



Aboriginal Justice Plan

Beyond Justice

A proposed framework for reducing the over representation of Aboriginal people coming into contact with the criminal justice system, 10 years & beyond

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Foreword

The Aboriginal Justice Advisory Council (AJAC) is leading the development of an Aboriginal Justice Plan (AJP) for NSW. The aims of the Aboriginal Justice Plan will be to reduce the over-representation of Aboriginal people coming into contact with the criminal justice system and address the underlying causes of offending.

As part of the Aboriginal Justice Plan's development, AJAC undertook a community based negotiation process in September and October 2002. During these community meetings people were quite vocal about the rights of Aboriginal communities to be directly involved in such an important initiative. Importantly, communities expressed a level of frustration about the failure of earlier 'consultation' processes to reflect their voices and needs.

The AJAC and I take the concerns of Aboriginal communities very seriously.

This paper, *"Beyond Justice: A Proposed Framework for Reducing the Over-representation of Aboriginal People Coming into Contact with the Criminal Justice System"* puts forward some suggestions about the shape an Aboriginal Justice Plan might take and seeks the direct input of Aboriginal communities.

The proposed framework provides an overarching direction for Aboriginal justice business in NSW. It shows us where our efforts need to be focussed and where our resources need to be targeted to achieve real results for Aboriginal people. It is strategic in its approach, offers measurable indicators and has an in-built evaluation mechanism.

The complexities of Aboriginal community affairs and Aboriginal involvement in the criminal justice system present a huge challenge and will take time and commitment to achieve real change. That is why the proposed framework sets a timeframe of "10 Years and Beyond". It represents a real commitment to achieving long term sustainable change for Aboriginal people.

A number of Regional Summits will be held in February and March 2003 to discuss the framework. I strongly encourage you to participate in those Summits and make sure your voice is heard.

Hon. Bob Debus
NSW Attorney General

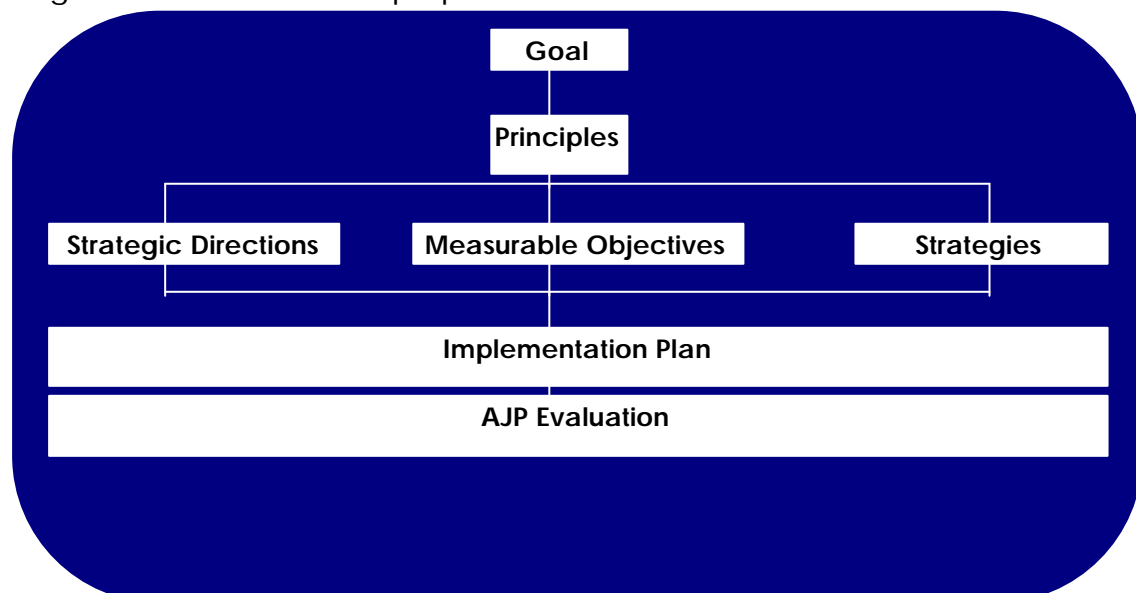
What is the purpose of the proposed Aboriginal Justice Plan (AJP) Framework?

The **purpose** of the proposed AJP framework is to provide Aboriginal communities and our partners with another opportunity to have a say in the AJP's development. It is to be used as a negotiation tool and has brought together information collected from the AJP Discussion Paper, community forums, written submissions and other research papers. Also, the Paper is further supported by current national¹ and state² policy agreements and frameworks.

The proposed AJP Framework, consists of a number of elements. These are:

1. A set of long term results which reflect the aspirations of Aboriginal communities;
2. A Goal which describes what we want to achieve;
3. A set of Principles to guide us as we make decisions about the way in which Aboriginal business needs to be done;
4. Strategic Directions to focus our attention if we are to achieve our goal;
5. Some targets to measure our progress through the use of Measurable Objectives;
6. An Implementation Plan; and
7. Procedures for monitoring and evaluation.

Diagram 1 Summarises the proposed AJP Framework:



¹ The Council of Australian Governments Improving Outcomes for Aboriginal & Torres Strait Islander People (1992), the Aboriginal Reconciliation Agreement (2000) and Draft Framework for Reporting on Aboriginal Disadvantage (2002)

² NSW Government's Statement of Commitment and Premier's statement Partnerships: A New Way of Doing Business with Aboriginal People.

What would our community look like if everything has been fixed up (Our Aspirations)?

At the Community Forums held across NSW, Aboriginal people expressed in very strong terms, that if their needs were being met and their voices heard, our future would look something like this:

- Our Children and Young People will be proud of who they are and have a sense of purpose through the restoration and practical application of our cultural identity and practices
- Our community would be reconciled and healing will occur with ourselves and others through the reclaiming of elders, men and women's cultural businesses/practices
- The broader community and governments will be accepting, respectful and responsive to our needs
- We will be a collective and unified nation that is harmonious and working together towards a common goal
- There will be equal access and opportunities for our community across all spectrums of society
- Governments and businesses will be bi-culturally responsive to our needs
- Our right to be involved in decisions about our affairs will be respected and mechanisms are put in place to allow this to happen

What is it we want to achieve (Goal)?

The proposed Goal for the AJP is to *"Reduce the number of Aboriginal people coming into contact with the criminal justice system, improve the quality of services and develop safer communities"*. This is a broad statement that describes clearly what the end picture might look like after 10 years and beyond.

What will guide our decisions (Principles)?

The proposed framework is underpinned by a set of Principles. These Principles intend to help us make decisions and guide work around Aboriginal justice issues. They include:

- Aboriginal people understand their own problems and issues, and are best situated to solve those problems.
- Aboriginal communities should be encouraged and supported to find innovative ways to address local justice problems and concerns.
- The significant cultural diversity among NSW Aboriginal communities should be recognised and respected, and the differing needs of these communities acknowledged.

- The responsibility for addressing the underlying causes of crime in Aboriginal communities is shared by Aboriginal communities, the Government and the broader community.
- The negative impact of past government policies, practices and philosophies of government on Aboriginal people should be recognised and acknowledged.
- Aboriginal people have a right to equality before the law and to live free from discrimination.
- The right of Aboriginal people to self-determination should be recognised and respected.
- The human rights of Aboriginal people should be respected.

What broad areas are we going to focus on (Strategic Directions)?

The proposed AJP framework focuses on seven strategic directions. These strategic directions require action if our goal is to be achieved. They are: Children³, Young People⁴, Breaking the Cycle⁵, Systemic Reform⁶, Sustainable Economic Base⁷, Criminal Justice System⁸ and Leadership and Change⁹. These are further described below:

1. **Children:** Provide Aboriginal neonates and children with the best start to life by giving attention to their mothers, early child development, growth and schooling
2. **Young People:** Provide Aboriginal young people with the support that provides them with the best opportunity to participate in all aspects of life and community activities
3. **Breaking the Cycle:** Build on the strengths of Aboriginal communities to change the cycle of community dysfunction by applying a cultural/spiritual, family and holistic approach to the design and delivery of services and interventions that address the root causes of disadvantage and offending behaviours and brings about healing to Aboriginal people

³ Children being 0-11 years of age

⁴ Young People includes all Aboriginal youth from the ages of 12-24 years

⁵ Breaking the cycle represents working with Aboriginal families & communities to address the root causes of the symptoms of community dysfunction (> age 25 & onwards)

⁶ Systemic Reform represents broader system and structural barriers including discriminatory practises

⁷ Sustainable Economic Base is about creating individual and collective wealth in Aboriginal communities

⁸ Criminal Justice System includes the NSW Police Service, Department of Juvenile Justice, Attorney General's Department and Corrective Services

⁹ Central Coordinating mechanism described as above

4. **Systemic Reform:** Work on the development of innovations that effect flexible changes in planning, program development, service delivery, monitoring and evaluation so that the needs of Aboriginal communities can be met
5. **Sustainable Economic Base:** Create employment opportunities, across a broad range of sectors, for Aboriginal people so as to reduce their likelihood of coming in contact with the criminal justice system (CJS)
6. **Criminal Justice System:** Improve quality of justice processes and outcomes by pro-actively engaging Aboriginal communities
7. **Leadership & Change:** Improve central responsibility and coordination for Aboriginal justice business in NSW

In what ways will we address these broad areas (Measurable Objectives)?

Each Strategic Direction contains some proposed Measurable Objectives. You will note a number of proposed indicators have been suggested and these can be found in Appendix 1.

Each one of these indicators will be expanded and written in a way that can be measured, it will also include a specific timeframe for its achievement. For example, if we take the indicator *low birth weight* under Children, the objective may look something like this:

*"To reduce the number of low birth weight Aboriginal babies by 25% at the end of 2006"*¹⁰.

Again, if we take the indicator found under young people about their completion rates for year 12 schooling, it might look something like this:

*"To achieve 60% completion rate of Aboriginal students attaining their HSC by 2006"*¹¹.

Likewise, similar approaches will be adopted for the remainder of the Measurable Objectives contained in the other Strategic Directions.

It must be mentioned that each of these Measurable Objectives will require significant input from the different partners responsible for their

¹⁰ **Disclaimer:** This is only an example and not representative of the view of NSW Health Department who will be consulted later in the development of the AJP

¹¹ **Disclaimer:** This is only an example and not representative of the view of NSW Education Department who will be consulted later in the development of the AJP

achievement. This will occur over the coming months when our partners consider the proposed framework as well as during the development of the Implementation Plan.

What Specific initiatives can we put in place to achieve the Measurable Objectives (Strategies)?

To achieve each of the Measurable Objectives a set of broad strategies have been suggested. These strategies can be found at Appendix 1.

There might be one or two strategies, which have been identified, or there may be a collection of strategies which aim to reach the desired outcome of the Measurable Objectives.

So for example, the Measurable Objective for low birth weight babies is *“To reduce the number of low birth weight Aboriginal babies by 25% at the end of 2006”*. To achieve this objective, one strategy might be the NSW Aboriginal Maternal and Infant Health Strategy (AM&IHS). The purpose of the AM&IHS is to improve the health of Aboriginal mothers during pregnancy and reduce the high rates of death and illnesses facing either mum or baby prior to or after birth.

A thought too might be that each strategy has an output measure, however this will require further consideration and negotiation with our partners.

While one example has been provided above, the framework’s strategies will be expanded over the coming months through further negotiation with Aboriginal communities and our partners to finalise the draft AJP.

How do we intend to go forward (An Implementation Plan)?

To support the implementation of the AJP an Implementation Plan will be developed. The Implementation Plan will describe what, where and how the different parts of the Framework will work and who will be responsible for that work.

The Implementation Plan will be integral to monitor the progress of the AJP and it is proposed that a review be undertaken every 12 months. The 12 month review will tell us whether we’re heading in the right direction and help us decide whether we need to change the approach we are using. An Implementation Plan might look something like Diagram 2 below,

Strategic Direction 6: Criminal Justice System				
Measurable Objective 1: To reduce the number of reported offences by 25% at the end of 2006				
What needs to be done? (Strategy)	How will we know we are progressing? (Milestone)	What resources are required?	Who is responsible?	When will it be completed?
One example might be: Local Cultural Awareness Programs for NSW Police Service	Package developed, delivered & Feedback collected. Package finalised, released & implemented	Local Area Commander time/effort Cost for community engagement	NSW Police Service	December of each year

Another example might be:

Strategic Direction 4: Systemic Reform				
Measurable Objective 1: To increase Aboriginal peoples access to services by 25% at the end of 2006				
What needs to be done? (Strategy)	How will we know we are progressing? (Milestone)	What resources are required?	Who is responsible?	When will it be completed?
An example might be: Aboriginal Regional Management Strategy (A.R.M.S)	Policy developed Groups established Formal links established with RCMG Set of priorities agreed Resources allocated	Time & effort of Aboriginal & non-Aboriginal representatives Cost for meeting & community involvement	NSW Premiers Department	Strategy implemented by July 2003

Again, it is important to note that given the nature of the AJP the Implementation Plan will engage not only the criminal justice system but also the human services sectors. Further, the Implementation Plan is about bringing together current activities and, if necessary, re-examining their directions and aligning them to the needs of Aboriginal communities reflected in the AJP.

How do we know that we've achieved results (Evaluation)?

The proposed framework suggests that an evaluation should occur at least every three years. An Evaluation is being proposed to help us determine whether things are improving and whether we need to change our directions particularly as needs and the environment change so frequently.

If we can get it right, the Measurable Objectives will help us decide whether things are improving. This is why it will be so important for us to sit down with communities and our partners to work on and agree on a set of measurable indicators.

At Appendix 1 is a summary of the entire proposed AJP framework.

What Happens Now?

The Framework will be sent out to communities and our partners seeking their comments on the proposals contained in this paper. To help guide people's responses a questionnaire has been developed and is optional (Appendix 2). You can send your comments to Carmen Parter, AJP Principal Policy Officer, AJAC, Level 16, 8-12 Chifley Square, Sydney NSW 2000 or via email on Carmen_Parter@agd.nsw.gov.au.

Also, AJAC will be conducting Regional Summits from 17 February to 6 March 2003, across the six AJAC regions (Appendix 3). One Summit per region will be held and their purpose is to once again seek Aboriginal community's and service provider's thoughts on the proposed Framework and undertake further negotiations accordingly.

Who can I contact for further information?

You can contact any of the following people on 02-9228 8106:

Carmen Parter, Principal Policy Officer, AJP, AJAC

Scott Hawkins, Policy Officer, AJP, AJAC

Brendan Thomas, Executive Officer, AJAC

APPENDIX 1: Proposed AJP Framework Summary

GOAL

Reduce the number of Aboriginal people coming into contact with the criminal justice system, improve quality of services and develop safer communities

Overall Framework Underpin by a Set of Decision Making **PRINCIPLES**

Strategic Directions (SD)	Measurable Objectives	Strategies
<p>SD 1: Children Provide Aboriginal neonates and children with the best start to life by giving attention to their mothers, early child development, growth and schooling</p> <p>SD 2: Young People Provide Aboriginal young people with the support that provides them with the best opportunity to participate in all aspects of life and community activities</p> <p>SD 3: Breaking the Cycle Build on the strengths of Aboriginal communities to change the cycle of community dysfunction by applying a cultural/spiritual, family and holistic approach to the design and delivery of services and interventions that address the root causes of disadvantage and offending behaviours and brings about healing to Aboriginal people</p> <p>SD 4: Systemic Reform Work on the development of innovations that effect flexible changes in planning, program development, service delivery, monitoring and evaluation so as the needs of Aboriginal communities are met</p> <p>SD 5: Sustainable Economic Base Create employment opportunities, across a broad range of sectors, for Aboriginal people so as to reduce their likelihood of coming in contact with the Criminal Justice System</p> <p>SD 6: Criminal Justice System Improve quality of justice processes and outcomes by pro-actively engaging Aboriginal communities</p> <p>SD 7: Leadership & Change Improve central responsibility and coordination for Aboriginal justice business in NSW</p>	<p>SD 1: Children <i>Reduce:</i> low birth weight babies, neonatal/perinatal deaths, CSA, physical abuse & child neglect, middle ear infection, poor nutrition, dental caries, hospital admissions <i>Improve:</i> pre-school/primary literacy & numeracy skills & school attendance</p> <p>SD 2: Young People <i>Improve:</i> self-worth, school attendance rates, completion of Year 10 & 12 & school attendance <i>Reduce:</i> Youth suicide rates, crime rates, middle ear infection <i>Increase Number in:</i> VET school programs</p> <p>SD 3: Breaking the Cycle <i>Improve:</i> self-worth, individual capability, community capacity, environmental planning <i>Reduce:</i> Mental Health, Family violence, homicidal & inter-personal violence, Drug & Alcohol related crimes, ATSI disadvantage index rates, other crimes, & alcohol related crimes & hospital admission rates</p> <p>SD 4: Systemic Reform <i>Increase in:</i> access to services, quality improvement to services <i>Reduce:</i> Discrimination <i>Improve:</i> Aboriginal governance, Organisational capacity & resource allocation determination</p> <p>SD 5: Sustainable Economic Base <i>Improve:</i> labour markets in economically depressed communities, unemployment rates, Tertiary qualification (VET) completion, Home ownership & Income</p> <p>SD 6: Criminal Justice System <i>Reduce:</i> reported offences, prosecutions for adults & juveniles, court appearances, offending rates, re-offending rates & quality access, victimisation rates & adult & juvenile imprisonment <i>Improve:</i> young offenders process & corrective health service provision</p> <p>SD 7: Leadership & Change evidence based legislative practices & organisational capacity & working partnerships</p>	<p>SD 1: Children * reorientation & resources for antenatal care, family support, parenting skills * teaching of our culture & resilience skills in schools * community managed & resourced early intervention/prevention programs</p> <p>SD 2: Young People * family support * teaching of our culture & resilience skills in schools * D&A harm minimisation initiatives * community owned diversionary programs * elders as teachers * youth conference¹² * * community managed & resourced early intervention/prevention programs</p> <p>SD 3: Breaking the Cycle * re-engineering policies & programs * realigning resources for cultural/spiritual & healing programs * reclaiming elders, women & men's business role</p> <p>SD 4: Systemic Reform * change management reform * Statement of Community Practise * re-engineering policies & programs * realigning resources accordingly * environmental planning * curriculum development</p> <p>SD 5: Sustainable Economic Base * building economy of scale * whole-of-community economic development strategies * partnerships with business sector * ecotourism</p> <p>SD 6: Criminal Justice System * Legislation realignment * bail * enhancing offenders program * realigning resources to support community managed programs * establish local Abl. criminal justice mechanisms * diversionary & alternatives to prison</p> <p>SD 7: Leadership & Change Establish a Statutory Authority responsible for: * planning, developing, coordinating, delivering, monitoring & evaluating legislative reform, policies & programs/services * liaising, consulting & negotiating with govt., ngo & communities</p>
Implementation Plan (12 monthly reviews)		
AJP Evaluation undertaken every three years		

¹² The shaded items shown on this summary are highlighted to determine whether they can in fact be measured and that the systems are in place to allow measurement to occur. This will be determined during negotiations with our partners

FAX COVERSHEET

TO: Carmen Parter,
AJP Principal Policy Officer
Aboriginal Justice Advisory Council
Fax: 02 9228 8109

FROM:

DATE:

SUBJECT: NSW ABORIGINAL JUSTICE PLAN
PROPOSED AJP FRAMEWORK
QUESTIONNAIRE

NUMBER OF
PAGES:

What is the purpose of the proposed AJP Framework?

1. Do you agree with the Purpose of the Proposed AJP Framework?

Yes No *please circle*

2. Do you have any other comments to make about the Proposed AJP Framework?

What would our communities look like if everything were fixed up (Our Aspirations)?

3. Do you agree with the community's aspirations?

Yes No *please circle*

4. Are there any other aspirations that need to be included?

What will guide our decisions (Principles)?

5. Do you agree with the principles presented in this paper?

Yes No *please circle*

6. Tell us if there needs to be other principles that should be included?

What does the overall Framework intend to achieve (Goal)?

7. Do you agree with the Goal for the Aboriginal Justice Plan?

Yes No *please circle*

8. Please tell us if we need to change or expand on the proposed Goal?

What broad areas are we going to focus on (Strategic Directions)?

9. Do you agree with the seven Strategic Directions being proposed for the Aboriginal Justice Plan?

Yes No *please circle*

10. If No, tell us why?

In what ways will we address these broad areas (Measurable Objectives)?

11. Do you agree with the Measurable Objectives?

Yes No *please circle*

12. Do you think that there should be other Measurable Objectives that need to be included?

13. If your organisation is responsible for one or more of these Measurable Objectives, are they measurable and achievable?

What Specific initiatives can we put in place to achieve the measurable objectives (Strategies)?

14. Do you agree with the broad strategies being proposed for the
Aboriginal Justice Plan?

Yes No *please circle*

15. Should there be other strategies that need to be included?

16. If your organisation is responsible for one or more of the strategies, are they consistent with the directions your taking and the programs you're implementing? If no, please tell us what direction you're taking and program's your implementing?

How do we intend to go forward (An Implementation Plan)?

17. Do you agree with an Implementation Plan?

Yes No *please circle*

18. Do you agree with Diagram 2?

Yes No *please circle*

19. Do you agree with the proposed 12 monthly reviews?

Yes No *please circle*

20. Do you have any additional comments about the Implementation Plan?

How do we know whether things are improving (An Evaluation)?

21. Do you agree with a proposed Evaluation process?

Yes No *please circle*

22. Do you agree whether an Evaluation should be undertaken every three years?

Yes No *please circle*

23. Have you got any further thoughts about the proposed Evaluation?

24. Would you like to say anything further about the proposed AJP Framework?

Regional Summits

The Aboriginal Justice Advisory Council is developing an
Aboriginal Justice Plan for NSW

We are holding a number of *Regional Summits*
across NSW

These Summits are follow up gatherings to the
Community Forums held last year and again provides you
with the opportunity to *have your say* about the shape
the *NSW Aboriginal Justice Plan*
is Taking.

Dates, Venues and contact details for the Summits
are below.

Bourke, Monday 17 February
Bourke Bowling Club, Richard Street
call Carmen Parter on 0417 212 545

Broken Hill, Tuesday 18 February
South Broken Hill Community Centre,
1 Tuart Street
call Bobbi Cattermole on 0408 251 180

Dubbo, Thursday 20 February
Gordon Centre, Spears Drive
call Larry Towney on 0419 238 010

Batemans Bay, Tuesday 25 February
Mariners On the Waterfront, 31 Orient Street
call Stan Jarrett on 0438 735941

Armidale, Thursday 27 February
Aboriginal Cultural Centre & Keeping Place,
Kentucky Street
call Steve Widders on 0411 609 041

Coffs Harbour, Tuesday 4 March
Community Village, Earl Street
call Theresa French on 0438 649 289

Redfern, Thursday 6 March 2003
Redfern Townhall, Pitt Street, Redfern
call Carmen Parter on 0417 212 545

All Summits will be conducted between 10am and
1pm followed by a light lunch

The Council also has a limited amount of funds
available to pay for the hire of buses to transport
community members from surrounding areas to and
from the Summits. For further information on this or
anything else please contact Carmen Parter on 0417
212 545.