

## **The role of positive social norms**

- 3.1 This chapter considers the importance of developing positive social norms and behaviours amongst Indigenous juveniles and young adults, their families and the communities in which they live. The chapter considers programs that promote positive social engagement, and how individuals and families can be supported to change their behaviours and provide positive leadership and role models for a community.
- 3.2 The chapter considers some of the issues which contribute to establishing social norms around a child, including:
- intergenerational dysfunction
  - community development of social norms and a connection to culture
  - family and community cohesion
  - parenting skills
  - mentors and role models
  - sport and recreation, and
  - safe accommodation.

### **What are social norms?**

- 3.3 Social norms are established by the (positive or negative) values, beliefs, attitudes and behaviours that dominate across a community group. For example, social norms may mean going to school, getting a job, playing sport, respecting elders and others in family and community, and maintaining a safe home environment.

- 3.4 Positive and negative patterns of behaviours are adopted or copied. A group of Aboriginal and Torres Strait Islander Legal Services (ATSILs) commented on how social norms might develop:

It is life experience from early childhood that builds an understanding of what is acceptable behaviour, and what is not. Normative values are essentially learnt from direct, repeated exposure to a child's immediate social environment. They are influenced by the values and the behaviour of parents, peers, immediate community and the wider society. They are shaped by people who are respected and admired and by those who exercise authority.<sup>1</sup>

- 3.5 Social norms differ from community to community and family to family. Some are dysfunctional while some are positive. Acting Chief Magistrate of the Darwin Magistrates Court, Sue Oliver commented on different social norms in different communities:

They [young people] do have a social norm. Unfortunately, the social norm is often a household where there is alcohol and substance abuse and where there has not been an engagement with education for a couple of generations. In some communities, it is a social norm where it is acceptable to take up weapons whenever you get upset with anyone and you run around the community threatening people.<sup>2</sup>

## Intergenerational dysfunction

- 3.6 Intergenerational offending is one of the risk factors for offending identified in the National Aboriginal and Torres Strait Islander Social Survey.<sup>3</sup> A significant detracting factor in young people's environment is the intergenerational entrenchment of involvement with the criminal justice system among many Indigenous people and communities.
- 3.7 A survey conducted of juvenile justice detainees in New South Wales revealed that '41 percent had a parent who had been in prison at some time during the formative years of that young person in custody. Eleven percent of them had a parent in custody at the same time'.<sup>4</sup>

1 Aboriginal Legal Service (NSW/ACT), North Australian Aboriginal Justice Agency and Queensland Aboriginal and Torres Strait Islander Legal Service, *submission 66*, p. 5.

2 Sue Oliver, Darwin Magistrates Court, *Committee Hansard*, Sydney, 28 January 2011, p. 18.

3 New South Wales Government, *submission 84*, p. 1.

4 Michael Levy, Australian National University, *Committee Hansard*, Canberra, 4 February 2010, p. 3.

3.8 As 'many Indigenous fathers have been or are incarcerated', and 'the trend for Indigenous women incarcerated is also on fast track'<sup>5</sup>, their children are normalising a life spent in contact with the criminal justice system. Peter Collins from the Aboriginal Legal Service of Western Australia (ALSWA) described the situation in Western Australia thus:

...the Aboriginal experience in Western Australia is of imprisonment. There are so many Aboriginal men who start off by serving time in juvenile detention centres who progress to adult jails as young men and then effectively spend a life sentence, by instalments, in and out of jail. They start off with young cousins in custody with them and then go on to being uncles who have young nephews coming through, fathers and brothers.<sup>6</sup>

3.9 A representative of New South Wales Corrective Services Women's Advisory Council told the Committee that:

So many of the people in custody or on community based orders are following the footsteps of their parents or grandparents. When I was going to Mulawa prison, it was brought home to me when a woman came up and introduced her mother and her grandmother. They had all been in custody and they are all in Mulawa together, in the women's jail. It was not remarkable to them. It was just what happens. ... The daughter had a baby, the next one.<sup>7</sup>

3.10 It is concerning that young offenders 'are often parents as well, and their reintegration is of great significance to the development of their children'.<sup>8</sup>

3.11 The impact of incarceration on an offender's family, up or down the generational tree, cannot be underestimated. The consequences can be long term, including 'missed opportunities to develop skills, further education and difficulty in attaining appropriate employment well after the period of imprisonment'.<sup>9</sup> The consequences can be far-reaching, as they affect the social and economic position of the family and the development of children.<sup>10</sup>

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5 Libby Carney, *submission 92*, p. 1.

6 Peter Collins, *ALSWA, Committee Hansard*, Perth, 30 March 2010, p. 46.

7 Katherine, *New South Wales Corrective Services Women's Advisory Council, Committee Hansard*, Canberra, 24 June 2010, pp. 6-7.

8 National Justice Chief Executive Officers Group, *Staying Strong on the Outside: Indigenous Young Adults*, September 2009, p. 4.

9 ACTCOSS, *submission 34*, p. 7.

10 UnitingCare Burnside, *submission 4a*, pp. 3-4.

- 3.12 Cheryl Axelby, of the South Australia Youth Justice Aboriginal Advisory Committee, said:

One thing which is really critical is how we address the intergenerational impact of issues which have impacted families for many generations. ... One of the key issues I see is timeliness – how you are expected to work with these very marginalised and disadvantaged families for a short period when the reality is that it is going to take quite some years of intervention and supporting families to get them to a stage where it does not impact as much on children.<sup>11</sup>

- 3.13 John McKenzie from the Aboriginal Legal Service (NSW/ACT) spoke of representing grandparents of his current clients in the 1980s and asserted it has been a 'fundamental mistake' by governments and policy makers to work on issues in a segmented way. Rather, Mr McKenzie maintained that it is essential that treatment for a child be provided in a holistic way and involve the family and community in which they live.<sup>12</sup>

- 3.14 An inquiry in 2010 by the New South Wales Ombudsman into service provision to the Bourke and Brewarrina communities found that for many young offenders<sup>13</sup>, their anti-social behaviour occurs within complex and difficult family environments. A key finding of the inquiry was the need for human services agencies to take an 'intelligence driven' approach to the early identification of vulnerable children and young people who are at risk, for the purpose of undertaking integrated case management aimed at supporting them and their families. This should involve holistically assessing individual needs and directly facilitating access to a range of services.<sup>14</sup>

- 3.15 Luke Grant from Corrective Services New South Wales referred to the entrenched antisocial thinking and the need for cognitive behavioural therapy:

An important thing that should not be forgotten and that is very clear in the correctional literature is that people do develop

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11 Cheryl Axelby, Youth Justice Aboriginal Advisory Committee, *Committee Hansard*, Adelaide, 20 May 2010, p. 6.

12 John McKenzie, Aboriginal Legal Service (NSW/ACT), *Committee Hansard*, Sydney, 28 January 2011, p. 32.

13 Aboriginal children make up over 80 percent of juvenile detainees in Western New South Wales. New South Wales Ombudsman, *Inquiry into the Service Provision to the Bourke and Brewarrina communities*, December 2010, p. III.

14 New South Wales Ombudsman, *Inquiry into the Service Provision to the Bourke and Brewarrina communities*, December 2010, pp. VIII-IX.

entrenched antisocial thinking, and therefore working with the way people think and the effectiveness of cognitive behavioural therapy should not be overstated. It is one thing to give someone vocational skill, but if the person still cannot deal with working with other people and taking instruction and communicating effectively and solving problems then all those vocational skills are a waste of time.<sup>15</sup>

- 3.16 The Committee considers the current intergenerational entrenchment of offending has devastating social and economic impacts for all Australians. However, the impact on Indigenous victims of crime is profound, with a large number becoming offenders themselves. The following section discusses the impact of violence in Indigenous families and communities.

## Victimisation

- 3.17 Family dysfunction, including family violence, child abuse and neglect, was often identified as important contributory factors in the offending behaviour of many Indigenous juveniles and young adults. Data on crime and victims demonstrates that Indigenous women are more likely to be victims of violence and the Committee has heard that many Indigenous children who offend have a history of family trauma, violence and neglect.
- 3.18 The incidence of violence and assault is higher among Indigenous youth compared to their non-Indigenous counterparts. Indigenous Australians aged 15-24 years are more likely to be hospitalised for assault than other Australians. In the four states which collect mortality data, Indigenous Australians aged 15-24 are more likely to die from assault than non-Indigenous Australians in the same age group.<sup>16</sup>
- 3.19 Australian Bureau of Statistics (ABS) data from four jurisdictions<sup>17</sup> makes it apparent that Indigenous people are overrepresented in the criminal justice system as victims of violent crime. For example, they are at least three times more likely to be a victim of assault, and four times more likely to be a victim of sexual assault.<sup>18</sup>
- 3.20 In each of these jurisdictions, Indigenous victims of assault were significantly more likely to know the offender than were non-Indigenous

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15 Luke Grant, Corrective Services New South Wales, *Committee Hansard*, Sydney, 28 January 2011, p. 22.

16 Department of Health and Ageing, *submission 73*, p. 3.

17 Queensland, Northern Territory, South Australia, New South Wales.

18 ABS, *Recorded Crime – Victims*, Cat. No. 4510.0, June 2010, pp. 61, 64, 67 & 70.

victims of assault.<sup>19</sup> In the Northern Territory, for instance, 44 percent of Indigenous victims of assault were assaulted by their partner, compared with nine percent of non-Indigenous victims of assault.<sup>20</sup>

3.21 Statistics show Indigenous women and children are more likely to experience violence than their non-Indigenous counterparts:

- Indigenous women were more than two-and-a-half times as likely as non-Indigenous women to have been a victim of physical violence
- in New South Wales, 9.1 percent of sexual assault victims under the age of 18 years were Indigenous, and
- in New South Wales, 12.6 percent of people under the age of 18 years who were victims of domestic violence were Indigenous.<sup>21</sup>

3.22 It is important that the issue of victimisation is not viewed in isolation from the issue of incarceration. It is apparent that there is a link between physical and sexual abuse and future incarceration. A survey of Indigenous women in New South Wales prisons found that there was a strong correlation between a history of abuse, offending behaviour, and incarceration:

... 70 percent of the women surveyed said that they had been sexually assaulted as children and most had also suffered other types of childhood abuse. 78 percent of the women stated that they had been victims of violence as adults and 44 percent said they had been sexually assaulted as adults. 98 percent of the women who were sexually assaulted as children stated that they had a drug problem, [and] most equated their drug problem to their experiences of past violence and their inability to get help with it.<sup>22</sup>

3.23 The survey found that there was an equally strong correlation between alcohol and substance abuse, offending behaviour and incarceration. This issue is discussed further in chapter 4 of this report, but the survey found:

... 68 percent of the Aboriginal women surveyed stated that they were on drugs at the time of their last offence. 14 percent stated they were under the influence of alcohol and 4 percent said they were under the influence of both drugs and alcohol at the time of their last offence. Only 18 percent said that they were neither drug

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19 ABS, *Recorded Crime – Victims*, Cat. No. 4510.0, June 2010, pp. 62-71.

20 ABS, *Recorded Crime – Victims*, Cat. No. 4510.0, June 2010, p. 71.

21 Wirringa Baiya Aboriginal Women's Legal Centre, *submission 64*, pp. 3-4.

22 Aboriginal Justice Advisory Council, *Speak Out, Speak Strong Aboriginal Women in Custody Research Project*, 2003, p. 5.

nor alcohol affected at the time of their offending however one third of them said they were heroin users.<sup>23</sup>

- 3.24 Given the higher likelihood of Indigenous people being victims of violent crime and the links between victimisation, alcohol and substance abuse, and incarceration, it is important that policy responses to these issues are holistic in design and do not treat each issue separately from the others. Addressing violence in Indigenous families and communities is critical and the Wirringa Baiya Aboriginal Women's Legal Centre stressed that programs that specifically focus on the needs of victims of violence must be supported and need to be culturally, gender and age appropriate:

Strategies aimed at changing these norms should not be confined to the behaviour of offenders. They must also address the circumstances of the victims. Indigenous women and children need to be provided with the means to respond to such violence. Victims must have access to services, for example help with AVO applications, places of refuge, counselling, and victims compensation. By focusing attention on the right of Indigenous women and children to be free of violence and by providing the services they need, social norms which tolerate and even condone violence are publicly challenged.<sup>24</sup>

## Indigenous Family Safety Agenda

- 3.25 Community safety is a vital pre-condition to achieve the Council of Australian Government's (COAG's) targets in health, education and housing. Governments agreed at a November 2009 roundtable on Indigenous community safety that if there is not action to address serious problems in community safety, it will not be possible to make improvements in other areas.<sup>25</sup>
- 3.26 To keep children and families safe, the Commonwealth Government manages and funds the Indigenous Family Safety Program, is progressing the National Framework for Protecting Australia's Children 2009-20 with state and territory governments, and is finalising a National Plan to Reduce Violence Against Women and Children. Commonwealth funding contributes to programs such as family support services for vulnerable

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23 Aboriginal Justice Advisory Council, *Speak Out, Speak Strong Aboriginal Women in Custody Research Project*, 2003, p. 5.

24 Wirringa Baiya Aboriginal Women's Legal Centre, *submission 64*, p. 7.

25 Communiqué, Indigenous Community Safety Roundtable, Sydney, 6 November 2009.

families, increasing the number of child protection workers, and strengthening alcohol controls in the Northern Territory.

- 3.27 The Indigenous Family Safety Program is providing \$64.4 million over four years, from July 2010, to fund innovative Indigenous family safety community initiatives focused on the Agenda's priority action areas:
- addressing alcohol abuse, with an urgent focus on reducing the supply of alcohol
  - more effective police protection to reduce incidents of violence
  - working with strong local leaders to strengthen social norms against violence by changing attitudes and fostering respectful relationships, and
  - coordinating support services to aid the recovery of people who experience violence, including children who experience or witness violence.<sup>26</sup>
- 3.28 In 2010-11 the Indigenous Family Safety Program provided \$12.5 million to family safety initiatives such as safe houses, counselling, prevention and early intervention programs, early education and behaviour change programs.<sup>27</sup>

### **Committee comment**

- 3.29 The Committee is concerned that Indigenous people, especially Indigenous women, are much more likely than non-Indigenous people to be the victims of violent crime. Of great concern is the identification of an intergenerational cycle of abuse and violence. Indigenous juveniles are more likely to witness or experience a greater incidence of violence than non-Indigenous juveniles, and so normalise this behaviour which then increases the risk of them resorting to violence in the future.
- 3.30 Tackling intergenerational disadvantage and dysfunction is critical to improving the outcomes for Indigenous children and their families, and reversing these trends for future generations. Government policies and programs must first and foremost address the widespread violence experienced by Indigenous women and children. The Committee supports the family safety initiatives under the Indigenous Family Safety Agenda.

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26 FaHCSIA, *Indigenous Family Safety Agenda*, <[www.fahcsia.gov.au/sa/indigenous/pubs/families/Pages/indig\\_fam\\_safety\\_agenda.aspx](http://www.fahcsia.gov.au/sa/indigenous/pubs/families/Pages/indig_fam_safety_agenda.aspx)> accessed 13 April 2011.

27 *Closing the Gap: Prime Minister's Report 2011*, p. 41.



- 3.31 The Committee acknowledges that this is a recent initiative and that measures of success should take into account the challenges of assessing changes to social norms. The Committee notes that the Indigenous Family Safety Program provides funding over four years and expresses its concern regarding the limited life of this funding and the need for sustained programs to effect appropriate social change over time.
- 3.32 However, supporting safe communities is more than just placing a road block across the path that so many young Indigenous men and women are headed down. It must be about opening up new pathways so the intergenerational track of family dysfunction, poor health, poor educational outcomes, and few employment opportunities is not a predestined one. Prevention must be about opening new directions and opportunities that engage, inspire and provide hope and positive choices for young Indigenous people.
- 3.33 In order to successfully address the overrepresentation of young Indigenous people in the criminal justice system, the families and environments in which they are living must be supported. The following sections discuss the importance of strong individuals, families and communities to effectively turn around the entrenched negative social norms and incarceration that is so devastating for Indigenous youth.

## **Community development of positive social norms**

- 3.34 The social norms for many young Indigenous people include negative values and beliefs that do not lead to wellbeing or positive social engagement. Therefore, many witnesses believed there was a need to rebuild positive social norms in communities and to achieve this it is essential to engage local communities and their leaders in the design of local diversion programs.
- 3.35 Danial Kelly, Lecturer in Law at Charles Darwin University, stressed:
- ... the greatest positive contribution the Government can make is to resource and facilitate these senior and respected people to design and implement locally appropriate solutions to lowering juvenile crime.<sup>28</sup>

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28 Danial Kelly, *submission 107*, p. 1.

- 3.36 There is much evidence to support the development of social norms and behavioural programs in partnership with Aboriginal and Torres Strait Islander people and communities. A local partnership approach helps to ensure the cultural overlay and sensitivities are incorporated from the outset during the developmental stages of program, including the ongoing monitoring and evaluation components.<sup>29</sup>
- 3.37 Sam Jeffries, former Co-Chair, National Congress of Australia's First Peoples referred to empowering Indigenous people to develop and support local programs:
- When local people are engaged in the design of projects and programs in their communities, they often work better and achieve better outcomes. If it is something that comes in from the outside, it is seen as an imposition. If they are disconnected from the process in the first place, it does not work as well.<sup>30</sup>
- 3.38 Shane Phillips, who leads a grassroots diversion program Tribal Warriors, agreed that making a difference is based on capacity building, influence and generation change within communities:
- What we are saying is that we are actually in the community, and we are asking for a bottom-up approach here. We are asking for the strengths of our own communities to be the guiding light. Let's take what is there. There are people within the community who can help build a better future for a lot of our kids. They can make it influential. That is the key to it, because if it becomes influential within our communities it is something they want to be part of and that they will share. It is about the ownership. The ownership of this whole belief and moving forward is the key to it. I am an advocate for mentoring, but it is capacity building within communities and families that is so important.<sup>31</sup>
- 3.39 Many submissions referred to the importance of incorporating cultural awareness and knowledge and how it can be an enriching component of services for juveniles and young adults when establishing positive social norms and behaviours. They asserted that strengthened cultural connections strengthen intergenerational relationships and community building. Submissions noted that culture plays a significant role in

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29 Government of South Australia, *submission 82*, p. 3.

30 Sam Jeffries, National Congress of Australia's First Peoples, *Committee Hansard*, Sydney, 28 January 2011, p. 20.

31 Shane Phillips, Tribal Warrior Association, *Committee Hansard*, Sydney, 28 January 2011, p. 22.

Indigenous wellbeing and must be recognised in program and service design and delivery.<sup>32</sup>

- 3.40 Professor Bamblett, from the Victorian Aboriginal Child Care Agency Cooperative Ltd, made the point that culture is a critical issue for young Indigenous people:

A lot of kids that are involved in the criminal justice system have no connection with their culture. A lot of them have been placed in non-Aboriginal care, with a history of being in non-Aboriginal care with no connection to culture. They do not know who they are. They did not know who their family are. We know that when children leave care, 80 per cent of them go home. If children have been raised by non-Aboriginal people, who do they go home to? That is why the criminal justice system becomes their home, becomes their family, becomes the only institution that they know.<sup>33</sup>

- 3.41 The Committee considers it of paramount importance that Indigenous families and communities have the capacity to lead change and take responsibility for establishing the positive social norms that will foster a new generation of Indigenous children with choices and opportunities for the future. Social change and expectations must come from within communities, however there is a role for governments to provide an interim safe and stable community environment and to assist in developing community leadership and cohesion where needed.
- 3.42 Incorporating Indigenous engagement and representation in intervention and diversion programs is discussed further in chapter 8.

## Supporting families and communities

- 3.43 Supporting families is key to opening positive pathways for Indigenous youth at risk and halting the intergenerational entrenchment in the criminal justice system. Leza Radcliffe, Western Australian Justice

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32 Western Australian Department of Indigenous Affairs, *submission 83*, p. 2; Aboriginal Legal Service (NSW/ACT), North Australian Aboriginal Justice Agency and Queensland Aboriginal and Torres Strait Islander Legal Service, *submission 66*, p. 13; Tasmanian Government, *submission 90*, p. 10.

33 Muriel Bamblett, Victorian Aboriginal Child Care Agency Cooperative Ltd, *Committee Hansard*, Sydney, 28 January 2011, p. 49.

Congress, stated that services for the child and their family as a whole are required:

... without looking at the family and the home life, it is not going to make any difference. You can prop that kid up until they are about 13 or 14, but then you will find them going away from the mainstream, finding a social life, finding a sex life, finding alcohol and drugs if they have not already found them, and you will lose them anyway. If you do not repair whatever is going on in the home, you could have 48 foster families and you will still need more.<sup>34</sup>

- 3.44 Patricia Mason, Western Australian State Aboriginal Justice Congress, stated that for the entire extended family there must be intense programs and guidance that provide parenting support and mentoring:

I think that we are failing to mentor these youths and families. Mothers – well, you can't inherit a behaviour; it is learnt. They only do things that they learn from the people who are around them, and if they are not getting pulled up for that behaviour they think it is right. ... They have got no guidance. These youths have got nothing. Even the parents have got nothing, because that is the way they were brought up.<sup>35</sup>

- 3.45 The Committee heard further evidence suggesting that capacity building in communities as a whole provides the best possible support to youth at risk and their families. Shane Phillips, Tribal Warrior Association, referred to capacity building in communities:

We have to build the strengths up. Even if people are not relatives they are part of the same community and network. The simple old saying that it takes a village to raise a child is so important to us. We have to build the capacity.<sup>36</sup>

- 3.46 Supporting communities from where young offenders come from is an essential part of the early intervention and rehabilitation process. John McKenzie, Aboriginal Legal Service (NSW/ACT), described the

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34 Leza Radcliffe, Western Australian Justice Congress, *Committee Hansard*, Sydney, 28 January 2011, p. 50.

35 Patricia Mason, Co-Chair, Western Australian State Aboriginal Justice Congress, *Committee Hansard*, Sydney, 28 January 2011, pp. 51-2.

36 Shane Phillips, Tribal Warrior Association, *Committee Hansard*, Sydney, 28 January 2011, p. 14.

importance of supporting the family and community of a young offender when they are released from custody:

You can do the best rehabilitative effort in the world while you have them in your care in an institution but if they go back to a community and a family that is in despair and does not have resources, in which there is hopelessness and in which there is not due regard for education, health and fitness then that person is more than likely going to fail. All the effort that all of the agencies around this table put in whilst they were in the criminal justice system will have come to naught because the community they go back to is actually reproducing the circumstances in which the person initially got into the offending.<sup>37</sup>

- 3.47 Transitioning programs and services from detention to communities was seen as an essential part of reducing recidivism and this is discussed further in chapter 7.
- 3.48 Some evidence was received about the importance of maintaining strong family connection while a parent is in custody. Research shows family contact and maintaining family relationships during imprisonment is related to lower levels of recidivism. UnitingCare Burnside referred to the Newpin Inside Parents program which is designed specifically for parents who are incarcerated and offers a combination of therapeutic and education parenting groups. Early indications of a study of a small sample of male prisoners in Western Australia are that Newpin Inside Parents 'was a more effective catalyst for change in increasing participant's parenting competency, wellbeing (particularly lowering depression) and reducing their criminal attitudes...'.<sup>38</sup>
- 3.49 The Committee notes that some young girls and boys aged 14 and above who are in custody are already parents themselves and need to maintain those family connections. Katherine from the New South Wales Corrective Services Women's Advisory Council claimed there is not enough emphasis on family programs and maintaining family connections while a parent is in custody:

Despite improvements in corrections in this area, there are still not enough telephones or visiting hours. Visits are still a privilege rather than a right. The usual things that have been raised forever still happen. As a result, the connections and family relationships

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37 John McKenzie, Aboriginal Legal Service (NSW/ACT), *Committee Hansard*, Sydney, 28 January 2011, p. 33.

38 UnitingCare Burnside, *submission 4a*, pp. 4-6.

that are known to help reduce recidivism occur in spite of the system rather than because the system prioritises that.<sup>39</sup>

## Parenting skills

- 3.50 Poor parenting is a significant predictor of juvenile offending. Higher risks of offending are related to parental neglect, parental attitudes, parental conflict and family disruption.<sup>40</sup> Professor Bamblett discussed the importance of parenting and its link to children being involved in the criminal justice system:

I think the strongest predictor to young people and children being involved in the criminal justice system is parenting, and there is an absence of this with a lot of our young people, particularly with a history of stolen generations. I think all the evidence in Victoria suggests that young people who are involved in the criminal justice system have issues at home: mental health, drug and alcohol, disability. I think if we do not do something about parents working with parents and families in the home we are not going to stem the flow of children in the system.<sup>41</sup>

- 3.51 A study of factors affecting crime rates in the Indigenous communities of Bourke and Lightning Ridge found that support for parents and especially support for young mothers was an area of crucial need. The study found that limited parenting skills were often an intergenerational issue:

It is self-evident that parents love their kids and want to do what is best for them. One reason given for why some people find parenting more difficult than others was because they themselves came from unstable families with many children raised by aunts or grandparents. A number of people referred to young people themselves becoming parents, who want the security of family but "have been brought up without those [parenting] skills."<sup>42</sup>

- 3.52 Mrs Radcliffe from the Western Australian Justice Congress reminded the Committee that many parents are under the age of 18 and they are raising

39 Katherine McFarlane, New South Wales Corrective Services Women's Advisory Council, *Committee Hansard*, Sydney, 28 January 2011, p. 36.

40 Dr Troy Allard, *Understanding and preventing Indigenous offending*, Indigenous Justice Clearinghouse, Brief 9, December 2010, p. 5.

41 Muriel Bamblett, Victorian Aboriginal Child Care Agency Cooperative Ltd, *Committee Hansard*, Sydney, 28 January 2011, p. 49.

42 Alison Vivian and Eloise Schnierer, Jumbunna Indigenous House of Learning, University of Technology Sydney, *Factors affecting crime rates in Indigenous communities in NSW: a pilot study in Bourke and Lightning Ridge*, November 2010, pp. 21 & 57.

kids with limited skills.<sup>43</sup> Una Champion from New South Wales Health asserted that young people need guidance on how to be parents because they have not learnt the skills from their own parents, with up to 60 percent of those young people in custody having a parent who has been in prison. Ms Champion believed that beginning mentoring support when the mother is in the maternity hospital would assist.<sup>44</sup>

- 3.53 Claire Gaskin, Clinical Director, New South Wales Health agreed that some of the best interventions which have been shown to have a significant impact on antisocial behaviour, are early interventions in parenting. However, Ms Gaskin asserted that such early interventions must be culturally sensitive and funded appropriately for families to access. Effective programs will involve people who understand the parents and the culture within which they are working. Ms Gaskin said there is a need to have Indigenous people being trained and working with the specialists in those fields.<sup>45</sup>
- 3.54 The following sections consider some of the major government initiatives in place directed at building parenting skills through the support of families and communities.

### **Commonwealth Government programs supporting Indigenous families and communities**

- 3.55 Under the Early Childhood Building Block of Closing the Gap, the Commonwealth Government is 'integrating services such as child care, early learning, and parent and family supports so vulnerable children receive a better start to life'.<sup>46</sup>
- 3.56 The Family Support Program, administered by FaHCSIA, is a key element of the Commonwealth Government's investment in supporting families and children. The Commonwealth Government is working to deliver, in collaboration with other levels of government and non-government organisations, better coordinated and more flexible support services for children and families. Community and Family Partnerships is one of three streams under the Family Support Program and it was funded almost \$84 million in 2009-10. Community and Family Partnerships aims to improve

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43 Leza Radcliffe, Western Australian Justice Congress, *Committee Hansard*, Sydney, 28 January 2011, p. 48.

44 Una Champion, Director, Adolescent Health, Justice Health, New South Wales Health, *Committee Hansard*, Sydney, 28 January 2011, p. 54.

45 Claire Gaskin, New South Wales Health, *Committee Hansard*, Sydney, 28 January 2011, p. 64.

46 *Closing the Gap: Prime Minister's Report*, p. 23.

child development, safety and family functioning and targets significantly disadvantaged communities and families, especially vulnerable and at risk families and children.<sup>47</sup>

3.57 Three of the programs providing support to Indigenous parents, families and communities under Community and Family Partnerships are:

- **Indigenous Parenting Support Services (IPSS)** targets families with children aged up to twelve years old with a particular focus on children under the age of two. The concept of parenting and caring includes extended families and kinship ties. Where possible and practical IPSS are located in existing Indigenous services and comprise Indigenous workers. IPSS are integrated into existing services with established infrastructure, systems and good working relationships with Indigenous families with young children. These include child care centres, schools, Aboriginal Health Centres and other related services to provide Indigenous families with access to enhanced parenting support.<sup>48</sup> It was expected that 51 Indigenous Parenting Support Services sites across Australia would be operating by June 2011.<sup>49</sup>
- **Communities for Children Plus (CfC Plus)** funds organisations to develop and facilitate a whole of community approach building on community strengths and the existing infrastructure of organisations, networks and resources, making use of strong evidence of what works in early intervention. Within a site, CfC Plus targets the whole community. Where a need is identified, specific strategies focus on particular target groups. Each CfC Plus site is required to establish and maintain a Communities for Children Committee (CCC). The CCC is a voluntary group of key stakeholders within a site who work in collaboration with the Facilitating Partner to develop, guide and implement the activity.

CfC Plus sites bring together Commonwealth, state and local governments and the non-government sector to plan and deliver targeted services according to local needs. There will be a strong focus on building links with state government child protection services - as well as services primarily targeted at adults - to tackle known parental

47 FaHCSIA, *Family Support Program*, <[www.fahcsia.gov.au/sa/families/progserv/Pages/cfp\\_guidelines.aspx](http://www.fahcsia.gov.au/sa/families/progserv/Pages/cfp_guidelines.aspx)> accessed 6 April 2011.

48 FaHCSIA, *Family Support Program*, <[www.fahcsia.gov.au/sa/families/progserv/Pages/cfp\\_guidelines.aspx](http://www.fahcsia.gov.au/sa/families/progserv/Pages/cfp_guidelines.aspx)> accessed 6 April 2011.

49 *Closing the Gap Prime Minister's Report 2011*, p. 24.



risk factors including mental health, family violence, housing and substance abuse.

Eight CfC Plus sites were identified by the Commonwealth and state governments as being communities where targeted and integrated service delivery, including mental health, drug and alcohol, family violence and housing services, were required to help prevent child abuse and neglect. The eight CfC Plus sites are Launceston (Tasmania), Cardinia (Victoria), Ipswich (Queensland), Kempsey (New South Wales), Midland (Western Australia), Playford (South Australia), East Arnhem (Northern Territory) and Campbelltown (New South Wales). All eight CfC Plus service providers have been selected and are currently at various phases of implementation<sup>50</sup>, and

- **Indigenous Children Program** delivers early intervention and prevention programs targeted at families with children at risk of abuse or neglect. The program provides a range of services including playgroups, parenting programs, counselling, drug and alcohol education and anger management. The program works on the strengths of community members to increase their capacity to be caring parents and positive role models. This program operates in 32 locations in cities and regional centres across Australia.<sup>51</sup>

- 3.58 The Commonwealth Government also committed \$6 million over three years from 2010-11 to the Strong Fathers, Strong Families Program which is administered by the Department of Health and Ageing. This program aims to promote the role of Aboriginal and Torres Strait Islander fathers, partners, grandfathers and uncles, and encourage them to actively participate in their children's and families' lives, particularly in the antenatal period and early childhood development years.<sup>52</sup>

## Queensland Family Responsibilities Commission

- 3.59 The Queensland Family Responsibilities Commission (FRC) began operating in four communities (Arukun, Coen, Hopevale and Mossman Gorge) in July 2008. The purpose of the Families Responsibilities Commission (FRC) is 'to support the restoration of socially responsible standards of behaviour and to assist community members to resume and

50 FaHCSIA, *submission 79a*, pp. 10-11

51 *Closing the Gap Prime Minister's Report 2011*, p. 24.

52 *Closing the Gap Prime Minister's Report 2011*, p. 24; Department of Health and Ageing, <[http://www.health.gov.au/internet/main/publishing.nsf/Content/oatish-health-QandA\\_factsheet](http://www.health.gov.au/internet/main/publishing.nsf/Content/oatish-health-QandA_factsheet)> accessed 13 April 2011.

maintain primary responsibility for the wellbeing of their community and the individuals and families within their community'.<sup>53</sup>

- 3.60 Four obligations for all Indigenous and non-Indigenous adults in relation to child wellbeing, school attendance, lawful behaviour and responsible tenancy are enacted in the FRC legislation as a message of what is expected. The FRC has the legal power to enforce the obligations and direct that individuals who breach them have their welfare income payments managed. Primarily the FRC achieves these objectives by holding conferences with individuals who have breached their obligations. In these conferences, the Commissioner and Local Commissioners sit with the concerned person to talk about the problem and possible solutions.<sup>54</sup>
- 3.61 Mr David Glasgow, Commissioner, Families Responsibilities Commission explained the FRC's objectives around restoring reasonable social norms and the wellbeing of children:

Our objects and our priorities are: early intervention and the wellbeing of children, to raise local authority in each community, and to help the community re-establish some reasonable social norms – such as, it is the norm to go to school; it is the norm not to drink at home; it is the norm not to have pornography at home, and those kinds of things. Then we assist the community as a whole – we deal with the whole family of those who come before us – to make decisions about their future.<sup>55</sup>

- 3.62 An independent evaluation of the FRC found indications of positive community-level change around school attendance, alcohol and violence in the two communities of Aurukun and Mossman Gorge. The evaluation also found the FRC appeared to be contributing to restoring Indigenous authority by supporting local and emerging leaders in Local Commissioner roles to make decisions and model positive behaviour. It was noted in the evaluation that although the FRC had been operating for 18 months only, it is strengthening its role within participating communities.<sup>56</sup> The Families Responsibilities Commission is discussed further in chapters 5 and 8.

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53 Families Responsibilities Commission, 'About the Commission', <[www.frcq.org.au](http://www.frcq.org.au)> accessed 17 March 2011.

54 FaHCSIA, *submission 79*, p. 12.

55 David Glasgow, Commissioner, FRC, *Committee Hansard*, Sydney, 28 January 2011, p. 68.

56 Department of Families, Housing, Community Services and Indigenous Affairs, *Implementation Review of the Family Responsibilities Commission – Final Report*, September 2010, pp. 6-8.

## New South Wales Intensive Supervision Program

- 3.63 The Intensive Supervision Program (ISP), which has been operating since May 2008 in two locations in New South Wales, Western Sydney and Newcastle, is based on the multisystemic therapy model, an intervention model that addresses the known, multiple causal pathways to juvenile offending behaviour. These causes include the characteristics of the juvenile, parenting skills, family relations, peer associations, school and vocational performance, neighbourhood characteristics and family-community interactions. A critical aspect of the ISP is working with the young person's family with an emphasis on promoting behavioural change in the young person's family, peer and school environment.
- 3.64 The ISP targets serious repeat juvenile offenders. It is a program that concentrates on identifying in the family the strengths and the processes needed to support the young person in the community. As part of the program, teams of professionals (including three to four clinicians, an Aboriginal Team Advisor and a Clinical Supervisor) go into the homes, schools and communities of these young people, and they are available to young offenders and their families 24 hours a day, seven days a week, for up to six months. These professionals look at the factors associated with juvenile reoffending, including substance abuse, housing needs, community disadvantage, family conflict, negative peer pressure and financial instability. The program develops positive inter-agency links that help families and juveniles access appropriate services.<sup>57</sup>
- 3.65 Eighty-seven New South Wales families have signed up to the program since May 2008, and 90 percent have completed it successfully. Preliminary research has shown a 60 percent drop in offending by young people during the program and 74 percent during the six months after completing the program. Preliminary data collected by the Multisystemic Therapy Institute as of December 2009 shows that 87 percent of caregivers had acquired the appropriate parenting skills necessary to handle future problems; 78 percent had improved family relations; and 70 percent had improved support networks.<sup>58</sup>
- 3.66 The New South Wales Government referred to the benefits of ISP to entire families:

While the primary aim of the ISP is to have an effect on young people already involved in the criminal justice system by reducing

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57 New South Wales Department of Juvenile Justice, *Intensive Supervision Program*, Pamphlet, April 2008.

58 Mr Graham West, *NSW Legislative Assembly Hansard*, 19 May 2010, p. 23077.

their risk of further re-offending, international research strongly indicates that these types of family interventions may have a preventative effect on younger siblings in a family as parents learn the skills to parent more effectively.<sup>59</sup>

- 3.67 While the New South Wales Government is supportive of ISP, the Committee notes the Western Australian Government did not continue funding for its Family Intensive Program after four years (2004-2009) because it ‘has shown it has not been able to successfully engage with the families of these young people and ultimately has not achieved the results I would expect from such a resource intensive program’. The Western Australian Government redirected its funding to other diversion programs for at risk youth, such as youth bail services and regional youth justice services.<sup>60</sup>

### Committee comment

- 3.68 The Committee heard about the pressing need for government and non-government service providers to deliver integrated services, particularly where the problems people face are complex and multifaceted.
- 3.69 The description of the program Communities for Children Plus appears to provide what so many communities require. Likewise, the Families Responsibilities Commission aims to provide a coordinated, cross jurisdictional support and empowerment to parents, families and communities to enable Indigenous children to develop in environments with positive social norms. The Committee supports the continued funding of these programs and the continued monitoring of their effectiveness in developing positive social norms for Indigenous youth and in preventing contact with the criminal justice system.

### Recommendation 3 – Positive social norms

- 3.70 **The Committee recommends the Commonwealth Government continue to fund holistic, intergovernmental services to Indigenous youth and their families and communities, such as Communities for Children Plus, and evaluate their effectiveness in strengthening positive social norms in communities and preventing Indigenous youth engagement with the criminal justice system.**

59 New South Wales Government, *submission 84*, p. 13.

60 Christian Porter, Western Australian Treasurer and Attorney-General, *State government to target at-risk youth*, Ministerial Media Statement, 9 September 2010.

- 3.71 The Committee notes with interest the outcomes of the Intensive Supervision Program in New South Wales where offending behaviour by youth on the program has reduced and parenting skills have increased. The Committee urges the Commonwealth Government to consult with state and territory governments on the effectiveness of multisystemic therapy models, such as the Intensive Supervision Program, in establishing positive social norms in families and communities and in reducing the offending behaviour of Indigenous youth.

## Mentors and role models

- 3.72 The importance of role models and mentors was raised by many participants at public meetings around the country. The Committee heard that Indigenous mentors and inspirational leaders are helping to make positive changes within communities, and therefore should be supported appropriately.<sup>61</sup>
- 3.73 Discussions in support of Indigenous mentoring referred to its value in all aspects of life, for example in the arts, sport, music, culture, school, family, community, police force, and government representation. Mentors and role models can assist youth at risk to develop self esteem, self worth, future aspirations and a commitment to community responsibility. They can contribute to rehabilitation and mentor on healthy lifestyles, sport, and education and employment goals.
- 3.74 Young Indigenous people respond well to the Indigenous mentors who are from their local community. The Committee received very supportive evidence about several successful mentoring schemes. The evidence highlighted the importance of mentoring for children at risk, within a custodial setting and during their reintegration back into community post-release. The Hon. Geoffrey Eames provided the following example of the success of mentoring:

There is a mentoring program, for example, in Warrnambool in Victoria, which appears to have very good prospects of success. It is about trying to grab kids at the very earliest point, when they are just on the fringes of getting involved with the criminal justice system, and giving them a buddy or a mentor, who takes a

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61 Ken Zulumovski, Public Interest Advocacy Centre, *Committee Hansard*, Sydney, 4 March 2010, p. 54; Shane Phillips, Tribal Warrior Association, *Committee Hansard*, Sydney, 28 January 2011, p. 12, Youth Justice Advisory Committee, *submission 97*, p. 6.

deliberate and active role in watching that kid's progress and trying to keep the kid out of custody.<sup>62</sup>

- 3.75 Luke Freudenstein from the New South Wales Police was very supportive of Indigenous mentors, both men and women:

Some of the girls come on board and they are mentors for us. They are helping to speak to the young girls who are getting involved in these fights. So, again, you see the importance of the mentors, ... and I firmly believe that is why we are having so much success at Redfern. ... They are a godsend for us as police, because we get them to do some of the things that we cannot do. They get the message across, and that assists us greatly.<sup>63</sup>

- 3.76 The New South Wales Bar Association proposed that:

Mentoring of offenders by Elders and suitably qualified people, in cultural issues, for education and training, drugs and alcohol abuse, domestic violence etc, should be available before, during and after custody.<sup>64</sup>

- 3.77 Sometimes mentors themselves have a history of disadvantage or offending behaviour and they are helping youth to turn their lives around. Magistrate Joan Baptie praised the work of mentors, in particular one of the juvenile justice officers who sits in court in Campbelltown:

He is quite generous about indicating his past history but he was in trouble as a kid. He is a marvellous mentor, particularly for those young Aboriginal boys who go through Campbelltown court. He knows all the families and he is able to click with them, talk to them, work them through some of their problems and put them in contact with people who might be able to advance that.<sup>65</sup>

- 3.78 The *meenah mienne* mentoring buddy system in Tasmania has seen some encouraging results from their mentoring and buddy system with three young Aboriginal buddies pursuing employment and further educational opportunities in the first year. The system seeks to divert young Aboriginal people from juvenile detention and crime by supporting intergenerational relationships, targeting community building, role-

62 The Hon. Geoffrey Eames, *Committee Hansard*, Melbourne, 3 March 2010, p. 6.

63 Luke Freudenstein, New South Wales Police, *Committee Hansard*, Sydney, 28 January 2011, p. 35.

64 New South Wales Bar Association, *Criminal Justice Reform Submission*, December 2010, p. 6. <<http://www.nswbar.asn.au/circulars/2010/nov/cjrs.pdf>> accessed 22 March 2011.

65 Joan Baptie, Magistrate, Children's Court of New South Wales, *Committee Hansard*, Sydney, 28 January 2011, p. 10.

modelling, healing, literacy and skills development. There has been large demand from high risk Indigenous youth to join the buddy system and there is a need to train and support more mentors.<sup>66</sup>

- 3.79 Shane Phillips, from the Tribal Warrior Association in Sydney, described the role of the mentor:

A real mentor enables; they make themselves redundant. ... People do not want a mentor for the rest of their life. They want someone to help them engage in what they need to engage in and take on the responsibility for themselves, and see the milestones behind them and say, 'I've accomplished that.'<sup>67</sup>

- 3.80 Some of the evidence received suggested the biggest obstacle for running mentoring programs was the lack of sufficient on-going funding despite programs demonstrating successful outcomes. The Youth Justice Aboriginal Advisory Committee in South Australia submitted that one of its mentoring programs was receiving reduced funding which limited the capacity of mentors:

The MAYFS Panyappi mentoring program originally funded through Commonwealth Attorney Generals Department and received funding of approximately \$400,000 per annum and received a National Crime Prevention Award. This program became an ongoing initiative under State Government and the funding of this program was significantly reduced to \$190,000 per annum which has significantly reduced the capacity of the program to employ Aboriginal Mentors.<sup>68</sup>

- 3.81 Sam Jeffries, former Co-Chair of the National Congress of Australia's First Peoples, supported further government funding for intensive mentoring programs:

The mentoring that we talk about, I think, needs to be intensive. That might cost a lot of money. We quite often say, 'We can't quite pay for that because it comes too high.' When we talk about mentoring, it might get down to one mentor to two kids or something like that, and that costs a lot of money when you think about that. But we are quite comfortable and relaxed about accepting the cost to society when they are institutionalised.<sup>69</sup>

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66 meenah mienne, *submission 16*, p. 1.

67 Shane Phillips, Tribal Warriors Association, *Committee Hansard*, Sydney, 28 January 2011, p. 12.

68 Youth Justice Aboriginal Advisory Committee, South Australia, *submission 97*, p. 4.

69 Sam Jeffries, National Congress of Australia's First Peoples, *Committee Hansard*, Sydney, 28 January 2011, pp. 17-18.

## Committee comment

- 3.82 Indigenous mentors to support Indigenous young people at risk of entering the youth justice system is a key initiative to provide resilience and guidance to develop the social norms and behaviours that lead to positive social engagement. Mentors support Indigenous young people in managing the social stresses associated with the criminal justice system and life back in the community.
- 3.83 The Committee recognises that many Indigenous communities are unable to provide the necessary leadership, mentoring and role modelling for youth at risk. The Committee considers it essential that a Commonwealth coordinated mentoring scheme is made available. The Committee notes that any costs associated with the establishment and administration of such a scheme is likely far less than the continued cost of incarceration of Indigenous youth.
- 3.84 The Committee is convinced that mentoring can be very effective at changing the lives of Indigenous youth who are at risk of entering the criminal justice system. Mentors are best sourced at the local community level and further assistance is required to support effective mentoring programs in a more coordinated and sustained manner. The Committee considers that any mentoring scheme should aim to assist those mentoring programs already in place, such as *meenah mienne*, and facilitate a nationwide network of mentoring programs.

### Recommendation 4 - Mentors

- 3.85 **The Committee recommends the Commonwealth Government support a national program to develop and provide local mentors for Indigenous youth at risk before, during and after custody.**

## The role of sport

- 3.86 Positive role modelling and social norms of behaviour can be encouraged through sport and recreation. The Committee heard about the benefits of sport providing Indigenous people with a grass roots level of positive contact with the community. The engagement of Indigenous youth in sport and recreation can promote positive social and health wellbeing and



can help to minimise the potential for offending behaviour for Indigenous youth. The Australian Sports Commission (ASC) submitted:

Sport and recreation are shown to have a positive impact on Indigenous Australians, improving overall health, reducing violence, crime, theft and vandalism, reducing substance abuse and self-harm and improving school attendance. Indigenous sport historian Colin Tatz found that sport contributes to enhanced social cohesion, improved self esteem, reducing suicide risks and improved social support for Aboriginal communities.<sup>70</sup>

3.87 There are a number of Commonwealth funded initiatives to promote the engagement of Indigenous youth in sport. For example, the Youth in Communities program supports a range of sport, recreation and educational services for young people in remote communities where options for young people are otherwise very limited. Funding has contributed to the upgrading of sport and recreation infrastructure, equipment and coaching. These programs are intended in part to:

- provide an effective diversion for young Indigenous people from at risk behaviours
- improve life choices and outcomes for young Indigenous people, through engaging them in positive activities that promote pathways to better health and wellbeing, community capacity building and participation in school, work and social networks, and
- strengthen and improve the youth services infrastructure, both in the number of youth workers employed and the facilities available for providing youth services and activities.<sup>71</sup>

3.88 FaHCSIA is managing the following Northern Territory based Australian Football League (AFL)/FaHCSIA sports partnership programs:

- AFL Club Fostership Program - Five participating AFL clubs have established links under this program with selected Indigenous communities, primarily in the Northern Territory, to deliver football-related activities, promote health active lifestyles and encourage increased school attendance
- AFL Ambassadors for Life Mentoring Program - More than 100 Indigenous youth from around Australia are being mentored under this

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70 ASC, *submission 42*, p. 3.

71 FaHCSIA, *Youth in Communities*, <[www.fahcsia.gov.au/sa/indigenous/pubs/nter\\_reports/ctg\\_monitoring\\_report\\_jan\\_Jul10/Documents/part2/appb.htm](http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/ctg_monitoring_report_jan_Jul10/Documents/part2/appb.htm)> accessed 4 May 2011.

program by 36 listed Indigenous AFL players who have undergone mentoring training. This program aims to build capacity and leadership skills, targeting young Indigenous males (13-14 years of age) at risk of substance abuse and other harmful behaviours

- Wadeye Development Officer -FaHCSIA is providing \$130,000 a year under this partnership agreement over three years, to support Australian Rules activities in Wadeye, NT. This program is managed by NT State Office, with the funding to conclude at 30 June 2010. The funds are being used to appoint a development officer and support local AFL competitions in Wadeye. Advice to date is that the program has had a positive impact on anti-social behaviour in the community, and
- Groote Eylandt Regional Manager - \$70,000 was also earmarked under the partnership agreement in 2008-09 to support the employment of an AFL Regional Manager on Groote Eylandt. This Manager is responsible for establishing junior and local AFL competitions on Groote, as well as providing support for the Fostership program (Groote Eylandt is one of the target communities under this program).<sup>72</sup>

3.89 Another successful initiative funded by FaHCSIA in partnership with the Queensland Government is the Kids Living Safer Lives project. This program aims to prevent and reduce domestic and family violence in Cape York's Indigenous communities through a range of activities that engage children and young people. Beginning in July 2008, the project coordinates police programs such as Be Strong Be Heard, Violence No Way with the AFL's Kickstart lifestyle program, and other self-esteem building activities. The project has been shown to reduce violence and the fear of violence in the Indigenous communities of Aurukun, Coen, Hope Vale, Kowanyama, Lockhart River, Mossman Gorge and Pormpuraaw.<sup>73</sup>

3.90 The ASC has managed and administered the Indigenous Sport Program, in financial partnership with other Commonwealth, state and territory agencies and the mainstream sporting industry since 1993. The Indigenous Sports Program was developed to encourage Indigenous people to be more active and to play sport at all levels. The program works to increase opportunities for Indigenous people to learn the skills needed to organise, deliver and manage community-based sport, and to ensure that talented Indigenous sportspeople are able to access the support they need to reach

72 Department of Families and Housing, Community Services and Indigenous Affairs, *submission 79*, p. 19.

73 FaHCSIA, *submission 79*, pp. 16-17.

their sporting goals. The Indigenous Sports Program has a network of Indigenous Sport Development Officers who look at the sporting needs of Indigenous communities and then develop programs, often in partnership with other sporting organisations, to deliver community-based sporting opportunities and services.<sup>74</sup>

- 3.91 The ASC stated that the Commonwealth, state and territory governments collectively committed nearly \$45 million in 2009-10 to sport and recreation activities and programs for Indigenous Australians. However, the ASC asserted that the combination of funding is spread too thinly across government agencies, therefore a 'duplication of activities, limited strategic direction and vision, and limited understanding of the Australian sports industry has resulted in an inefficient, fragmented and under-resourced approach to sport and recreation service delivery for Indigenous Australians'.<sup>75</sup>
- 3.92 The ASC was working to develop a coordinated approach to national funding for Indigenous sporting programs, overcome issues in the area of short term resourcing and differences in delivery, and build sustainability in communities. They explained that:

At its December 2009 meeting, the Sport and Recreation Ministers Council (SRMC) agreed to establish a working party of Australian Government and state and territory departments of sport and recreation as well as cross portfolio representatives to:

- assess the need for a national coordination and partnership model to reduce confusion, overlap and delivery inefficiencies
- map and qualify existing sport and recreation funding for Indigenous Australians across government jurisdictions and non-government sectors; examine the appropriateness and efficacy of existing sport and recreation service delivery models to Indigenous Australians
- examine place and evidence based approaches to sport and recreation participation and community sport capacity building, with a view to longer term sustainability
- identify best practice models for engaging non-government funding sources to augment government support, and
- recommend options for evaluation and improving future service delivery.<sup>76</sup>

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74 ASC, *submission 42*, pp. 11-12.

75 ASC, *submission 42*, p. 11.

76 ASC, *submission 42*, p. 3.

- 3.93 The inter-government working party was due to report to the Sport and Recreation Ministers Council by June 2010; however, the Committee understands that this work has stalled.
- 3.94 The lack of structured leisure and recreational pursuits is a well recognised criminogenic risk factor. An Honours thesis by Ross Tanimu reported that:
- A project by the Australian Sports and Health Commission utilised sports to gauge outcomes in Aboriginal communities in the Northern Territory. Results saw considerable benefits for Aboriginal youth in education, physical and emotional wellbeing as well as minimising their contact with the judicial system.<sup>77</sup>
- 3.95 The research thesis found that:
- ... sports participation, with the support of other programs and agencies, has the ability to be used as an effective diversion and prevention program to minimise the risk for offending behaviour and possible onset of recidivism for Aboriginal youth.<sup>78</sup>
- 3.96 Another important aspect of sports participation is the need to conform to regulations. Understanding the rules of various sports and the penalties associated with infringements in sports can assist the understanding of the penalties imposed by crime and offending behaviour.<sup>79</sup>
- 3.97 A report by Monsignor David Cappo, Commissioner for Social Inclusion in South Australia, commented on the importance of sport and recreation based activities for Indigenous people. The report stated:
- Throughout the consultations, Aboriginal young people indicated a strong connection to sport and recreation based activities. Many said that there was a lack of opportunity to participate in sport either due to the absence of sporting facilities within their communities, or through a lack of funds required to access such programs.<sup>80</sup>
- 3.98 Safe and productive activities for young people after school and in the evening are effective at preventing Indigenous youth from participating in
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77 Ross Tanimu, *Does the promotion of sport for Aboriginal youth help reduce the risk of offending behaviour?*, Honours Thesis, Flinders University, p. 63.

78 Ross Tanimu, *Does the promotion of sport for Aboriginal youth help reduce the risk of offending behaviour?*, Honours Thesis, Flinders University, p. 74.

79 Ross Tanimu, *Does the promotion of sport for Aboriginal youth help reduce the risk of offending behaviour?*, Honours Thesis, Flinders University, p. 61.

80 Monsignor David Cappo, Commissioner for Social Inclusion, *To Break the Cycle: Prevention and rehabilitation responses to serious repeat offending by young people*, 2007, p. 37.

anti-social behaviour. However there is often a lack of activities for Indigenous youth at risk. A study of factors affecting crime in two towns in New South Wales found that the Indigenous young people believed there were few activities for them after school – there was little sport, no dance classes and no BMX track or skate park. The high cost of participating in sport was also noted by several people.<sup>81</sup>

3.99 The Australian Children’s Commissioners and Guardians submission referred to the issue of boredom in communities:

Another very significant issue for Indigenous children and young people in regional and remote areas is the lack of 'things to do'. This is constantly raised in consultations by ACCG members with children and young people across the country. Children and young people state that boredom and an absence of structured (and affordable) sport and recreation activities have a negative influence on their mental health and increase the risk of them coming into contact with the justice system. Core service agencies, such as the police, local government and community organisations, consistently reinforce this message. It is important, then, to look outside the youth justice system, to other agencies such as sport and recreation, for assistance in crime prevention.<sup>82</sup>

3.100 Mark Horton from the Dubbo Youth Foundation stated that sport had proven to be the most effective and fastest means of engaging large numbers of Indigenous youth with the wider community and he believed resources do not need to be significant. The Dubbo Youth Foundation addresses a range of impediments to Indigenous youth participation in sport, including:

- A-Administrative support to youth and parents to complete sport registration paperwork (to overcome literacy and numeracy issues) including obtaining birth certificates (see attached documentation).
- B- Administration of the ICC DoHAs indigenous small grants program, that provides small (up to \$200) part funding grants for sport, arts and cultural equipment, registration fees to allow for club membership registration.
- C- Transport subsidisation for those with access issues.
- D- Introduction to mainstream sport, by creating links with and for clubs to disadvantaged youth.

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81 Alison Vivian and Eloise Schnierer, Jumbunna Indigenous House of Learning, University of Technology Sydney, *Factors affecting crime rates in Indigenous communities in NSW: a pilot study in Bourke and Lightning Ridge*, November 2010, p. 21.

82 Australian Children’s Commissioners and Guardians, *submission 59*, p. 10.

- E- Club governance advice and support, club committee and volunteer training facilitation and membership advice support.
  - F- Contracting external NGO community providers to conduct school holiday diversionary and education programs.<sup>83</sup>
- 3.101 Police citizen youth clubs have provided Indigenous youth with recreational opportunities and have helped to build police relations. A good news story was told about Mornington Island in Queensland where robberies had dramatically reduced. The Queensland Police Commissioner referred to the dedication and long term commitment of the local Sergeant and his wife in developing the police-citizens youth club and other programs working with Indigenous youth, including programs for young women.<sup>84</sup>
- 3.102 Similarly in New South Wales, police are using sporting programs for Indigenous women to help to prevent offending behaviour. In Redfern New South Wales the police sponsor the girls' basketball team and the rugby league team. They have jerseys which recognise the Aboriginal community and police together in sport.<sup>85</sup>
- 3.103 Midnight Basketball Australia is a harm prevention charity that helps to coordinate basketball tournaments across communities throughout Australia. The program is a catalyst for community building and successfully brings together youth services, schools, police, councils, local businesses, voluntary organisations, volunteers and parents. The tournaments run for an eight-week period on Friday or Saturday evenings and participants must attend the life-skills workshops that are held before any games are played. A healthy meal is provided on the night and at the end of the evening a bus takes the players safely home to their front door.
- 3.104 Midnight Basketball has been very successful and continues to expand throughout Australia. By the end of 2010, eighty tournaments had been held throughout Australia. The feedback from the youth involved as well as the local police has been positive. The participants have an activity on a Friday or Saturday night that is fun, safe and healthy. The local police report that there is less crime committed on the nights that Midnight Basketball is held and the local police involved in the tournaments are able to build up a rapport with some of the youth who might otherwise engage in anti-social behaviour.

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83 Mark Horton, Dubbo Youth Foundation, *submission 85*, p. 4.

84 Robert Atkinson, Queensland Police Service, *Committee Hansard*, Sydney, 28 January 2011, p. 7.

85 Luke Freudenstein, New South Wales Police, *Committee Hansard*, Sydney, 28 January 2011, p. 35.

- 3.105 Each Midnight Basketball tournament is evaluated formally by an external independent research body through a variety of mechanisms. These include a detailed demographic survey of participants and tournament attendees; a survey of participant attitudes to the workshops and overall experience; and a survey for the participant service organisations involved.<sup>86</sup>

### **Committee comment**

- 3.106 Sport teaches many social norms such as the benefits of commitment to a team and the consequences of not meeting commitments, healthy living, participation and supporting peers. It provides positive encouragement, role modelling, a sense of achievement and belonging to a community. Community based sport and recreational activities offer a positive alternative to drug and alcohol use and anti-social behaviour. There are positive results emerging from the partnership sports programs administered by FaHCSIA and the work of the Australian Sports Commission in engaging Indigenous youth in sport.
- 3.107 The Committee commends the work of Police and Community Youth Clubs around the country, especially the work of dedicated police officers who are making a positive contribution to the lives of Indigenous youth at risk. The committee visited the Police and Community Youth Club at Dubbo, New South Wales, and observed firsthand the importance of the centre's work and the parenting and mentoring that was being provided to Indigenous youth.
- 3.108 The Committee notes the impressive commitment made by sporting bodies, such as AFL, in particular around Australia to provide leadership and mentoring to young people and to actively engage Indigenous youth in sport. The Committee urges other sporting bodies to demonstrate their social responsibility and actively work in communities to make sport a positive influence in the lives of Indigenous youth. The Committee notes the inspirational work being done by a number of Indigenous sports people, such as Cathy Freeman and others, to engage youth through sport and so open new pathways for youth at risk.
- 3.109 Similarly Midnight Basketball, which is run by volunteers, plays a crucial role in teaching social norms, providing a sense of belonging, and engaging youth in productive and enjoyable activities.

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86 Midnight Basketball, *exhibit 19*.

- 3.110 The Committee sees many opportunities for other sporting and community groups to undertake valuable work in this area and urges others to become involved for the rewards it brings to the volunteers and participants. However there is a role for the Commonwealth and for state and territory governments to utilise sport as a means of teaching positive social norms, building self esteem, and establishing a sense of belong to a community with the responsibilities and support that this brings.
- 3.111 The Committee is disturbed to hear that progress has stalled on plans for a coordinated approach to national funding for Indigenous sporting programs. The Committee urges the Minister for Sport, Senator the Hon. Mark Arbib, to take this task of national coordination and best practice service delivery of sport and recreation to Indigenous Australians to the next meeting of the Sports and Recreation Ministers Council and address barriers to the inter-government working party finalising its report.
- 3.112 The Committee recognises that there are often practical impediments which impede the participation of Indigenous youth in sport, such as identification issues which are considered the following section. Other issues include uniform and registration fees, transport, guardian permissions, and health and hearing issues. The Committee recommends that the Commonwealth, in coordination with state and territory governments, investigate ways to overcome these practical impediments in order to maximise the accessibility and benefits of sporting programs.

### **Recommendation 5 – Sport and recreation**

- 3.113 **The Committee recommends the Commonwealth Government:**
- **work with state and territory governments to support more sporting, music and other recreational activities for Indigenous children and youth outside of school hours, particularly in remote and regional areas**
  - **encourage sporting bodies and sporting celebrities to become more involved in organising sporting engagement for Indigenous children and youth**
  - **ensure continued funding for sports partnership programs and the provision of infrastructure and services to ensure sports participation by Indigenous youth, and**
  - **investigate and address impediments to sports participation for Indigenous young men and women.**



## Identification issues

- 3.114 The Committee heard that often one of the major impediments to participation by Indigenous youth in organised activities, such as sport, was lack of a formal form of personal identification, such as a birth certificate or a driver licence.
- 3.115 The Committee notes that a significant percentage of Indigenous people do not have a birth certificate and this has implications for participation in community activities, as well as employment opportunities, getting a drivers licence, passport, opening a bank account or applying for a loan.
- 3.116 In Dubbo in 2006, the Aboriginal Birth Certificate Pilot Project was developed after the New South Wales Sport and Recreation team recognised that the lack of definitive identification among Indigenous people was a significant barrier to participation in mainstream community activities. Young Indigenous people could not become involved in sport and recreation, and be covered by insurance, without a birth certificate. The project was a collaborative effort by New South Wales Attorney-General's Department and the Office of Births Deaths and Marriage, Dubbo City Council, New South Wales Sport and Recreation, the Aboriginal Land Council, the Aboriginal Health Service and Community Working Parties, and other local groups. Over a 12 month period, 750 birth registrations were administered in Dubbo. Approximately 500 Indigenous people who previously did not participate in mainstream community sport were able to join sporting activities.
- 3.117 This pilot project in Dubbo has now been completed, however its success indicates the need for such programs in other areas. Several witnesses and submissions have commented on the requirement to assist young people to establish forms of identification, such as birth certificates and Medicare cards.<sup>87</sup> The Victorian former Minister for Community Services acknowledged difficulties in obtaining birth certificates is a barrier for young people to exit criminal lifestyles and may impede their access to services and support.<sup>88</sup>
- 3.118 When the Committee visited the Brisbane Youth Detention Centre, the Aboriginal and Torres Strait Islander Transition Officer indicated that a significant part of her role was assisting Indigenous youth with identification paperwork.

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87 Rosemary Connors, Ipswich Community Justice Group, *Committee Hansard*, Brisbane, 4 May 2010, p. 40; Stephanie Tonkin, *submission 88*, p. 14, Dr Janet Hunt, *submission 22*, p. 4.

88 Minister for Community Services, Victoria, *submission 71*, p. 1.

- 3.119 The Committee notes that, in addition to increasing the capacity of Indigenous people to participate in community activities, proof of identity can bring a range of benefits to the individual and the community, including expanded provision of services by agencies through recognition of resident population numbers.
- 3.120 The Committee considers that currently birth registration and birth certificates are often not valued by Indigenous communities due to their sense of alienation from the wider Australian community. The Committee considers that a more innovative approach is required to encourage birth registrations and to make birth certificates recognised as a valued document that acknowledges a sense of belonging to the Australian community. While beyond the direct terms of reference of this inquiry, the Committee sees Indigenous wellbeing and pride could be enhanced by the option of birth registration processes and birth certificate documents which have a greater relevance to the Indigenous community. As an example, Australian passports have been changed recently to provide colourful images of the diversity of Australian life on each page.
- 3.121 The Committee urges the Commonwealth Government to investigate how states and territories may give the birth certificate value within Indigenous communities and how the birth registration process may be made more culturally appropriate and accessible. Additionally there is a need to ensure that Indigenous youth who do not have birth certificates are assisted to obtain these in order to participate in the range of community and economic opportunities this provides.

## **Recommendation 6 – Identification documents**

- 3.122 **The Committee recommends the Commonwealth Government:**
- **investigate options to make the birth registration process more culturally appropriate and accessible in Indigenous communities**
  - **investigate how to raise awareness of the utility and value of the birth certificate document in Indigenous communities**
  - **address reasons for the low rate of birth registrations in Indigenous communities and ensure that Indigenous health services and youth workers are actively working to ensure that births are registered and that all Indigenous children have a birth certificate, and**

- **liaise with state and territory governments to coordinate assistance to all youth to ensure they have access to their birth certificate and that this is not an impediment to them fully participating in community, travel, education, or employment opportunities.**

## Safe accommodation

3.123 A stable, safe and supportive living environment is critical in establishing positive social norms for Indigenous children and youth, and in enabling them to develop a positive sense of wellbeing and aspirations for the future. Regrettably, in many cases home is not a safe and socially stable environment for Indigenous youth. The issue of the lack of appropriate and safe accommodation for youth at risk was raised by many participants in the inquiry. Shane Phillips, of the Tribal Warrior Association, referred to children who are trying to break their pattern of offending but struggling to keep moving forward unless they have appropriate accommodation:

Some of the kids that we have come from some fairly difficult backgrounds. They are trying to do something for themselves. Our whole program is based on taking control of your own destiny. You cannot change where you have come from or where you are at right now but you can change where you are going. When the kids go home that evening, maybe home is not that suitable and they might not get the rest that they need to get up and do what they need to do to change it. So we need accommodation not just for that but also for kids and older people who are coming out of the system. Accommodation is always a problem.<sup>89</sup>

3.124 Limited safe accommodation options for Indigenous youth heighten the risk of young people offending and re-offending. The Committee received much evidence that supports investing in safe accommodation options for Indigenous youth at risk of contact with the criminal justice system. A range of accommodation options, such as out-of-home care, safe houses, and youth hostels, is required to help divert young Indigenous people away from contact with the criminal justice system.

3.125 Joan Baptie, Magistrate of the Children's Court in New South Wales described the issue of accommodation for youth as a recurrent and trans-

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89 Shane Phillips, Tribal Warrior Association, *Committee Hansard*, Sydney, 28 January 2011, p. 11.

generational problem which is not being resolved.<sup>90</sup> When youth appear before court, options for diversionary intervention may not be possible as there is not adequate safe accommodation, so the youth may end up in detention or custodial arrangements instead.

- 3.126 The Australian Human Rights Commission pointed the Committee to evidence demonstrating that Indigenous children were more likely than non-Indigenous children to be the subject of child abuse and neglect:

The rate of substantiated notifications for child abuse and neglect for Indigenous children has been increasing between 1999 to 2008. Indigenous children are six times more likely to have a notification for child abuse or neglect which is found to be substantiated and seven times more likely to be subject to a Care and Protection Order than non-Indigenous children.<sup>91</sup>

- 3.127 A University of Technology of Sydney study into factors affecting crime rates in Indigenous communities in New South Wales said an emerging theme was:

... the need to understand the circumstances of young offenders, many of whom experience neglect, or live in unsafe circumstances, moving from house to house, or who might not know where there next meal was coming from.<sup>92</sup>

- 3.128 Serene Fernando, Indigenous researcher and PhD candidate with the Australian National University, put forward the following premise:

... the majority of Indigenous high risk youth are living independently in their communities (urban, rural and remote) and raising themselves. It is also considered that there are many Indigenous young people that are neglected, homeless and living in environments that are unsuitable and detrimental to their health and well being which exposes them to developing anti-social behaviours.<sup>93</sup>

- 3.129 Ms Fernando further suggested that youth hostels should be available to provide accommodation and support for young Indigenous people to live independently in their local communities.

90 Joan Baptie, Children's Court of New South Wales, *Committee Hansard*, Sydney, 28 January 2011, p. 10.

91 Australian Human Rights Commission, *submission 30, attachment A*, p. 5.

92 Alison Vivian and Eloise Schnierer, Jumbunna Indigenous House of Learning, University of Technology Sydney, *Factors affecting crime rates in Indigenous communities in NSW: a pilot study in Bourke and Lightning Ridge*, November 2010, p. 21.

93 Ms Serene Fernando, *exhibit 12*, p. 1.

- 3.130 A study of Indigenous youth and crime in the towns of Bourke and Lightning Ridge referred to the continuing need for short term and long term accommodation options for Indigenous youth:

Crisis accommodation for young people in Bourke is very limited. Children under the age of 12 may accompany their mother to the Safehouse but there is no facility for unaccompanied children or young people who need safe short-term accommodation. Separately, long-term hostel style accommodation was also identified as beneficial for young people who may need to leave home, which perhaps could be associated with the school. As described in the report, a specific bail address is not always realistic for some young people and a suitably supervised bail house is needed.<sup>94</sup>

### Out-of-home care

- 3.131 Out-of-home care services provide care for children and young people aged 0–17 years who are placed away from their parents or family home for reasons of safety or family crisis. State and territory governments fund child protection, out-of-home care, family support and other relevant services. The services may be delivered by the government or the non-government sector.
- 3.132 Out-of-home care places are intended to improve the outcome for the child only when it is not possible to maintain the child within their family. Placement with the wider family or community is sought where possible, particularly in the case of Indigenous children. Nationally, at 30 June 2008, 9070 Indigenous children and 22 096 non-Indigenous children were in out-of-home care. The rate of children placed in out-of-home care per 1000 children was 41.3 for Indigenous children and 4.6 for non-Indigenous children.<sup>95</sup> These figures indicate the disproportionately high number of Indigenous children in out-of-home care and the consequent increased need for the provision of a greater number of culturally appropriate and supportive accommodation options.
- 3.133 Nationally, at 30 June 2008, 53.3 percent of Indigenous children in out-of-home care were placed with a relative/kin, 20.6 percent placed with other Indigenous carer or Indigenous residential care, and 26.0 percent were not

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94 Alison Vivian and Eloise Schnierer, Jumbunna Indigenous House of Learning, University of Technology Sydney, *Factors affecting crime rates in Indigenous communities in NSW: a pilot study in Bourke and Lightning Ridge*, November 2010, p. 71.

95 Steering Committee for the Review of Government Service Provision, *Report on Government Services 2009, Indigenous Compendium*, p. 233.

placed with relative/kin or with other Indigenous carer or other Indigenous residential care.<sup>96</sup>

- 3.134 The Committee received evidence linking young people who have lived in out-of-home care to future offending behaviour and detention. Up to a third of young people who have grown up in out-of-home care are in the juvenile justice system.<sup>97</sup> Many Indigenous youth who enter out-of-home care have had their emotional and intellectual development already impaired by trauma, abuse and neglect. There are concerns that group-style residential care can bring a large group of troubled young people together, creating an environment where peer pressure might exacerbate youth offending. It has been found that a number of young people end up in the juvenile justice system because the out-of-home care system cannot cope with their behaviours.<sup>98</sup>
- 3.135 Katherine from the New South Wales Corrective Services Women's Advisory Council believes 'that it is not so much involvement in juvenile delinquency which is a predictor of subsequent adult involvement but that it starts earlier than that with the out-of-home care system'. Ms McFarlane expressed concern that many non-government agencies are taking on out-of-home care services, without necessarily being well equipped and trained to handle the complexities and cultural sensitivities of youth at risk. Tensions between government agencies, such as departments of community services and juvenile justice, over which is responsible for children who have committed offences, was also a concern.<sup>99</sup>
- 3.136 Dr Kerry Chant, Chief Health Officer, New South Wales Health, referred to the care system not improving outcomes for children:

We have to have an out-of-home care system that improves outcomes. It is the same with the criminal justice system: the outcome for children who come out of care is generally that they progress to the adult criminal system. ... So you have to look at the out-of-home care system. You have to look at why so many of our

96 Steering Committee for the Review of Government Service Provision, *Report on Government Services 2009, Indigenous Compendium*, p. 240.

97 Katherine McFarlane, New South Wales Corrective Services Women's Advisory Council, *Committee Hansard*, Sydney, 28 January 2011, pp. 15 & 58.

98 Parliament of Victoria Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People - Final Report*, July 2009, p. 117.

99 Katherine McFarlane, New South Wales Corrective Services Women's Advisory Council, *Committee Hansard*, Canberra, 24 June 2010, pp. 5-9.

young people who are vulnerable and at risk are not able to access treatment or services.<sup>100</sup>

- 3.137 Many submissions called for a holistic approach to out-of-home care where different agencies work together to provide services to Indigenous youth at risk and their families. Victoria Legal Aid stated that they represent young people who have been charged with offences such as criminal damage and offensive language whilst they have been in residential care. Victoria Legal Aid suggested that these behaviours may reflect symptoms of a child's distress and dislocation, fear and anxiety, and possibly underlying mental health issues. Therefore, Victoria Legal Aid suggested the introduction of alternative behaviour management responses that include therapeutic responses to control or respond to children and young people who exhibit self destructive or anti social behaviours.<sup>101</sup>
- 3.138 There are many highly regarded diversionary accommodation programs for young Indigenous people across the country operated by Indigenous organisations. One example is the Tirkandi Inaburra Cultural and Development Centre, which is a property located near Griffith in New South Wales that houses up to 16 boys aged 12-15 on a voluntary basis for between three and six months.
- 3.139 Tirkandi Inaburra aims to teach young people how to make better decisions, develop strategies to deal with their problems and to develop and draw on their own resilience in order to take responsibility for their decisions, and minimise the risk of becoming involved in the criminal justice system. Tirkandi Inaburra relies on a partnership between the Aboriginal community and government with the main recurrent funder being the New South Wales Attorney-General's Department.<sup>102</sup> The New South Wales Government submitted that reports from Tirkandi Inaburra indicate that the program has a significant impact on the lives of participants, with the vast majority re-engaging in education, training or employment upon graduation from the program.<sup>103</sup>
- 3.140 The Committee recognises that stable, positive accommodation, whether it be provided in kinship care, foster care or other appropriate forms of out-of-home care can be difficult to achieve. Indigenous operated diversion and accommodation programs are proving to be successful. It is the

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100 Kerry Chant, New South Wales Health, *Committee Hansard*, Canberra, 24 June 2010, p. 50.

101 Victoria Legal Aid, *submission 39*, p. 4.

102 Tirkandi Inaburra Cultural and Development Centre <[www.tirkandi.org.au/index.html](http://www.tirkandi.org.au/index.html)> accessed 14 October 2010.

103 New South Wales Government, *submission 88*, p. 13; Janet Hunt, *submission 22*, p. 4.

Committee's view that carers in these positions must be adequately supported and resourced.

- 3.141 The objective of all Australian governments to protect the safety and welfare of Indigenous children while maintaining the cultural ties and identity of Indigenous children in out-of-home care is defined in the 'Placement in Accordance with the Aboriginal Child Placement Principle'. There are National Standards for out-of-home care as part of a whole of government initiative to apply uniform measures to formal care arrangements including residential care, foster care and kinship care. The National Standards for out of home care have been designed to deliver consistency and drive improvements in the quality of care provided to children and young people. The 13 National Standards focus on the key factors that directly influence better outcomes for those living in out-of-home care. The measurement of and reporting on outcomes is a major feature of the refining and improving of the National Standards over the long term.
- 3.142 The Committee notes Standard number 3 sets out that Aboriginal and Torres Strait Islander communities participate in decisions concerning the care and placement of their children and young people.
- 3.143 Measures will be developed over time to allow for a complete, transparent and comparable public report which will be developed within four years of commencement of the National Standards in July 2011. The views of children and young people in out-of-home care about the difference the National Standards are making to their lives will be captured. The Commonwealth Government will fund an annual, national survey of children and young people in care for this purpose, building off the existing surveys in a number of jurisdictions.<sup>104</sup>

### **Commonwealth Government support for accommodation for Indigenous youth at risk**

- 3.144 The National Affordable Housing Agreement (NAHA) is an agreement by COAG and aims to ensure that all Australians have access to affordable, safe and sustainable housing that contributes to social and economic participation. Commencing in January 2009, the NAHA provides over the first five years \$6.2 billion in housing assistance to low and middle-income Australians. Data indicates that in 2008-09, 30 percent of all Specialist

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104 FaHCSIA, *National Standards for out of home care*  
<[www.fahcsia.gov.au/sa/families/pubs/nat\\_std\\_4\\_outofhomecare/Pages/default.aspx](http://www.fahcsia.gov.au/sa/families/pubs/nat_std_4_outofhomecare/Pages/default.aspx)>  
accessed 13 April 2011.



Homelessness Services agencies provided services for youth and the Indigenous population.<sup>105</sup>

3.145 The NAHA is supported by three National Partnership Agreements which have been developed to increase construction of social housing and reducing homelessness for all Australians, including Indigenous people living in regional and urban areas. The three agreements are:

- The National Partnership Agreement on Homelessness
- The National Partnership Agreement on Remote Indigenous Housing, and
- The National Partnership Agreement on Social Housing.

3.146 Through the National Partnership Agreement on Homelessness, the Commonwealth, state and territory governments are providing \$1.1 billion over five years from July 2009. The Agreement focuses on three key strategies to reduce homelessness:

- prevention and early intervention to stop people becoming homeless
- breaking the cycle of homelessness, and
- improving and expanding the service response to homelessness.<sup>106</sup>

3.147 Under the Homelessness Agreement, the Commonwealth Government has agreed to provide additional funding to the states and territories to reduce homelessness. States and territories have agreed to match the Commonwealth Government funding to deliver services and capital projects that will reduce homelessness. The Agreement recognises that a reduction in homelessness requires targeting key groups, including people escaping violence, especially women and children, children exiting care and protection, Indigenous people, and people exiting social housing, health and mental health institutions, and juvenile or adult prisons. Some of the specific initiatives to assist Indigenous youth to access and sustain safe accommodation are:

- In New South Wales (NSW), the Aboriginal Advocacy and Tenancy Support Service is helping Indigenous people currently using specialist homelessness services in NSW to transition into long term accommodation, and new individual case workers are helping people leaving care, or custody,

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105 FaHCSIA, *submission 79a*, p. 6.

106 FaHCSIA, *Australian, State and Territory Governments working together to reduce Indigenous homelessness*, <[www.fahcsia.gov.au/sa/housing/progserv/homelessness/national\\_partnership\\_agreement/Pages/NPAHomelessness.aspx](http://www.fahcsia.gov.au/sa/housing/progserv/homelessness/national_partnership_agreement/Pages/NPAHomelessness.aspx)> accessed 28 July 2010.

transition into accommodation. These new services are in addition to the provision of up to eight new houses being provided to Indigenous women leaving detention in Metropolitan Sydney and Northern NSW.

- In Victoria, new housing support workers including one Indigenous specific housing support worker are being provided at major prisons to provide pre and post release support to assist those exiting prison to access accommodation. New early intervention and response arrangements are also being implemented to support Indigenous Women and Children through culturally appropriate means in the Gippsland and Loddon Mallee regions.
- In South Australia, accommodation through a Common Ground facility in Port Augusta will provide intensive support and opportunities to connect with the community for up to 40 Indigenous families per year. Accommodation and access to essential health and other welfare services are also being provided for 194 transient Indigenous people through the Aboriginal Transitional Accommodation program. In addition, an indigenous employment and workforce development strategy is being implemented to improve opportunities for Indigenous people to find and retain employment.
- In Western Australia, assertive outreach programs are linking 40 Indigenous rough sleepers with long-term housing and health services in remote areas, providing support based on individual needs.
- In the Northern Territory, Youth Development Crisis Accommodation is being established to provide up to eight crisis beds with 24 hour support, such as education, training, alcohol and other drugs services, living skills and counselling. The Youth Development Crisis Accommodation will also provide two houses to assist young people attend school or training, remain engaged with family and receive support to build life skills. This is in addition to an Intervention and Case Management Service that will incorporate a 'Return to Country' program principally aimed at Indigenous people sleeping rough in town areas. The program will assist people to return to their community, provide intervention, referral, identification services, and accommodation for homelessness and itinerant people across the Territory.
- In the Australian Capital Territory, the Building Housing Partnerships program will help break the cycle of homelessness by coordinating and delivering support, assistance and living-skills programs for vulnerable tenants.<sup>107</sup>

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107 FaHCSIA, *submission 79a*, pp. 7-8.

- 3.148 Under the second agreement, the National Partnership Agreement on Remote Indigenous Housing, the Commonwealth Government is providing \$5.5 billion over 10 years to provide up to 4200 new houses in remote Indigenous communities, upgrades to around 4800 existing houses, as well as housing checks, maintenance, improvements to town camps, and accommodation for people travelling to get work. An example is in far west New South Wales where transitional accommodation is being provided for women and families exiting safe house accommodation. The safe houses are primarily managed by Indigenous community organisations.<sup>108</sup>
- 3.149 The third agreement, the National Partnership Agreement on Social Housing, facilitates the Social Housing Growth Fund, in which the Commonwealth Government provided \$200 million in 2008-09 and \$200 million in 2009-10 and contributed to achieving outcomes such as:
- people being able to rent housing that meets their needs
  - people who are homeless or at risk of homelessness achieving sustainable housing and social inclusion, and
  - Indigenous people having improved housing amenity and reduced overcrowding.<sup>109</sup>
- 3.150 In the Northern Territory, the Commonwealth Government, in partnership with the Northern Territory Government, is also investing in:
- the Strategic Indigenous Housing and Infrastructure Program to deliver 750 new houses, 230 rebuilds of existing houses and 2500 refurbishments across 73 remote Indigenous communities and a number of community living areas (town camps) in the Northern Territory by 2013,<sup>110</sup> and
  - the Alice Springs Transformation Plan to fund enhanced social support services, a Communities for Children site, housing and upgraded

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108 FaHCSIA, *submission 79a*, p. 8.

109 FaHCSIA, *National Partnership Agreement on Social Housing* <[www.fahcsia.gov.au/sa/housing/progserv/affordability/affordablehousing/Pages/NPASocialHousing.aspx](http://www.fahcsia.gov.au/sa/housing/progserv/affordability/affordablehousing/Pages/NPASocialHousing.aspx)> accessed 6 April 2011.

110 FaHCSIA, *Strategic Indigenous Housing and Infrastructure Program*, <[www.fahcsia.gov.au/sa/indigenous/progserv/housing/Pages/sihip.aspx](http://www.fahcsia.gov.au/sa/indigenous/progserv/housing/Pages/sihip.aspx)> accessed 6 April 2011.

infrastructure in the town camps, and short-term accommodation to reduce homelessness.<sup>111</sup>

### Committee comment

- 3.151 Safe accommodation for Indigenous youth at risk is essential in preventing them from coming into contact with the criminal justice system.
- 3.152 The Committee notes there are a number of successful local initiatives in communities already, where accommodation and other support for Indigenous youth are provided. The Committee wishes to make special mention of those that take on kinship and foster care arrangements and acknowledge the commitment of these individuals and community members assisting to change the lives of Indigenous children and youth. The Committee is aware that across many Indigenous communities, grandparents and aunties have stepped in to take on the raising of children when parents are unable to do so. The Committee acknowledges the enormous commitment of these carers and their contribution in improving the lives of Indigenous children.
- 3.153 The Committee supports the Commonwealth initiatives in place, in particular those to reduce homelessness and increase the provision of remote Indigenous housing. These are important measures to provide stable and better quality housing within communities. However, safe accommodation options for youth remains a concern and appears woefully under-resourced.
- 3.154 In making recommendations to the Commonwealth Government to invest in an expanded number and range of accommodation options for Indigenous children and youth at risk, the Committee makes the following observations:
- where out-of-home care of any sort is provided it necessarily assumes a responsibility for the social nurturing and development of positive social norms for the child. When the State places a child in care arrangements, it assumes a responsibility for a child's social development. Accordingly accommodation alternatives should coordinate with local diversion programs, mentoring opportunities and sporting and community engagement options in order to provide a holistic service that responds to a child's social needs and future development

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111 Department of Families, Housing, Community Services and Indigenous Affairs, *Alice Springs Transformation Plan*, <[www.fahcsia.gov.au/sa/indigenous/progserv/AS\\_transformation/Pages/default.aspx](http://www.fahcsia.gov.au/sa/indigenous/progserv/AS_transformation/Pages/default.aspx)> accessed 6 April 2011.

- the range of out of home care services must be culturally appropriate and accessible to Indigenous youth, recognising the particular needs for kin and cultural connections
- professional staff, volunteers and care providers should be given access to appropriate cultural training relevant to working with Indigenous children, and
- where children are not able to safely live with their family, a coordinated counselling approach is required to assist the family or household as a whole to make changes with the aim of being able to return the child to a stable and safe environment - ie while accommodation may be required for the child, assistance is required for the household in order to maximise the future opportunities for all.

### **Recommendation 7 - Accommodation**

**3.155 The Committee recommends that the Commonwealth Government commit to ensuring that there exists within all states and territories an expanded number and range of safe and gender-appropriate accommodation options for Indigenous children and youth. These options should include access to coordinated and holistic intensive care services. A housing or accommodation plan needs to have been identified for every youth leaving detention.**

**The Committee suggests that the range of appropriate accommodation options should include extended family houses, identified safe houses, hostel and school accommodation, foster and respite care, and emergency refuge accommodation.**

