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Attorney General's Department

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Aboriginal Healing Circle Models

Canadian Context



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- Aboriginal experience in Canada:
 - Colonisation
 - Indian Act
 - Residential School system
 - Royal Commission on Aboriginal Peoples



- Federal system of Government
- Child Protection is a Provincial responsibility
- Crime Code is Federal Legislation administered by the Provinces
- Gladue Decision dictates that the courts must consider the principle that:

“all available sanctions other than imprisonment, that are reasonable un the circumstances should be considered for all offenders, with particular attention to the circumstances of aboriginal offenders”.

Canadian healing circle models



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Hollow Water and Mnjikaning: Biidaaban:

- Anishnabe principles:
 - truth;
 - respect;
 - humility;
 - honesty;
 - wisdom;
 - kindness;
 - and courage.
- All is connected and everyone has an equally important role to play in the community

Canadian healing circle models



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Developed based on the value and beliefs that:

- sexual abuse is one of the main contributors to substance abuse and family violence;
- the victim is the priority;
- victimisers behaviour must be addressed;

Canadian healing circle models



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Developed based on the value and beliefs that:

- victimsers need to be held into account for their actions;
- healing is only successful if it is approached holistically in a safe place;
- people must take responsibility for their own healing process.

Healing Circle Process



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1. When a child discloses CSA a CHCH team, in partnership with police and child protection services ensure the child's safety and support the child and their immediate family. Referral can come from any person.
2. Another team is established for the offender and in partnership with police they confront the offender about the allegations.
3. Once the offender takes responsibility they go to court and enter a guilty plea and the matter is adjourned for the CHCH team to undertake an assessment.

Healing Circle Process



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Four primary circles are undertaken:

- Offender and their team must talk about the crime and engage in individual and group programming.
- Offender works with their immediate family and admits to their abuse and listens to the impact that it has had on the family.
- Offender must tell the entire community what they have done and listen to how it has impacted on individual, families and the community as a whole.
- Sentencing Circle

Federal and Provincial Support



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- All agencies are supportive of process and believe it can achieve much more than the criminal justice or child protection system alone.
- Currently there is little else in the correctional system to address Aboriginal sex offenders.
- The ability of the program to be flexible and meet needs of the individual, family and community allows for a holistic approach and facilitates the well being of everyone involved.

10 elements for success



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1. Commitment from the Aboriginal community in the involvement and implementation is critical
2. Establish collaborative partnerships between all stakeholders
3. Conduct extensive planning and development phases

10 elements for success



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4. Conduct extensive consultation with Aboriginal communities and stakeholders
5. Develop a comprehensive risk management framework
6. Establish clear policies and protocols to guide service delivery

10 elements for success



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7. Establish a functional and supportive program structure
8. Ensure that the program is holistic
9. Develop a comprehensive evaluation and research framework
10. Adhere to the United Nations Conventions on Indigenous and Children's Rights

Implementation considerations



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- Development of continuous community and service education about healing and child protection issues
- Government support is critical, this support needs to be stable and includes relevant cross training on criminal justice and child protection issues and processes
- Careful planning and consideration of circle processes is essential – don't be prescriptive
- Ensure that there are a range of programs and services linked to the program

Application in Australia



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- Similar cultural beliefs and statistics
- Common relationship dynamics between abusers and victims
- Focus removed from individual to collective responsibility for CSA
- Opportunity to address all the needs of victims, families and communities

Using Existing Federal Mechanisms



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- A National Framework of Principles for Service Delivery to Indigenous Australians
- COAG National Framework for Preventing Family Violence and Child Abuse in Indigenous Communities
- Bilateral Agreements
- Recently (2007) the Federal Government committed to provide funds to support initiatives addressing child sexual assault in partnership with the states and territories.

NSW as an example



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Existing Policy Frameworks:

- Two Ways Together
- NSW Aboriginal Justice Plan
- NSW Interagency Plan to Tackle Child Sexual Assault in Aboriginal Communities
- Joint Investigation Response Teams
- Circle Sentencing
- Aboriginal Community Justice Groups

Contact Details



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