

Department of Indigenous Affairs Western Australia

Response to the Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into the high levels of involvement of Indigenous juveniles and young adults in the criminal justice system.

The Overrepresentation of Aboriginal and Torres Strait Islander People in Australia's Criminal Justice System

The Department of Indigenous Affairs (DIA) welcomes the opportunity to provide a submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquiry into the high levels of Aboriginal¹ involvement with the criminal justice system.

The factors underlying the overrepresentation of Aboriginal people in the criminal justice system are complex and to make inroads into the reduction of these numbers, it is important that changes are made across a range of areas. Many aspects need to be considered and particularly that efforts are focused on prevention and early intervention.

To address these causal factors a collaborative, holistic approach is required. Programs and services designed to address issues need to go beyond reacting to individual justice-related events and focus on building and supporting strong resilient Aboriginal families and communities. Acceptance of and links to cultural identity play a significant role in Aboriginal and Torres Strait Islander wellbeing, and need to be recognised in service design and delivery. It should also be noted that 'cultural appropriateness' of services designed for Aboriginal families and communities may differ from region to region.

Working together to strengthen Aboriginal and Torres Strait Islander communities is an essential element in achieving success. The opportunity and capacity of communities to participate in the decision making process and to contribute to the design and development of services will directly impact on the success of targeted initiatives and strategies. Programs and services that are built on strong cultural frameworks and are developed in conjunction with Aboriginal communities have a greater likelihood of succeeding.

*The Social and Emotional Well Being Framework: A National Strategic Framework for Aboriginal and Torres Strait Islander peoples Mental Health and Social and Emotional Wellbeing 2004 - 2009*² argues that:

¹ The terms Indigenous and Aboriginal are used interchangeably in this document and are inclusive of both Aboriginal and Torres Strait Islander peoples.

² Prepared by Social Health Reference Group for National Aboriginal and Torres Strait Islander Health Council and National Mental Health Working Group 2004, accessed 5 June 2009;
<http://www.health.gov.au/internet/main/publishing.nsf/Content/health-oatsih-pubs-wellbeing>

building on the resilience and strength of Aboriginal and Torres Strait Islander communities requires a collaborative approach that includes services outside the health sector, for example housing, education, employment, recreation, family services, crime prevention and justice³.

The level of disadvantage experienced by many Aboriginal families and communities greatly increases the vulnerability of Aboriginal children. Many Aboriginal families have to deal with a multitude of risk factors over extended periods of time that may lead into offending behaviours. This can be compounded by sudden and/or multiple 'life events' or situations that can lead individuals, families and communities into crisis. Unfortunately in Western Australia, this has resulted in very high levels of Aboriginal engagement with the criminal justice system either as perpetrators or victims of crime.

DIA supports the vision, principles and goals outlined in the *National Indigenous Law and Justice Framework 2009 - 2015*. Equally there is a strong commitment within the agency to contribute to the planning and development of culturally appropriate, responsive and accessible services that meet the needs of Aboriginal and Torres Strait Islander people in Western Australia. To this end DIA would like to offer the following comments relating to the Committee's terms of reference.

How the development of social norms and behaviours for Indigenous juveniles and young adults can lead to positive social engagement.

The Importance of Culture

Social and emotional wellbeing is an essential part of a holistic view of health held by Aboriginal people. The Western Australian Aboriginal Child Health Survey (WAACHS) describes Aboriginal concepts of health as encompassing spiritual, physical, social and emotional dimensions that recognise their traditional and historical connections with the land and its history. For many Aboriginal young people, Aboriginal culture provides the foundation for the social norms on which their lives are based. Aboriginal community social norms may differ greatly from those of other ethnic minority groups and non-Aboriginal people and it is essential to acknowledge the diversity within the community.

Cultural constructs which underpin Aboriginal world views define the values, social norms and behaviours and have maintained their strength, richness and vibrancy in Western Australia since the period of settlement. Within Western Australia, Aboriginal communities continue to demonstrate strong living cultures that provide an excellent cultural foundation for the development of policies, programs and initiatives. The recognition of culture and how it can be an enriching component of services for juveniles and young adults is essential when discussing the development of social norms and behaviours. Culture plays a significant role in Aboriginal wellbeing and must be recognised in program and service design and delivery.

³ National Strategic Framework for Aboriginal and Torres Strait Islander Peoples' Mental Health and Social and Emotional Well Being (2004 – 2009), 2004, pp. 3, <http://www.health.gov.au/internet/main/publishing.nsf/Content/health-oatsih-pubs-wellbeing>

In order to be effective, the services provided to Aboriginal juveniles and young people need to take into account the diversity of the community, the individual needs of families and children, and cultural appropriateness and accessibility. Responsiveness and flexibility will be the key to meeting the needs of Aboriginal children, families and communities and reducing the levels of interaction with the criminal justice system.

Risk Factors for Aboriginal Young People

Social inequality can result in unequal distribution of and access to, services and resources to individuals and families at risk of emotional wellbeing and mental health issues. The WAACHS points out that along with other constraints on development, social inequality poses a substantial barrier to effective gains in improving the physical health, social and emotional wellbeing of Aboriginal children and young people.⁴

Another risk factor that increases the vulnerability of Aboriginal people relates to 'acculturative stresses'. WAACHS describes acculturative stress as "the stresses inherent in simultaneously striving to preserve one's ethnic or cultural heritage, negotiating ones relationship with the dominant culture and having to deal with the racism and discrimination which one might encounter on a regular basis"⁵. It is important that acculturative stress is taken into account when assessing the level of 'risk, crisis and vulnerability' of young Aboriginal people.

Homelessness has a major impact on the development of social norms and behaviours. The single largest group affected by the increasing costs of housing and rents in Western Australia is young people aged between 12 and 25 who make up over fifty percent of the documented total homeless population⁶. It is also speculated that the statistics released by the Australian Bureau of Statistics are conservative as they fail to reflect young people who are living rough, in squats or couch surfing. If this growing problem is not addressed appropriately, these young people are at risk of long term unemployment, social and health problems which may lead to offending behaviours.

Mental and emotional wellbeing and suicide amongst young people, especially young men, is a significant problem within the Aboriginal community in Western Australia. Within some Aboriginal communities, the high rate of youth suicide has had a major impact on the health and wellbeing of the community. In the community of Narrogin Western Australia for example, over the last 17 months, a total of nine Aboriginal people between the ages of 21-30 have committed suicide.

As a result the local Aboriginal community is dealing with issues of chronic grief, disillusionment, despair and anger that so many of their young people are taking such extreme action. This has left the community with feelings of hopelessness and in turn, is fuelling incidents of community

⁴ West Australian Child Health Survey; *Volume 8: Improving the social and emotional wellbeing of Aboriginal children and young people*. p. 563 http://www.ichr.uwa.edu.au/files/user17/Volume2_Chapter8

⁵ West Australian Child Health Survey, *Volume 2: The social and emotional wellbeing of Aboriginal children and young people*. p 369, http://www.ichr.uwa.edu.au/waachs/publications/volume_two

⁶ Youth Affairs Council of Western Australia <http://www.yacwa.org.au/>

violence, domestic violence and further self harm. Since January 2009, there have been a further 8 reported incidents of self-harm.

Concern is held within the Narrogin community that racism is contributing to the sense of despair and hopelessness felt by many community members. In these circumstances, it becomes essential for service providers to develop locally responsive services to address the immediate issues facing the community, as well as develop long term sustainable strategies to address the underlying causal factors of suicide in the community.

This will include dealing with overt and covert racism and identifying systemic barriers to participation and access that impact negatively on Aboriginal community members. As outlined earlier, the most successful strategies will involve effective engagement and community driven responses built on strong cultural frameworks. The community of Narrogin, with the support of DIA and other key stakeholders are in the process of strengthening their resilience and developing sustainable initiatives to address the immediate and long term needs of young people in the community. This includes conducting a Narrogin community service analysis to identify any gaps in the services available to support vulnerable youth in the area and the employment of a Senior Project Officer to coordinate and liaise with local stakeholders to develop culturally appropriate strategies to address identified areas of need. The Senior Project Officer will also play a significant role in assisting community and government service providers to identify and address systemic racism.

In responding to the terms of reference of the Inquiry, DIA would like to put forward some examples of promising work being done with children and young people. The following approaches work in a holistic way with young people, to promote positive behaviors and social norms, and go beyond responding to a justice related event.

Promising Practice in Western Australia

Western Australian Aboriginal Justice Agreement– Balga SHS and Mirrabooka Local Justice Forum

Family and Community Violence was a priority area within the Mirrabooka Aboriginal Justice Agreement. As a result the Balga Senior High School initiated participation in the Mirrabooka Local Justice Forum and involved a number of the students in developing community friendly strategies to address family and community violence in their local community. A number of student and parent workshops were held where the students were able to express their feelings and demonstrate how family and community violence impacts on the youth and children of the community.

As a result of this dialogue, students and staff of the Balga Senior High School developed a family and community violence DVD. This DVD has been one of the first to be produced for the purposes of educating the parents, students and the wider community of the effects of family and community violence on the community.

The students are now looking to do work in the areas of:

- rights and responsibilities with law; and
- working with parents on 100% of attendance of students.

Yaandina Family Centre: Growing Strong Children Program⁷

The Growing Strong Children (GSC) program has been developed by Anne Mead (program facilitator), a psychologist working for Yaandina Family Support Centre in Roebourne, in conjunction with women from the Roebourne community. The GSC program was initiated to assist Aboriginal women to learn a range of parenting skills, including nutrition education and managing child behaviours, within an appropriate cultural and community development framework. This has included using principles such as:

- engaging community members in problem diagnosis so that those affected may adequately understand the cause; and
- actively working to increase leadership capacity (skills, confidence, and aspirations) in the community.

The impact that alcohol use and other substance abuse has on the level of Indigenous juvenile and young adult involvement in the criminal justice system and how health and justice authorities can work together to address this.

In its report *Bridges and barriers – addressing Indigenous incarceration and health* (2009), the National Indigenous Alcohol and Drug Committee noted the close linkage between health, substance misuse and wellbeing issues and levels of Aboriginal violence, offending and incarceration.⁸

Policy-makers and criminal justice practitioners have recently responded to this issue with the development of specialty courts and court intervention programs targeting Aboriginal offenders. Many of these models relate directly to services provided to treat the symptoms of individuals at risk or in crisis. Whilst this is critical, it is also important to acknowledge the need to address the fundamental underlying issues of housing, health, education and justice as essential elements of achieving long term sustainable change.

Evaluations to date have noted that Aboriginal offenders are less likely to access and/or remain compliant with the many requirements of a specialty court program.⁹ For example, the *Indigenous Sentinel Study for the COAG Illicit Drug Diversion Initiative* report¹⁰ found that Aboriginal

⁷ Further information can be found at <http://www.yaandina.org>

⁸ National Indigenous Drug and Alcohol Committee, *Bridges and barriers: addressing Indigenous incarceration and health*, Australian National Council on Drugs, Canberra, 2009.

⁹ J Payne, 'Specialty courts: current issues and future prospects', *Trends and Issues in crime and criminal justice*, no.317, Australian Institute of Criminology, Canberra, June 2006.

¹⁰ A Wilczynski, B Nicholson, K Dini-Paul, V Diplock, K Reed-Gilbert, & J Schwartzkoff, *Indigenous sentinel study for the COAG Illicit Drug Diversion Initiative*, Final report prepared for Alcohol Substance Misuse and Injury Prevention, Drug Strategy Health Promotions Branch, Department of Health and Ageing, Canberra, 2003.

participation rates in diversionary programs were consistently lower than the Aboriginal participation rate in the criminal justice system.

Low participation rates can relate to systemic barriers to participation, which need to be identified and addressed by providers. This will involve an assessment of the impact of current services on Aboriginal people and communities.

Introducing reforms that will meet the diverse needs of Aboriginal people remains a challenge for those concerned about equity issues and the overrepresentation of Aboriginal offenders in the criminal justice system, as identified in evaluation of diversionary programs.¹¹

The Council of Australian Governments' (COAG) Illicit Drug Diversion Initiative (IDDI) provides funding for drug diversionary programs such as the Pre-sentence Opportunity Program (POP), the Indigenous Diversion Program (IDP) and the Supervised Treatment Intervention Regime (STIR) in Western Australia.¹² Despite the existence of a number of drug-related diversionary programs, consultations and evaluations conducted to date suggest that Aboriginal people are less likely than non-Aboriginal people to be referred to the programs and may be less likely to complete them.¹³

The Australian Institute of Criminology identified accessibility for Aboriginal offenders as a key barrier to participation in court intervention programs. One of the reasons given was that a number of programs under the IDDI had criteria that excluded people with a history of violent offences, alcohol dependence issues or prior incarceration.¹⁴ Aboriginal offenders were less likely to participate in court intervention programs because they were more likely to be arrested for a violence offence or have a history of violent offending.¹⁵

Studies have shown that the substance misuse issues of Aboriginal offenders primarily involve alcohol and inhalants, rather than the illicit drugs covered in IDDI.¹⁶ Past research has indicated a direct link between alcohol intoxication and Aboriginal involvement in crime.¹⁷ As demonstrated by Putt, Payne and Milner¹⁸, Aboriginal offenders are more likely to attribute their offending to alcohol than to illegal drugs. Aboriginal peers also report higher levels of use and dependency on alcohol and cannabis than their non-Aboriginal peers.¹⁹ As a result, Aboriginal offenders are generally more likely to report being under the influence of alcohol at the time of the offence or arrest.²⁰

¹¹ Crime Research Centre, *WA diversion program—evaluation framework (POP/STIR/IDP)*, Final report for the Drug and Alcohol Office, University of Western Australia, Perth, 2007.

¹² *ibid.*

¹³ J Joudo, 'Responding to substance abuse and offending in Indigenous communities: review of diversion programs', *Research and Public Policy series*, no. 88, Australian Institute of Criminology, Canberra, 2008.

¹⁴ *ibid.*

¹⁵ Payne, *op.cit.*

¹⁶ Australian Institute of Health and Welfare (AIHW), *The effectiveness of the Illicit Drug Diversion Initiative in rural and remote Australia*, Drug statistics series no. 19. Cat. no. PHE 96, Canberra, 2008.

¹⁷ D Weatherburn, L Snowball & B Hunter, 'The economic and social factors underpinning Indigenous contact with the justice system: results from the 2002 NATSISS survey', *Crime and Justice Bulletin*, No. 104, October 2006, p.10.

¹⁸ J Putt, J Payne & L Milner, 'Indigenous male offending and Substance Abuse', *Trends and Issues in crime and criminal justice*, No. 293, Australian Institute of Criminology, Canberra, February 2005.

¹⁹ *ibid.*

²⁰ *ibid.*

An evaluation of the Geraldton Alternative Sentencing Regime (GASR) found that it had a high participation rate of Aboriginal offenders (above 40 per cent).²¹ Explanations for the high Aboriginal participation rate included GASR's open approach to offending related problems, not restricting admission to those with illicit drug problems, but including alcohol, solvent, gambling, less serious violence and other problems.²²

Aboriginal people who drink are twice as likely as non-Aboriginal people to do so at short-term risky to high-risk levels.²³ The rate for Aboriginal females is three times as high as for non-Aboriginal females.²⁴ DIA submits that Aboriginal-specific alcohol court intervention programs should not only target Aboriginal people who are dependent on alcohol, but also target high-risk users of alcohol (similar to the Queensland Indigenous Alcohol Diversion Program).

The geographical location of many Aboriginal communities presents the greatest challenge for criminal justice agencies in terms of service delivery. DIA and the Law Reform Commission of Western Australia agree that court intervention programs should be flexible in operation in order to increase and ensure Aboriginal access to programs.²⁵

Programs developed in conjunction with Aboriginal people and built on strong cultural frameworks have a greater chance of succeeding and addressing the symptoms of alcohol and substance abuse. Dealing with the issue of alcohol and substance abuse in isolation will not effectively achieve sustainable results for Aboriginal communities.

Promising Practice in Western Australia

Regional Youth Justice Services

The Regional Youth Justice Services in Geraldton and Kalgoorlie appear to be achieving positive results and offer:

- an extended-hours family support service for young people at risk of offending;
- an expanded youth justice team office to target young offenders who are in the early stages of offending;
- a full time Aboriginal Family Youth Engagement Officer; and
- on site Intensive Supervision Program or Psychologist.

The provision of these services has occurred in collaboration with Courts, Police, the Department for Child Protection and Community members, and has contributed to better coordinated services and support to clients.

²¹ R Cant, R Downie & D Henry, 'Report on the Evaluation of the Geraldton Alternative Sentencing Regime, *Social Systems and Evaluation*, 2004.

²² King MS, 'Challenges Facing Australian Court Drug Diversion Initiatives' Keynote Address, Court Drug Diversion Initiatives Conference, Brisbane, 25-26 May 2006, <http://www.aic.gov.au/conferences/2006-drugDiversion/>

²³ Steering Committee for the Review of Government Service Provision (SCRGSP), *Overcoming Indigenous Disadvantage: Key Indicators 2007*, Productivity Commission, Canberra, 2007, p8.11 – 8.12.

²⁴ Ibid.

²⁵ Law Reform Commission of Western Australia (LRCWA), *Court Intervention Programs Consultation Paper*, project no.96, Quality Press, Western Australia, 2008, p.86.

Drug and Alcohol Office Western Australia: Specialised training for workers

The Drug and Alcohol Office of Western Australia (DAO) in collaboration with the Mental Health Division, Department of Health provide a range of alcohol and other drug knowledge and skills-based training for people working in the drug and alcohol management area including:

- culturally secure ways of working with Aboriginal people and families experiencing alcohol and other drug (AOD) use problems;
- effective and ethical cross-cultural applications of Western therapeutic paradigms for co-morbid presentations;
- stepped care approaches to managing young people with co-morbidity problems;
- therapeutic treatment options for AOD using clients who have experienced child sexual abuse;
- assisting AOD using clients to manage their emotions;
- post-traumatic stress disorder, alcohol and drugs;
- interactions between substance use and psychiatric medications; and
- treating clients effectively with co-morbidity problems.

Any initiatives which would improve the effectiveness of the education system in contributing to reducing the levels of involvement of Indigenous juveniles and young adults with the criminal justice system;

&

The effectiveness of arrangements for transitioning from education to work and how the effectiveness of the 'learn or earn' concept can be maximized.

Literacy and numeracy are key factors in human capital development including pro social behavior and future economic independence. Responsive schooling will assist in the retention of Aboriginal students and ultimately improve the performance of Aboriginal children by ensuring:

- social inclusion and reducing the educational disadvantage;
- that Aboriginal children and youth meet basic literacy and numeracy standards;
- overall standards of literacy and numeracy are improving; and
- Aboriginal young people successfully transition from school to work and/or further study.

In 2008, the gap between Aboriginal and non-Aboriginal students achieving the National Assessment Program – Literacy and Numeracy (NAPLAN) national standards varied in Western Australia. Overall the proportion of Years 3, 5, 7 and 9 Aboriginal students passing the NAPLAN minimal standards for reading, writing and numeracy were significantly lower than the proportion of non-Aboriginal students, which was also the case nationally.

Of further concern is the gap in completion rates of year 12 schooling for Aboriginal students in Western Australia. In 2006, the gap in the completion rates of year 12 schooling between Aboriginal and non-Aboriginal 19 year olds was 39 per cent. Secondary school attainment has been shown to affect employment prospects, occupation status, income, and opportunities for higher education.

Improving the participation of Aboriginal students in the education system is likely to lead to a reduction in the levels of interaction with the criminal justice system. However to achieve an increase in school participation there is a need to acknowledge that for many Aboriginal communities, a child's wellbeing and development are entwined with the wellbeing of her/his family and community. For this reason DIA strongly supports the development of flexible education initiatives, designed in conjunction with local Aboriginal communities that will enable them to meet their needs aspirations and priorities.

Promising Practice in Western Australia

The Western Australian Department of Education Aboriginal Perspectives Across the Curriculum project.

The Aboriginal Perspectives Across the Curriculum project (APA) is a project that aims to broaden and deepen students' and teachers' understanding of Aboriginal cultures and ways of being. Teaching APAC will assist all students to be able to look at the world from an Aboriginal viewpoint and understand the different Aboriginal points of view on a range of issues such as reconciliation, social justice and equality.

Djiti Djiti Aboriginal School Bunbury

Djidi Djidi Aboriginal School was established in 1996 in order to better serve the needs of Noongar children in the South West city of Bunbury from two perspectives:

- the children's educational experiences enhance the preservation of culture; and
- that superior educational outcomes would be achieved for Noongar children if their educational experiences are sensitive to their culture.

The School model was developed with Aboriginal and Non-Aboriginal staff. The main aims of the school are to:

- improve educational outcomes for Aboriginal students;
- strengthen and affirm Aboriginal culture; and
- encourage Aboriginal participation and increased student attendance and retention.

School Breakfast Program Ngaanyatjarra Lands School

A group of four Warburton grandmothers decided to take action to get children in their community to attend school by starting a small school breakfast program. With the assistance of donations from the charitable organisation, Foodbank, the women have been preparing breakfast for local school children for the past 18-months. The program has been credited for increasing attendance at the school by 60 per cent.

The program has not only increased children participation in the class room but has also increased momentum within the community with up to 25 young mothers and community members actively

involved in preparing breakfast meals daily. The success of the program has enabled the women to commence a small catering service.

As a result of the success of this program the Ngaanyatjarra Council in partnership with the Department of Education, Telethon Institute of Child Health Research, Curtin University of Technology and MetalsX, have applied for funding from the Australian Research Council Linkage Grant scheme to undertake a four-year research project to assess the effects of family-school partnerships on educational outcomes in the Ngaanyatjarra lands.

The Clontarf Foundation's Aboriginal Football Academy

Sporting programs provide an avenue for engaging Aboriginal students, who may otherwise have been at risk of leaving school early, in school activities. The Clontarf Foundation's Aboriginal Football Academy provides an education program for Aboriginal students in partnership with selected secondary schools and colleges. The football academies are helping to improve the participation, attendance and retention rates of Aboriginal students. There are eight Clontarf football academies and two annexes in public schools across the State.

Best practice examples of programs that support diversion of Indigenous people from juvenile detention centres and crime, and provide support for those returning from such centres;

Aboriginal people are not a homogenous group and their need for programs will vary both according to location as well as individual, family and community circumstances. There is a demonstrated need for innovation and the need of service providers to identify and address any barriers to participation.

Policies, procedures and service delivery practices that may seem equitable on the surface may have unintended adverse impacts on Aboriginal people and communities. For example, the Acting Inspector of Custodial Services Mr Barry Cram in *Report 56 on Broome Regional Prison*, identified an absence of culturally appropriate programs to address offending behaviour for Aboriginal prisoners, concluding that one consequence of this is the higher rate of recidivism among Aboriginal prisoners²⁶.

The identification of service gaps particularly in remote and regional areas will be necessary to ensure communities have equality of access to appropriate secondary services. There is capacity to leverage some of the work occurring through the Council of Australian Governments (COAG) National Partnerships to creatively problem solve locally. Non government service providers are often more able to respond to local need and to act creatively but frequently lack the resources required.

²⁶ Office of the Inspector of Custodial Services, *Report 56: Report on the Short Follow up Inspection of Broome Regional Prison*, November 2008, pp.v

Strategies designed to reduce the levels of Aboriginal interaction with the criminal justice system need to be built on strong cultural frameworks and be based on the following principles:

- a recognition and understanding of the individual aspirations and unique circumstances of Aboriginal and Torres Strait Islander people and communities in the different regions within the state;
- promotion of reconciliation and respect for Aboriginal culture, heritage and history;
- an acknowledgement that real and effective engagement with Aboriginal and Torres Strait Islander people is essential to the design and development of government policy and service delivery;
- the need to maintain existing relationships and continue to build trust and co-operation between Government, service providers and Aboriginal people; and
- mutual respect.

Promising Practice Examples

Western Australian Programs

Yiriman Project

This project was conceived and developed by the elders from four Kimberley language groups: Nyikina, Mangala, Karajarri and Walmajarri. These elders were concerned for their young people around issues of self harm and substance abuse. They saw the need for a place where youth could separate themselves from negative influences and reconnect with their culture in a remote and culturally significant place. Through this reconnection young people would gain strength and resilience, and build positive stories which they could take with them back to their towns and communities.

The Department of Corrective Services Western Australia

The Department of Corrective Services (DOCS) provides a range of services designed to assist young people interacting with the justice system, including:

- **The Youth and Family Support Service**– an after-hours outreach service for young people who are at risk of coming to the attention of police, providing practical support to them and their families to help tackle problems before they become serious.
- **The Youth Bail Service** – an after-hours seven-day-a-week bail service to help police identify responsible adults to provide bail for young people. The Youth Bail Service also provides limited short-term bail accommodation as a last resort for young people who are granted bail but do not have anywhere suitable to stay before their court appearance.
- **An Expanded Juvenile Justice Team** – a dedicated team, including juvenile justice officers and a police officer, to target young people in the early stages of offending and steer them away from the formal justice system.
- **The Intensive Supervision Program (ISP)** – a program which is producing outstanding results with some of the State’s most difficult young offenders and their families.

To support this process, targeted services have been developed in consultation with the local community through the establishment of Community Reference Groups (CRG) that include local residents and local Aboriginal community members.

Australian Programs

Boys from the Bush program, Cape York²⁷

The Boys From the Bush program is an economic development program for at-risk Aboriginal youth (aged 12 – 20) in Cape York and Torres Strait which uses business enterprise as the means of tackling several risk factors including unemployment, previous offending and drug and alcohol abuse. The program operates in partnership with Community Justice Groups under the auspices of the Cape York Land Council and Cape York Partnerships.

Local Aboriginal youths are referred to the diversionary program by the local community Justice Committee, the Courts or their families, usually after offending or engaging in potentially self destructive behaviours. Group members, parents, elders and service providers have reported that a number of young people from the groups have reduced or ceased their drug and alcohol intake, reduced or ceased their suicidal thoughts and behavior, and reduced or ceased their physical and verbal abuse towards people including police, teachers and parents.

Victorian Indigenous Youth Advisory Council²⁸

The Victorian Indigenous Youth Advisory Council (VIYAC) is a state-wide network of volunteer Aboriginal young people between 12 and 25 years who provide a voice to government and community on issues of importance to them.

The aims and objectives of the VIYCA are to:

- be a voice for Aboriginal youth and be heard by the Government;
- bring Aboriginal youth and the broader community together;
- promote a sense of pride in being young and Aboriginal;
- improve quality of life for Aboriginal youth;
- prepare Aboriginal youth to be future leaders;
- provide positive role models & support to youth to realize their independence; and
- make Aboriginal youth aware of the opportunities that are available to them.

Whitelion program, Melbourne²⁹

Whitelion supports young people to build better lives for themselves and helps make our community a more inclusive and safer place. Whitelion's target group is young people (13 to 25 years) who are involved with, or at risk of involvement with the youth justice system or the out of home care system.

²⁷ Further information can be found at www.boysfromthebush.org.au

²⁸ Further information can be found at <http://www.viyac.org.au/>

²⁹ Further information can be found at <http://www.whitelion.org.au/>

Bundji Bundji is a partnership between Whitelion, Maya Living Free Healing Association and Narana Aboriginal Cultural Centre. Bundji Bundji aims to empower Aboriginal young people by providing culturally appropriate support and advocacy and facilitating a sense of identity through spiritual, cultural and community reconnection.

The Partnership supports an Aboriginal Elder to provide outreach support to young men aged 10-21 years who are in custody, serving community based orders or who are 'at risk' of entering the Youth Justice System. Bundji Bundji offers support to Aboriginal young people by providing:

- advocacy and representation in courts;
- consistent, stable and trusting supportive relationships;
- visits and other supports when in Youth Justice facilities; and
- linkages with programs run by each of the partner organisations including mentoring, employment, cultural and spiritual awareness programs.

Tirkandi Innaburra Cultural and Development Centre³⁰

Tirkandi Innaburra is an Aboriginal community-run centre offering Aboriginal boys aged 12-15 a culturally-based residential program which aims to reduce their future contact with the criminal justice system. The centre aims to help Aboriginal boys "learn to dream" and to develop the tools and self-confidence to enable them to take control of their futures. The program is designed to strengthen the boys' cultural identity, self-esteem and resilience.

International Programs

Canada

Gwich'in Outdoor Classroom Project³¹

The Gwich'in Outdoor Classroom project was a culture-based crime prevention program in the communities of Fort McPherson and Aklavik, Northwest Territories. The project was designed for Aboriginal children aged 6 to 12, living in remote northern communities. Participating children faced multiple risk factors associated with crime, such as a lack of attachment to school and to community role models, addictions, involvement in youth gangs and lack of parental support.

The main components of the project included an outdoor camp, a morning breakfast program, and in-school programming involving life and communication skills, Elders, and traditional learning. The morning breakfast program, not part of the original project proposal, was added in response to a need identified in the community.

New Zealand

Community Initiatives for Maori Youth at Risk³²

Fourteen police-sponsored programmes targeting youth at risk of offending, and re-offending (both Maori and non-Maori) were funded in 1997 by the national government. The projects

³⁰ Further information can be found at <http://tirkandi.org.au/>

³¹ Further information can be found at <http://www.publicsafety.gc.ca/res/cp/res/2008-pepp-eng.aspx>

³² Further information can be found at http://www.justice.govt.nz/cpu/publications/2000/doone_rpt/index.html

involved collaboration between the police, family, school and community. At risk youth of 8 – 17 years were referred to the programme mostly by the police and/or school.

Programmes were based on Maori cultural values and principles, and these were primarily designed to provide them with a sense of belonging and confidence. Key activities included life skills, personal development and whanau (family) support, mentoring, building self esteem and outdoor experiences.

The scope for the clearer responsibilities within and between government jurisdictions to achieve better coordinated and targeted service provision for Indigenous juveniles and young adults in the justice system;

&

The extent to which current preventative programs across government jurisdictions are aligned against common goals to improve the health and emotional well-being of Indigenous adolescents, any gaps or duplication in effort, and recommendations for their modification or enhancement.

The COAG National Indigenous Reform Agreement recognises that

“Improving outcomes for Indigenous people requires the adoption of a multi-faceted approach that sees effort directed across a range of building blocks. An improvement in the area of one building block is heavily reliant on improvements made on the other building blocks”³³.

COAG has agreed to seven strategic platforms, or ‘building blocks’, as a means of meeting targets to address all levels of Indigenous disadvantage in the areas of early childhood; schooling; health; economic participation; healthy homes; safe communities; and governance and leadership.³⁴

This whole of life approach is advocated by DIA. A response to disadvantage experienced by Aboriginal people, including overrepresentation in the justice system, can only be addressed by a systemic response which targets the many layers of disadvantage and multiple issues.

Within Western Australia, the Aboriginal Affairs Coordinating Committee (AACC) convened under the *Aboriginal Affairs Planning Authority Act 1972* is charged with coordinating effectively the activities of all persons and bodies, corporate or otherwise, providing or proposing to provide service and assistance in relation to persons of Aboriginal descent. The involvement of the AACC is an opportunity to effectively work across jurisdictions when dealing with issues impacting on Aboriginal individuals, families and communities.

³³ Council of Australian Governments: *National Indigenous Reform Agreement*, p.5

³⁴ Council of Australian Governments: *National Indigenous Reform Agreement*, p.4

The AACC is comprised of the:

1. Director General, Department of Indigenous Affairs (Chair);
2. Chair of the Western Australian Aboriginal Advisory Council;
3. Under Treasurer, Department of Treasury and Finance;
4. Director General, Department of Premier and Cabinet;
5. Director General, Department of Health;
6. Director General, Department for Child Protection;
7. Director General, Department of Education; and
8. Director General, Department of Housing.

There is an opportunity to address many of the issues faced by Aboriginal youth through the Safer Communities building block described above. This also provides a further opportunity to build on the already substantial government investment in Western Australia and the AACC structure will provide the scope for the clarification of clearer responsibilities within and between government jurisdictions in order to achieve better coordinated and targeted service provision for Aboriginal individuals, families and communities.

Promising Practice in Western Australia

Multi Functional Police Facilities

Multi Functional Police Facilities (MFPFs) are an initiative that arose from recommendations of the *Gordon Inquiry into the Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*.³⁵

MFPFs co-locate Police and Child Protection workers on a permanent basis in some of the most remote Aboriginal communities in the State. Officers of Corrective Services, Health and the Department of the Attorney General also provide services from the MFPFs on rotation.

Nine MFPFs are fully operational in Balgo, Bidyadanga, Dampier Peninsula, Kalumburu, Warakurna, Warburton, Warmun, Jigalong and one in Kintore (in the NT) to service Aboriginal communities in the Central Desert. Another three are under construction in Burringurrah, Looma and Blackstone. Although located in hub communities, outlying areas within a 200km radius are also being serviced, effectively increasing the police presence at more than 50 remote communities.

There have been significant improvements in community security and safety, more disclosures of family violence and child abuse and a greater emphasis on community engagement and partnership in the development of local solutions.

An independent study of policing in 2007 found that

*“the Western Australian model...incorporating other government agencies in a coordinated approach to service delivery, is the most progressive of the four jurisdictions examined and has much to recommend it”.*³⁶

³⁵ Sue Gordon, Kay Hallahan and Darrell Henry, *Putting the Picture Together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*, 2002.

Regional Operations Centres

To implement the new Remote Service Delivery arrangements in each jurisdiction, the Australian and State/Northern Territory Governments have established Regional Operations Centres (ROC). Working in these centres are government workers from the Australian and the relevant State/Territory governments. In Western Australia the ROC is located in Broome providing services to the priority COAG locations of Fitzroy Crossing (and surrounding communities), Halls Creek (and surrounding communities), and the Dampier Peninsula (with a focus on Ardyaloon and Beagle Bay).

Each ROC provides support to locally based government staff, who live in and work with the community. One of their main functions will be to work across government with local Aboriginal peoples and other stakeholders to develop the Local Implementation Plans and ensure they are implemented in a timely way.

Initial discussions, engagement and communication have been held in all locations serviced by the Broome ROC, with agreement being gained on the appropriate decision making processes in each location.

Baseline mapping has commenced within the Kimberley region to scope identified local needs.

Conclusion

In summary, the need to consider whole of life issues for Aboriginal young people is critical in addressing the disadvantage which leads to offending behavior and overrepresentation in the justice system. Programs need to be culturally based and respect the diversity of Aboriginal people. Importantly success of such programs and interventions is most effective when Aboriginal people are engaged in planning, design and delivery.

³⁶ Valentin, J.G., *An Independent Assessment of Policing in Remote Indigenous Communities for the Government of Australia*, March 2007