and maximising the factors that bring healing to Aboriginal communities.

Strategic Actions

- 1** Build the skill capacity, self-worth and resilience of Aboriginal women and men to create strong functioning families.
 - › Incorporate specific actions to provide for the social and health needs of Aboriginal women and men in Aboriginal family strengthening strategies (refer to SD1: Aboriginal Children).
- 2** Support local Aboriginal communities to develop early intervention and prevention programs, targeted specifically at underlying causes of offending in their communities.
 - › Develop Aboriginal crime prevention strategies that actively support local Aboriginal communities to develop and implement their own solutions to their identified crime problems.
 - › Design and deliver regionally-based services and interventions that help to address the identified root causes of disadvantage and offending behaviours in Aboriginal communities.
 - › Develop approaches to Aboriginal dispute resolution that aim specifically to resolve family and community disputes.
- 3** Build Aboriginal communities' knowledge and understanding about their legal rights and obligations.
 - › Improve Aboriginal people's knowledge of their rights under criminal, civil and family law, through targeted information and education strategies.

Strategic Actions

- | | |
|--|---|
| <p>4 Improve quality of health services to Aboriginal people</p> | <ul style="list-style-type: none"> › Develop mental health strategies that meet the identified needs of Aboriginal communities and provides accessible services for Aboriginal people, particularly those in remote parts of NSW. › Incorporate the needs of Aboriginal people serving community sentences into policy, planning and funding programs dealing with alcohol and drug abuse in Aboriginal communities. › Incorporate the disability needs of Aboriginal people into policy, planning and funding programs. |
| <p>5 Improve quality and appropriateness of housing for Aboriginal communities.</p> | <ul style="list-style-type: none"> › Review standards for the design of housing for Aboriginal people that meet the structural and cultural needs of Aboriginal people, including their extended families. › Improve Aboriginal access to mainstream housing. › Improve the condition of housing for Aboriginal households to meet the agreed Aboriginal Housing Office standards. |
| <p>6 Improve environmental health of Aboriginal communities.</p> | <ul style="list-style-type: none"> › Further improve water and sewage system quality in Aboriginal communities . › Improve waste disposal and collection in Aboriginal communities to meet environmental health standards. › Improve road access to Aboriginal communities. › Improve access to reliable energy sources. › Incorporate the principles of crime prevention through environmental design into urban design and planning, including that of local government. |
| <p>7 Improve the safety of Aboriginal people in their home and social environments.</p> | <ul style="list-style-type: none"> › Develop strategies to reduce the incidence of inter-personal violence in Aboriginal communities. |
| <p>8 Work with Aboriginal communities to reduce substance misuse amongst Aboriginal people.</p> | <ul style="list-style-type: none"> › Develop a resource program to support Aboriginal communities' ability to deliver localised solutions for substance abuse. › Examine mechanisms for Aboriginal people to directly control the supply of alcohol and other substances to their communities. |

Strategic Direction 4: Sustainable Economic Base

Objective: Engage Aboriginal communities in the broader economy and generate employment, education and training opportunities that create a sustainable economic base for Aboriginal people.

Strategic Actions 4

1 Create strong labour markets, particularly in economically depressed communities.

- › Work with Aboriginal communities to develop alternative economic models that aim to provide a sustainable living wage for Aboriginal people.
- › Explore mechanisms for Aboriginal communities to use their Aboriginal owned land as security to raise capital and/or negotiate joint business ventures.
- › Build partnerships between local governments, Aboriginal communities and the business sector to develop localised joint business ventures.
- › Invest in the growth of Aboriginal community enterprises to develop formal agreements and joint venture arrangements with the private sector consistent with Budyari Ngalaya: First Peoples Business Partnerships.
- › Build on joint National Park management arrangements with Aboriginal communities.
- › Develop basic levels of knowledge amongst Aboriginal enterprises of the legal aspects of economic development including corporation law, employment law, consumer law and environmental law.
- › Extend partnerships to engage Aboriginal people in conservation, tourism and land management enterprises.
- › Encourage government agencies to engage community organisations to deliver services to Aboriginal people, particularly in rural and remote areas with poor service delivery infrastructure.

2 Reduce unemployment rates and increase household and individual income and assets amongst Aboriginal people.

- › Increase the number of Aboriginal people graduating with an academic, technical or professional qualification to a level equivalent with non-Aboriginal people.
- › Improve the number and industry type of sustainable Aboriginal enterprises, both community owned and privately owned.
- › Deliver skill building initiatives and training schemes in areas of professional and business activity.
- › Increase the employment rate of Aboriginal people in government agencies to better reflect their Aboriginal client base.
- › Encourage the engagement of Aboriginal businesses in government contracts.
- › Promote government policy that capital works construction occurring within or near an Aboriginal community must engage that community in planning and employment.
- › Work with local governments and chambers of commerce to develop culturally competent and responsive Aboriginal employment initiatives in towns with a significant Aboriginal population.

Strategic Direction 5: Criminal Justice System

Objective: Create a justice system that openly engages Aboriginal communities to reduce offending and the over-representation of Aboriginal people and responds to the needs of Aboriginal communities.

Strategic Actions

- | | |
|---|---|
| <p>1 Improve Aboriginal community trust and confidence in the criminal justice system by establishing local Aboriginal community justice mechanisms.</p> | <ul style="list-style-type: none"> › Examine options for recognising Aboriginal community justice mechanisms particularly those that will encourage partnerships with the judiciary. › Establish community justice groups in Aboriginal communities with an identified need. › Establish statewide Aboriginal community-based sentencing mechanisms for suitable categories of offences. › Develop a model of Aboriginal community policing. › Explore the use of Aboriginal community supervision agreements to manage community-based sentences and parole e.g. similar to Western Australia. › Provide ongoing research and evaluation of community justice mechanisms to develop new areas for action and international best practice. › Encourage and remunerate Aboriginal people’s involvement and representation on panels, boards or youth conferencing services that brings a cultural and family perspective to the decision making process for Aboriginal offenders. |
| <p>2 Reduce offending and re-offending in Aboriginal communities by targeting specific areas of over representation.</p> | <p>Use a inter-agency “Offence Targeting” model to develop strategies to reduce:</p> <ul style="list-style-type: none"> › road and traffic offences › alcohol related assaults › public order offences › offences against justice procedures › property damage › break and enter and theft offences in Aboriginal communities. |
| <p>3 Improve the quality of services to Aboriginal victims of crime.</p> | <ul style="list-style-type: none"> › Develop Aboriginal responses to Aboriginal victims of crime. › Develop an Aboriginal cultural model of counselling for Aboriginal victims of crime. › Establish and implement international best practice models for criminal justice responses to Aboriginal victims. |

Strategic Actions

- 4** Address the needs of Aboriginal juveniles in detention centres.
- › Develop culturally based programs and program delivery models that address the criminal, behavioural, social and emotional needs of juveniles in detention centres through Aboriginal engagement and remuneration.
 - › Review transportation policies for remanded juveniles appearing in court.
 - › Continue to review the use of detention centres for young Aboriginal people and explore alternatives to both custody and remand.
- 5** Establish responsive policing that meet Aboriginal community's crime concerns.
- › Continue to review NSW Police training to improve the focus on cultural and racism awareness, community policing, Aboriginal community partnership programs, police and Aboriginal relations, and measurements and use of alternatives to arrest.
 - › Work with NSW Police to achieve localised and locally negotiated strategies for policing of public space in Aboriginal communities.
 - › Work with NSW Police to achieve localised mechanisms to allow Aboriginal communities to determine and direct responses to local crime concerns.
 - › Develop problem solving and community policing approaches with bottom up, participative decisions with local Aboriginal groups.
 - › Review police internal reporting and management processes in relation to measures to assess alternatives to arrest, Aboriginal community partnership programs, and police and Aboriginal community relations.
 - › Directly involve local Aboriginal communities in establishing and managing local policing priorities, including methods of policing and the provision of locally managed and delivered Aboriginal cultural awareness programs.
 - › Ensure adequate payment of Aboriginal community members involved in decision-making processes.
- 6** Ensure Aboriginal defendants have full access to bail.
- › Encourage statewide Aboriginal community involvement in bail processes.
 - › Examine options for developing family and community based bail support and accommodation mechanisms and programs.
 - › Review bail legislation and administrative processes to ensure Aboriginal defendants have full access to bail.
 - › Examine legislative options for judicial officers to consider bail with community-based support.

Strategic Actions

- 7** Maintain the highest quality court services and legal representation for Aboriginal people.
- Encourage the highest possible standard of court services to Aboriginal communities through a specific Aboriginal client service strategy for registry, counter information and all other court services.
 - Encourage the highest possible standard of legal representation for Aboriginal people at court, including competency-based training for legal representatives.
 - Consider means to improve judicial education on Aboriginal issues and provide ongoing training particularly training on Aboriginal culture and racism awareness.
-
- 8** Ensure that criminal justice processes act to reduce offending behaviours to reduce the number of Aboriginal defendants proceeding through the criminal justice system.
- Develop Aboriginal diversion and intervention strategies to target specific offences and offending behaviours at each intervention point in the criminal process, including sentencing options.
 - Develop and utilise a full range of Aboriginal community based alternatives to avoid Aboriginal prosecution for minor summary offences.
 - Gradually develop options for statewide Aboriginal community controlled alternatives to prison and juvenile detention.
 - Trial and evaluate intensive court supervision program for young Aboriginal offenders.
 - Explore options for community-based sentences for Aboriginal women, such as home detention, as alternatives to prison to cater for family and other needs of Aboriginal women.
-
- 9** Establish high quality services for Aboriginal inmates to facilitate their transition into the community and reduce the likelihood of their re-offending.
- Improve community-based support mechanisms for the children of Aboriginal prisoners.
 - Consider culturally-based healing programs to address physical, social, emotional and mental health needs of Aboriginal prisoners.
 - Provide access to health services for Aboriginal prisoners, targeting problem areas such as review of medications and sexual assault counselling.
 - Develop Aboriginal case management planning that provides for opportunities to access prison-based programs and services.
 - Consider amending parole legislation to encourage engagement with Aboriginal communities and respect cultural differences when making decisions.
 - Consider options for Aboriginal parenting programs for Aboriginal prisoners.
 - Develop pathways between the community and custody to ensure effective transfer of information services and program support within a through care framework.

Strategic Actions

9 Continued

- › Establish localised community based support and visiting programs for Aboriginal prisoners.
- › Establish an Aboriginal women’s healing place that provides welfare services, post release, case management, cultural programs counselling and health services for Aboriginal women serving full-time prison terms.
- › Establish alternatives to the Mother and Children’s Program that cater for Aboriginal mothers in prison and incorporates the extended Aboriginal family.
- › Ensure that Aboriginal prisoners receive sexual assault services that apply a culturally based healing framework which extends into the community.
- › Examine options to enable Aboriginal women to serve sentences in the community as an alternative to prison in an environment that caters for the family, and other needs of Aboriginal women.
- › Work with housing providers to support Aboriginal prisoners upon their release from custody.
- › Further develop Aboriginal community-based post release support programs, such as that coordinated by the Yulla Wirri Nurai Aboriginal Women’s Post Release organisation.
- › Review legislative and policy provisions to better assist Aboriginal offenders’ transition back into communities.
- › Deliver accredited TAFE and bridging courses to assist Aboriginal inmates to gain qualifications and apprenticeships that articulate into university courses by correspondence.
- › Establish economic development programs in prisons to provide employment opportunities for offenders following their release in the community.

10 Establish the ongoing review and reform of criminal legislation, policy and initiatives to ensure they meet the needs of Aboriginal communities.

- › Implement Aboriginal impact statements for all criminal law proposals.
- › Ensure ongoing Aboriginal community input to monitor, review and evaluate the impact of criminal laws and criminal justice policy on Aboriginal people and develop innovative solutions to Aboriginal justice problems.
- › Examine options for legal recognition of emerging cultural practices, in negotiation with Aboriginal communities.
- › Formalise a partnership between the AJAC and the NSW Sentencing Council that allows for the provision of culturally responsive sentencing advice.
- › Undertake ongoing review of sentencing practices and principles as they apply to Aboriginal offenders

Strategic Direction 6: Systemic Reform

Objective: Establish a continuous process of innovation and reform in government activity to ensure the emerging and diverse needs of Aboriginal people are met.

Strategic Actions

- 1** Support Aboriginal people to protect, practice and promote their cultural values.
 - › Support the protection and promotion of Aboriginal culture and consider cultural practices in the drafting of legislation.
 - › Examine options to amend the fisheries legislation to allow Aboriginal people to practise their cultural fishing rights.
- 2** Reduce discriminatory practices against Aboriginal people across a range of services.
 - › Promote access by Aboriginal people to programs that identify and deal with issues of discrimination in service provision and delivery.
 - › Review anti-discrimination and complaints mechanisms to ensure they effectively meet the needs of Aboriginal people.
 - › Work with the media to improve reporting of Aboriginal affairs throughout NSW.
 - › Enhance, promote and support reconciliation programs amongst Aboriginal and non-Aboriginal people.
- 3** Ensure policy decisions affecting Aboriginal people are negotiated with Aboriginal people at state, regional and local levels of government.
 - › Work within existing Aboriginal partnership agreements in areas such as health, education, justice, children, housing, land and services delivery, including those between peak Aboriginal bodies.
 - › Work with communities to establish or strengthen inclusive Aboriginal community governance mechanisms at regional and local levels throughout NSW.
 - › Ensure adequate payment of Aboriginal community members involved in decision-making processes.

Strategic Actions

- 4** Build the organisational capacity of governments to meet the diverse cultural needs of Aboriginal communities.

 - › Government agency corporate and business planning frameworks should incorporate activity and performance measures to meet the needs of Aboriginal clients.
 - › Each agency establish an ongoing review of service delivery to Aboriginal clients that directly engages external Aboriginal stakeholders.
 - › Develop standards for evaluating Aboriginal programs, projects and policies.
 - › Establish best practice standards for developing, implementing and planning Aboriginal programs.
 - › Provide for the ongoing review of government service delivery to Aboriginal communities to identify structural or legislative barriers that inhibit full access to services.
 - › Develop organisational Aboriginal cultural competency standards for application by government agencies.
 - › Provide Aboriginal staff with the flexibility and professional development opportunities that enable them to provide culturally acceptable services to Aboriginal communities.

- 5** Apply flexible funding arrangements across a range of government and non-government services.

 - › Introduce flexible streamlined funding arrangements for Aboriginal community controlled and managed programs and services.
 - › Examine options to harmonise Government reporting and acquittal processes for Aboriginal funded programs and organisations.
 - › Explore options for single stream funding arrangements for cross agency initiatives.

- 6** Establishing a process of continuous service improvement for Aboriginal communities.

 - › Establish a multi-disciplinary evidence-based research project to inform Aboriginal service delivery and program design.
 - › Identify and promote models of best practice for service delivery.

- 7** Establish uniform data standards across governments.

 - › In partnership with the Coalition of Aboriginal Peak bodies develop ethical standards concerning the collection, use and management of data about Aboriginal people.
 - › Develop standards for consistent data collection across NSW government agencies.
 - › Consider policy options to protect Aboriginal intellectual property, including the cultural knowledge and expertise collected from communities.

Strategic Direction 7: Leadership and Change

Objective: Improve coordination and leadership at the state level to drive Aboriginal justice business in NSW.

Strategic Actions

- 1** Improve central coordination and accountability for Aboriginal justice issues in NSW.
 - › Examine options for legislative recognition of elements of the NSW Aboriginal Justice Plan.
 - › Ensure that any legislative or policy proposals enhance the role of Aboriginal people in decision-making, planning and delivery of Aboriginal programs and services.
 - › Recognise the central responsibility of the NSW Aboriginal Justice Advisory Council to co-ordinate and evaluate the Aboriginal Justice Plan.
- 2** Review, streamline and strengthen the governance structure for Aboriginal affairs policy in NSW.
 - › Review and strengthen the centralised governance and coordination structure for Aboriginal affairs across Government.
- 3** Entrench structures which ensure stronger Aboriginal involvement in the development of NSW Government policy.
 - › Develop a strong working relationship with the NSW Coalition of Aboriginal Peak Bodies. This body comprises (but is not limited to) the Aboriginal Justice Advisory Council, Aboriginal Health & Medical Research Council of NSW, Aboriginal Education Consultative Group, NSW Aboriginal Lands Council, Aboriginal Housing Board and Aboriginal Child & Family State Secretariat.
 - › The Coalition will provide a strong, inclusive Aboriginal voice and ensure a unified Aboriginal response is brought to the policy making processes of government.
 - › The Coalition will facilitate greater mutual support and co-ordination in the dissemination of policy information throughout regional and local networks.

Mapping the Aboriginal Justice Plan's implementation path

The Way Forward

The NSW Aboriginal Justice Plan requires a collective response from government. To achieve the goals of the Justice Plan, government structures and processes are adopting a common approach that engages and negotiates with Aboriginal people.

An existing whole-of-government mechanism provides an opportunity for the Aboriginal Justice Plan to be implemented on a co-ordinated basis. The Government is implementing the Aboriginal Affairs Action Plan for NSW, *Two Ways Together* (TWT). The new Plan recognises that past policies have not achieved sufficient progress towards social justice for Indigenous people and seeks to implement a new approach that ensures that Indigenous people have a real say in the development of policy and the delivery of services.

Two Ways Together utilises a number of cluster groups, consisting of relevant Government agencies in seven key areas, to ensure that it is implemented in a co-ordinated way. These cluster groups also provide an opportunity for the effective implementation of the Aboriginal Justice Plan.

There are seven cluster groups responsible for developing actions in seven priority outcome areas: health, education, economic development, justice, families and young people, culture and heritage, and housing and infrastructure.

A lead agency has been assigned to each of the seven outcome areas to coordinate and develop action plans. These lead agencies are further supported by other agencies that are relevant to the particular priority outcome area. For example, the justice cluster group is led by the Attorney General's Department and includes representatives from the Aboriginal Justice Advisory Council, Department of Health, Department of Education and Training, Department of Aboriginal Affairs, Department

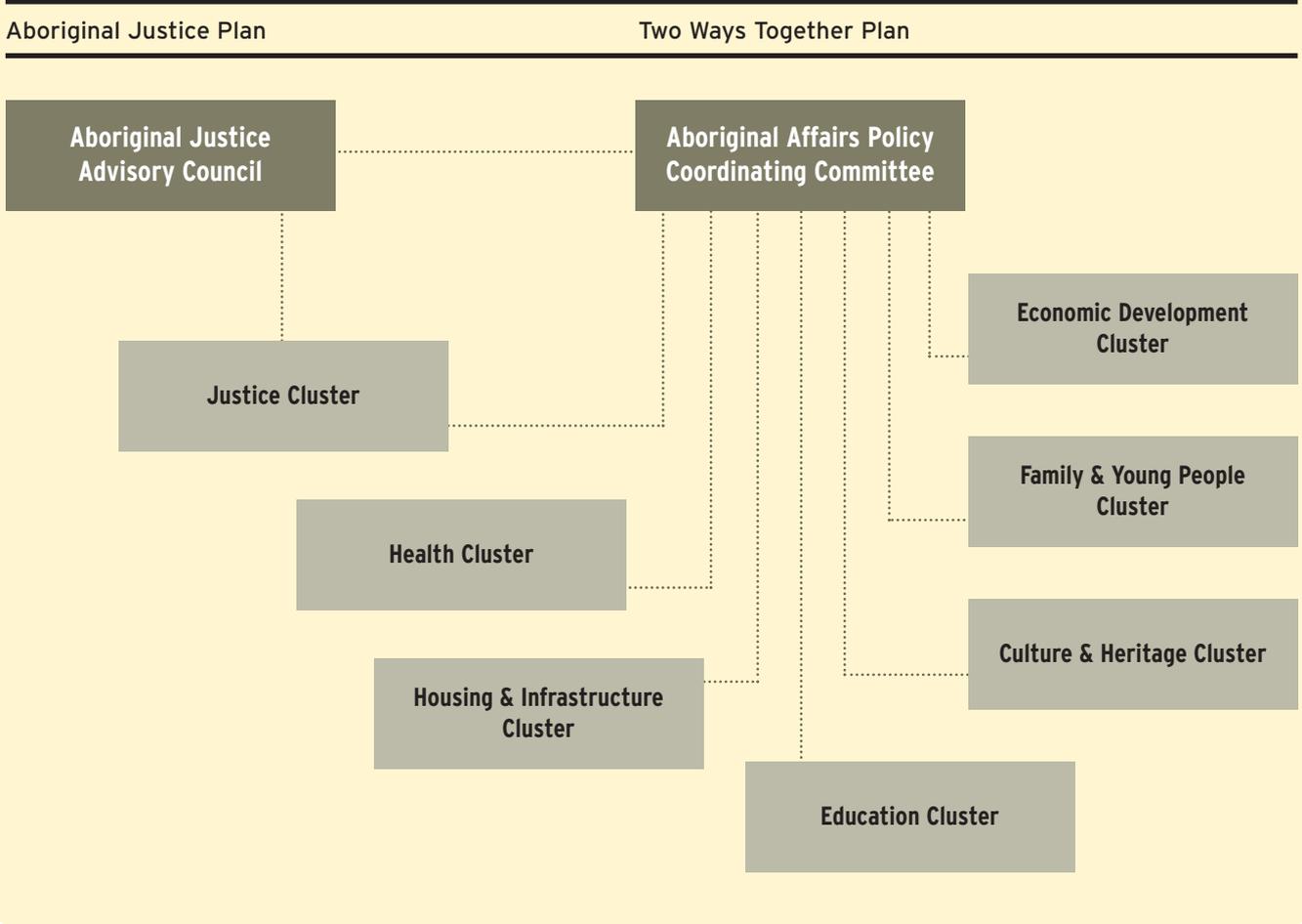
of Corrective Services, Department of Community Services, NSW Police Service, Department of Juvenile Justice, Office of Children and Young People, Office of the Director of Public Prosecutions and Department of Community Services.

The justice cluster group has adopted the goals of the Aboriginal Justice Plan, and its action plan adopts the criminal justice sections of the Aboriginal Justice Plan. All other cluster groups have agreed to incorporate the Plan into their work. It is through these current arrangements that the Plan is informing all cluster groups.

An eighth additional group has been formed (the Aboriginal Affairs Plan Coordinating Committee) to address the overall implementation of *Two Ways Together*. This group comprises the leaders from each of the seven cluster groups as well as the Department of Aboriginal Affairs and peak Aboriginal community bodies, such as the Aboriginal Children and Family State Secretariat, Aboriginal Health and Medical Research Council of NSW, NSW Aboriginal Education Consultative Group, NSW Aboriginal Lands Council, Aboriginal and Torres Strait Islander Commission and Aboriginal Justice Advisory Council.

All cluster groups will be responsible for ensuring that the specific actions necessary to bring the Aboriginal Justice Plan into effect are implemented. Such an arrangement is consistent with an agreement endorsed by the Chief Executive Officers Group on Aboriginal Affairs requiring each cluster group to incorporate into their work the issues and actions contained in the Aboriginal Justice Plan.

Diagram 1: Summary of working relationship between the Aboriginal Justice and Two Ways Together Plans.



How we will track the progress made by the Aboriginal Justice Plan

Evaluation Framework

A framework for the ongoing evaluation of its performance is fundamental to the successful implementation of the Aboriginal Justice Plan.

The evaluation of the Aboriginal Justice Plan will consist of four key components:

1. Annual reports
2. Interim evaluations
3. Mid-term evaluation
4. Final evaluation

All of the components of the evaluation framework will assess performance against the overall goals of the Aboriginal Justice Plan and the individual objectives of each strategic direction. The evaluation of the Plan will be done in a number of ways, from individual program evaluation to broad evaluations against progress to meet each strategic direction and finally, an assessment of whether the Aboriginal Justice Plan’s goals have been achieved after a 10-year period. All aspects of the evaluation will review the processes used to develop and implement the Aboriginal Justice Plan.

Annual reports

The Aboriginal Justice Advisory Council will produce an annual report about the progress of the Aboriginal Justice Plan. The report will provide an overview of current Aboriginal involvement in the criminal justice system as well as reporting on key data from all the strategic direction areas. The report will detail activity occurring through the Aboriginal Justice Plan, as well as reviewing those processes used to implement the Plan.

The annual report will be provided to the Attorney General and the Premier.

Interim evaluations

The interim evaluations will be conducted after 3 and 8 years and provide a more detailed statement of progress on each of the seven strategic directions. These interim evaluations will aim to identify any emerging trends in Aboriginal offending or in the areas identified in the strategic directions. The interim evaluations will give a clear indication of what progress is being made.

Mid-term assessment

The mid-term assessment will provide a comprehensive 5-year review of progress on the Aboriginal Justice Plan. Aimed to specifically and qualitatively evaluate progress against each strategic direction objective, the mid-term assessment will provide an opportunity to review the Plan and make any changes that are necessary. The mid-term assessment will include a full process evaluation on the Plan’s implementation.

Final evaluation

The final evaluation will provide a full and final assessment of performance under the Aboriginal Justice Plan. Fundamentally it will determine whether the Aboriginal Justice Plan has achieved its goals, and whether each objective of the seven strategic directions has been met. The final evaluation will also make comprehensive recommendations for the future direction of the Aboriginal Justice Plan.

Table 1: A framework for evaluating performance of the Aboriginal Justice Plan over 10 years.

Year	1	2	3	4	5	6	7	8	9	10
	Annual Report	Annual Report	Annual Report	Annual Report	Annual Report	Annual Report	Annual Report	Annual Report	Annual Report	Annual Report
Evaluation Tasks			1st Interim evaluation		Mid-term assessment			2nd Interim evaluation		Full evaluation

