



# **ATSIC Yilli Rreung Regional Council**

**Submission**

**to**

**The Commonwealth Parliament  
Joint Committee of Public Accounts and Audit**

**Indigenous Law and Justice Inquiry**

**June 2004**

## **Summary**

Funding for the North Australian Aboriginal Legal Aid Service ('NAALAS') is inadequate. The adequacy of funding has a direct impact on Indigenous peoples' access to justice in the region serviced by NAALAS, which includes the Top End of the Northern Territory, Darwin and its environs.

Current funding impacts on the type of work, including the category of legal matters, which NAALAS can conduct. NAALAS is not able to properly engage in policy or law reform which is underway in the Northern Territory or to adequately fulfil its charter of increasing Indigenous peoples' knowledge of their legal rights or obligations.

There are civil and family law issues impacting on clients in their catchment area. NAALAS is not able to meet the needs of these clients. Due to the geographical location of some clients, there is no alternative legal representation available to these clients. As a result, there is an inequity in the delivery of legal services to clients outside of the metropolitan area.

The NT Crime and Justice statistics for the June 2003 quarter show that Indigenous people continue to be overrepresented in the criminal justice system. It is of concern that this overrepresentation is increasing rather than decreasing:

- Indigenous juveniles in the NT represent 82% of the daily average detainee population for that quarter;
- The daily average number of Indigenous prisoners increased to 591, a 34% increase on the same quarter in 2002; and
- Indigenous prisoners represent 78% of the daily average prison population compared to 67% in the same quarter in 2002.

Services for this most disadvantaged group require funding at an appropriate and equitable level which recognises the linguistic, cultural and geographic diversity of this client group and includes legal education and preventative programs.

## **Introduction**

Yilli Rreung Regional Council is the peak elected Indigenous body for the Darwin Region. A primary function of Yilli Rreung Regional Council is to formulate and revise a Regional Plan for improving the economic, social and cultural status of Aboriginal and Torres Strait Islander residents of the region.<sup>1</sup>

Yilli Rreung Regional Council is required to assist, advise and co-operate with the Commission, Commonwealth bodies and Territory and local government bodies in the implementation of the regional plan; to receive, and to pass on to the Commission the views of Aboriginal persons and Torres Strait Islanders about the activities, in the region, of the Commission, Commonwealth bodies and State, Territory and local government bodies; and to represent Aboriginal and Torres Strait Islander residents of the region and to act as an advocate of their interests.<sup>2</sup>

Yilli Rreung Regional Council's Law and Justice Policy (attachment A), refers to the importance of Indigenous legal services and the inadequacy of funding to those services.

ATSIC's Legal Aid Policy goal is to ensure that Indigenous people are able to exercise their legal rights through access to quality, culturally appropriate legal services, and can live in a society that is free from discriminatory law and practices.

The North Australian Aboriginal Legal Aid Service (NAALAS) is an Aboriginal and Torres Strait Islander Legal Service which is located within the Yilli Rreung Region, in the Darwin Central Business District. NAALAS' core role is to provide legal advice, representation and support to Indigenous people in the greater Darwin region and outlying remote communities.

The NAALAS service delivery area lies within two ATSIC Regional Council boundaries. These Regional Councils are the Yilli Rreung Regional Council and the North West Regional Governing Council (previously known as the Jabiru Regional Council).

## **NAALAS Operations**

NAALAS operates within a large geographical catchment area. The area encompasses approximately 124,461 square kilometres with more than half of this land being Aboriginal owned and operated. According to the Australian Bureau of Statistics, the 2001 Census data indicated this area had a combined Indigenous population of 19,700.

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<sup>1</sup> Section 94 (1)(a), *Aboriginal and Torres Strait Islander Commission Act 1989*

<sup>2</sup> Section 94 (1)(b), (d), (e) *Aboriginal and Torres Strait Islander Commission Act 1989*

NAALAS provides a range of services which can generally be divided into 2 sections of the service, the Criminal Section and the Community Law Section. Clients in both sections encounter barriers when accessing the service, which includes language, culture and geography.

Other legal services operating in the region include NT Legal Aid Commission, Darwin Community Legal Service, and Top End Women's Legal Service. The largest by far of these is the NT Legal Aid Commission. Because the Annual Report of the Commission does not include information in relation to client demographics, such as home community, aboriginality, place of advice/representation it is difficult to know the extent of work which the Commission conduct for Indigenous clients, and where that work is conducted. Anecdotal information suggests that the Commission provides a very limited service to areas outside of Darwin, Katherine and Alice Springs. This suggests a gap in service delivery to Indigenous clients outside of town centres.

#### Criminal Section

The criminal section of NAALAS services the largest number of clients. The criminal section provides regular representation for clients in the Darwin Magistrates Court and the Northern Territory Supreme Court and maintains a periodic visitation program to a circuit of 6 Bush Courts within the region. These Bush Courts include the following communities Wadeye, Nauiyu, Nguiu, Gunbalanya, Jabiru and Maningrida. The difficulties associated with service delivery in Bush Courts have been documented.<sup>3</sup>

Due to lack of resources the service to clients in Bush Courts is limited to criminal representation. There are no alternative services available to them to obtain advice or representation in relation to other areas such as family and civil law.

#### Community Law Section

The Community Law Section provides advice and representation to clients in relation to a number of legal issues. Due to resources this section does not provide assistance to clients in remote areas of the NAALAS region, apart from telephone advice.

Two civil legal advice clinics are held each week. One Family Law legal advice clinic is held each week. Clients can either attend these clinics in person to obtain advice, or they can attend via a telephone link up. Advice will be provided on any civil issue.

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<sup>3</sup> See research by Natalie Siegel in *Australian Law Journal*, (2002) 76 ALJ 640; *International Indigenous Law Journal*, (2002) 1 Indigenous L.J. 113; *Current Issues In Criminal Justice* (In Press); *Monash University Law Review*, (2002) 28 Monash University Law Review 268

One Prison advice clinic is held at the prison each week. Advice will be provided on any civil issue but will generally be sought in relation to a prison complaint.

Representation is provided each week at the Mental Health Review Tribunal for all clients who are involuntarily detained. This service has expanded as the number of Indigenous clients before the Tribunal has grown. In 2000, 30% of the 482 persons before the Tribunal were Indigenous compared with 34.3% of 542 in 2001. In addition, the number of clients using interpreters when appearing before the Tribunal increased between 2000 and 2001 from 5% to 8%.

Representation is provided to parents where an application is brought by the Minister that their Child be Declared in Need of Care under the *Community Welfare Act*. Representation is provided to persons who are the subject of an application that their affairs be administered under the *Adult Guardianship Act*.

#### Top End Women's' Legal Service (TEWLS)

Funding for TEWLS is provided by ATSIIS and is administered through NAALAS. TEWLS is a Family Violence Prevention Legal Service for the Top End region. TEWLS conducts an Aboriginal Women's Outreach Project (AWOP) in the communities of Wadeye, Kunbarllanjnja, Angurugu and Umbakumba. TEWLS do not have the resources to extend this project beyond these communities.

#### Aboriginal Justice Advocacy Committee (AJAC)

Funding for AJAC is provided by ATSIIS and is administered through NAALAS.

### **Funding Issues**

#### Operational Funding

NAALAS' operational funding was previously derived from ATSIIC and now ATSIIS grant funds. Operational funding over the last 5 financial year periods has remained stagnant.

In June 2003 ATSIIC approved tendering for Legal Aid Services according to a proposed timetable. The Commission also noted that the Funding Allocation Method was being determined as a method of allocating funds for ATSIILS. That method has not been determined to date. Although a new methodology will likely result in a redistribution of the funding to ATSIILS, there is no indication that there will be an increase in funding overall, and so services are likely to continue to be under funded.

Yilli Rreung Regional Council has made representations within ATSIIC, ATSIIS, and to the Northern Territory Government requesting an increase in the funding of NAALAS. These requests have been denied.

### Insurance Increases

The increase in both Workers Compensation Insurance and Professional Indemnity Insurance has more than doubled within the following financial year periods, 2001/2002 – 2002/2003.

### Videoconferencing

A further expense experienced by NAALAS has been the introduction of a videoconferencing scheme by the Department of Justice.

Video conferencing will allow NAALAS staff to take instructions from clients and provide advice in a timely manner which will reduce the pressure on both clients and NAALAS staff attending court in remote communities. This will not result in a long term cost saving but should result in an improved legal service to clients living in remote communities. NAALAS has estimated that an additional \$20,000 is required to enable them to meet the running costs of this service.

While in favour of innovative approaches, we are concerned at a shift from face to face service delivery for economic reasons. A large proportion of clients who will be required to communicate via videoconferencing will likely be those facing language and cultural barriers. While they may have physical access to justice, this will not necessarily translate to a real understanding of the legal advice, representation and process being undertaken.

ATSIC representatives of Indigenous clients living in remote communities have expressed concerns that the use of videoconferencing facilities is not a substitute for face to face contact and does not necessarily translate to an increase in access to justice. For example, the video conferencing facility in the community may still be hundreds of kilometres from clients living in outstations. Those clients may have difficulty in travelling to the community for a videoconference on a designated time and date.

### Competitive Salaries

Retention of professional staff has become increasingly hard because of the confines of the operational budget and the current staffing structure. NAALAS has indicated they do not have any scope to offer competitive salaries to professional staff under the current funding arrangements. As a result of high client case loads, trying working conditions and the lure of better conditions elsewhere NAALAS inevitably have a high turnover of professional experienced staff, which further impacts on the quality of services offered to the client.

### Cost of Delivery

In January 2003 the Office of Evaluation and Audits conducted a review which found that the cost of service delivery in the NT was markedly higher than in other regions:

'The mean costs of servicing a case in the Northern Territory (\$1628) and in Western Australia (\$1447) is markedly higher than in other States/Territories like Victoria (\$1130), the ACT (\$1106), South Australia (\$919), Queensland (\$838), and Tasmania (\$795). The extent of travelling in remote areas, labour market conditions for solicitors, and cost of living in the different geographic regions obviously impact on the cost of provision of legal services in these areas.'

The review also found Aboriginal legal services in the NT to be among the most 'cost effective', with NAALAS, funded \$2,271,769.00 while delivering a service valued at \$2,832,884.50. NT Aboriginal legal services as a whole were funded \$5,513,384.00 while delivering a service valued at \$8, 471,388.00.

One of the recommendations of the review was:

'The ATSIC Board of Commissioners should continue to press its case to Government for increased funding to the ATSILS in the context of the Commonwealth Budget.'

#### Increasing Client Need

NAALAS' service requirements are effected by the demographics of the Indigenous population in the regions serviced by NAALAS. The 2001 Census found that there was an increase of 1,160 Indigenous people in the Darwin region and 800 Indigenous people in the Jabiru region since the 1996 Census. In addition, an increasing young Indigenous population and an increase in Indigenous incarceration numbers place further demands on the services of NAALAS.

There has been an increase in incarceration rates of Indigenous people in the NT which is disproportionate to the increase of the prison population generally. Between June 2002 and June 2003, the daily average number of Indigenous prisoners in the NT rose by 34% from 440 to 591, compared with the daily average number of non-indigenous prisoners which fell from 222 to 165. In the same period, the daily average number of Indigenous juveniles rose from 15 to 18. In the June 2003 quarter, Indigenous prisoners represented 78% of the daily average prison population and juveniles represented 82% of the daily average detainee population.

While some statistics show a fall in offences recorded by police in the past year, this has not translated into a reduction in service demands by NAALAS clients. The following table, taken from NAALAS Client Management System, demonstrates an increasing client demand on the service as a whole:

	1/7/2000 – 30/6/2001	1/7/2001 - 30/6/2002	1/7/2002 -30/6/2003
Duty Matters	337	512	627

Case Matters	1624	1510	2063
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In addition, NAALAS Client Management System demonstrates that the demands for criminal representation have increased across all age groups, including juveniles and young offenders:

	1/7/2000 – 30/6/2001	1/7/2001 - 30/6/2002	1/7/2002 -30/6/2003
Age 4 – 7	232	195	297
Age 18 – 24	423	398	687
Age 25 – 54	770	871	1027

Appropriate quality representation for Indigenous clients charged with criminal offences therefore remains a high priority.

### **Barriers for Access to Justice faced by NAALAS clients**

Indigenous people in the NT face specific barriers in accessing a legal service and understanding the law and their rights. Fundamental practical obstacles include extremely low levels of literacy which hampers communication by mail, and geographical and seasonal isolation which hampers face to face delivery of services.

#### Language

A large number of NAALAS clients speak an Indigenous language at home. The Australian Bureau of Statistics, 2001 Census data reports that 11.8% of Indigenous people residing in the Darwin region and 84.5% of Indigenous people residing in the Jabiru region speak an Indigenous language at home. In some communities serviced by NAALAS, English is reserved for speaking with non-Indigenous people. Indigenous individuals residing in remote areas may use English as a second, third or fourth language.

The area between Wadeye and Maningrida currently has approximately 48 different spoken languages. On average over a bi-monthly period NAALAS regularly use Aboriginal Interpreters to assist them with clients for at least 5 of those languages from that area. The most commonly used languages in that area includes Murrinh-Patha, Burrarra, Kunwinjku, Tiwi, and Ngangikurungkurr. Between December 2002 and February 2003, NAALAS made 102 requests for an interpreter.

The use of an interpreter, where required, is vital to effective provision of legal services. However, it can be time consuming to organise for an interpreter to be present when providing a service to clients and where an interpreter is used, more time is needed. This impacts on the resources which the service provider uses and needs.



## Culture

The issues associated with language cannot be addressed merely by the provision of an interpreter. They are compounded further by the cultural context of the client group. The society of the client group is often organised according to traditional custom and social structures. Many clients in the region practice customary law and recognise customary law authority structures. The provision of legal education, advice and representation to this group is a complex and time consuming exercise which requires the legal service to recognise and work within the existing social structures.

### **The Response by Yilli Rreung Regional Council**

A number of steps have been taken by Yilli Rreung Regional Council in response to the problems faced by NAALAS, including:

- Requesting that ATSI Law and Justice Branch consider information specific to our region in the determination of funding allocation for ATSI.
- Requesting the assistance of Commissioner for NT Zone North, Commissioner Hill in raising the issue of immediate funding of NAALAS with the Board of Commissioners.
- Advising the Commissioner holding the portfolio for Culture, Rights and Justice, Mr Rodney Dillon, that we have requested that Commissioner Hill raise the issue with the Board of Commissioners and requesting Commissioner Dillon's assistance in supporting our concerns.
- Requesting that the CEO of the Department of Justice raise this issue with the NT Minister for Justice and also asking that the NT Minister raise this issue with the Commonwealth Minister.
- Raising the issue of inadequacy of funding with the ATSI NT Executive Committee which led to a forum between ATSI, ATSI Law and Justice Branch, and NT ATSI in relation to inadequacy of funding.
- Attending a meeting with NAALAS, NT Legal Aid Commission and the CEO of the Department of Justice to discuss strategies to deal with the problems faced by NAALAS in meeting an increasing client need.
- Requesting a meeting with the NT Minister for Justice and Attorney-General in relation to the inferior service delivered to Indigenous people in the region due to inadequate funding.

**Recommendations:**

1. That the Commonwealth Government act on the recommendations of the 2003 ATSIC Office of Evaluation and Audit Review which concluded that a significant increase to funding for ATSILS is required.
2. That, in considering the level of funding required by ATSILS, the Commonwealth Government factor issues of language, culture, remoteness, literacy and incarceration rates into the cost of service delivery.
3. That NAALAS be adequately funded and resourced to conduct civil, family and criminal casework prevention and education programs; and contribute to legal policy and law reform to all clients in its catchment area.
4. That the Commonwealth Government acknowledges the importance of Indigenous control of services for Indigenous people.
5. That the Commonwealth Government requires legal agencies to collect and report on data in relation to their service to Indigenous clients.

Kimberley Hunter  
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## ‘Appendix A’

### **YILLI RREUNG REGIONAL COUNCIL Law and Justice Policy and Plan**

<b>POLICY POSITION</b>
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The Yilli Rreung Regional Council is committed to enhancing the rights of Indigenous people in the Darwin Region through preventative measures which address the overrepresentation of Indigenous people in the criminal justice system and the provision of a quality and culturally appropriate legal service.

This Regional Council recognises that:

- The Yilli Rreung Regional Council is the peak elected Indigenous body for the Darwin Region;
- Indigenous people are important stakeholders in the community and must be engaged and consulted on changes to legislation and policy;
- Lack of recognition of Customary Law by the legal system can result in injustice to the people and communities practising customary law;
- The Royal Commission into Aboriginal Deaths in Custody made important recommendations which must be implemented;
- Child protection extends beyond the protection of children by family members to the protection of children in a community context.
- Indigenous legal services are vital to ensuring that Indigenous people can understand and exercise their legal rights through access to quality and culturally appropriate legal services;
- Indigenous legal services must be equitably funded and supported to provide a broad range of services to the Indigenous community;
- Indigenous women, children and men have the same rights before the law, and their interests must be represented equally;
- Offenders, whether adult or juvenile, need to be supported to break the offending cycle;
- Discriminatory practices are occurring and need to be addressed at all levels of service provision, including within the justice system; and

- The NT Indigenous Justice Agreement is a long overdue, but critical first step, in Indigenous peoples' ownership, empowerment and self-determination in law and justice issues at a community and personal level.

## REGIONAL LAW AND JUSTICE ISSUES

Yilli Rreung Regional Council's Regional Law and Justice Policy and Plan includes the following basic principles:

### 1. RIGHTS OF INDIGENOUS PEOPLE IN THE REGION

#### Indigenous Participation

Indigenous people are important stakeholders in the community and must be engaged and consulted on changes to law and justice structures, legislation and policy.

ACTION:	<ul style="list-style-type: none"><li>➤ Advocate for NT and Commonwealth Government to take appropriate steps to seek input into proposed changes to law and justice structures, legislation and policy from the Indigenous community including elected representatives through ATSIC and other representative bodies such as AJAC and ATSILS.</li></ul>
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#### Stolen Generation

Council supports the recommendations of the HREOC *Bringing them Home* Report and the *Healing, a Legacy of Generations* Inquiry into the implementation of the recommendations made in the *Bringing Them Home* Report.

ACTION:	<ul style="list-style-type: none"><li>➤ Support agencies to pursue the implementation of the recommendations of the HREOC <i>Bringing them Home</i> Report.</li><li>➤ Support Agencies to explore and pursue legal remedies to raise awareness of legal remedies for the Stolen Generation.</li></ul>
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#### Child Protection

Council has recognised the importance of child protection in its Family Violence Policy. Child protection extends beyond the protection of children from family members to the protection of children in a community context.

### 2. UNDER FUNDED LEGAL SERVICE

Existing funding to Aboriginal legal services is inadequate. There is an unmet need for Indigenous legal services to provide advice and representation in the areas of domestic violence, civil and family law.<sup>4</sup> In 2003 an Office of Evaluation

<sup>4</sup> Evaluation of Legal and Preventative Services Program, Office of Evaluation and Audit, Aboriginal and Torres Strait Islander Commission, 2003, p 4

and Audit (OEA) 2003 Report found that the cost of service delivery in the NT was markedly higher than in other regions.<sup>5</sup>

Indigenous Legal Services are vital to ensuring that Indigenous people can exercise their legal rights through access to quality and culturally appropriate legal services. Indigenous legal services must be equitably funded and supported to provide a broad range of services to the Indigenous community. Indigenous women, children and men have the same rights before the law, and their interests must be represented equally.

If Indigenous people are to be represented at all levels of the justice system, there need to be clear and supported pathways for Indigenous lawyers.

Specific measures need to be taken to ensure that land councils are accountable and transparent.

ACTION:	<ul style="list-style-type: none"><li>➤ Lobby, within ATSIIS and NT and Commonwealth Government, to ensure adequate and equitable funding for ATSIIS.</li><li>➤ Advocate that ATSIIS are funded to provide a broader range of town and outreach services, including legal education, civil, family and policy.</li><li>➤ Advocate for the creation of an adequately funded Indigenous Women's Legal Service.</li><li>➤ Require ATSIIS funded ATSIIS to have Indigenous Succession Plans and Indigenous Employment and Career Development Strategies.</li><li>➤ Advocate for increased funding for ATSIIS to develop and implement Indigenous Succession Plans and Indigenous Employment and Career Development Strategies.</li><li>➤ Advocate for the legal profession to develop strategies to support Indigenous law students and graduates.</li><li>➤ Advocate for the NT Government Indigenous Employment and Career Development Strategy to develop specific strategies for Indigenous Cadets studying law.</li><li>➤ Advocate that ATSIIS Legal and Preventative Branch develop strategies to increase the number of Indigenous lawyers in</li></ul>
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<sup>5</sup> Evaluation of Legal and Preventative Services Program, Office of Evaluation and Audit, Aboriginal and Torres Strait Islander Commission, 2003, p 41

	<p>that Branch.</p> <p>➤ Advocate for structural change to ensure that land councils are accountable and transparent to both their constituents and the relevant Regional Council.</p>
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### 3. DOMESTIC AND FAMILY VIOLENCE

The Yilli Rreung Regional Council recognises that domestic and family violence are integral to law and justice issues. Council has committed to empowering Indigenous people in our region to develop, own and support local initiatives to combat family violence, in order to build functional and resilient families and communities through its Family Violence Policy and Plan

### 4. OVER REPRESENTATION IN THE JUSTICE SYSTEM

Indigenous peoples experience much higher rates of adverse contact with the justice system than other Australians.<sup>6</sup> In June 2003 Indigenous prisoners represented 78% (591) of the daily average of the prison population, an increase of 95 (51) from the previous quarter and an increase of 34% (151) from the same quarter in 2002.<sup>7</sup>

National concerns have been raised at the increase in Indigenous women incarcerated since RCIADIC.<sup>8</sup> In the NT, on average there were 25 female prisoners in June 2003. This represents an increase of 14% (3) from the previous quarter and an increase of 39% (7) from the same quarter in 2002.<sup>9</sup>

Indigenous juveniles have the greatest rate of overrepresentation. In the NT in June 2003, the rate was 82%.<sup>10</sup>

#### RCIADIC Recommendations

Implementation of the recommendations of the RCIADIC is vital to combating the overrepresentation of Indigenous people incarcerated.

ACTION:	➤ Monitor and Highlight the failure of the Northern Territory to implement the recommendations of the RCIADIC.
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#### A Stakeholder in the Criminal Justice System.

<sup>6</sup> ATSIC Submission to the Senate Legal and Constitutional References Committee Inquiry into Legal Aid and Access to Justice, November 2003.

<sup>7</sup> Northern Territory Quarterly Crime and Justice Statistics Issue 4: June Quarter 2003, pp 81 - 82

<sup>8</sup> Dr William Jonas, *The Royal Commission Into Aboriginal Deaths in Custody, 12 years later*, speech Indigenous Custody Conference, October 2003.

<sup>9</sup> Northern Territory Quarterly Crime and Justice Statistics Issue 4: June Quarter 2003, pp 81 - 82

<sup>10</sup> Northern Territory Quarterly Crime and Justice Statistics Issue 4: June Quarter 2003, p 81

Indigenous people must play a greater role in contributing to solutions to the issues in the justice system.

ACTION:	<ul style="list-style-type: none"><li>➤ Lobby for the Aboriginal Justice Advocacy Committee (AJAC) to be able to perform functions as recommended by the Royal Commission into Aboriginal Deaths in Custody (RCIADIC).</li><li>➤ Lobby for NT and Commonwealth Government (including ATSI) to provide adequate funding for AJAC to perform functions as recommended by the RCIADIC.</li></ul>
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### **Aboriginal Community Relationships with Police**

The RCIADIC recognised that poor relationships exist between the Indigenous people and police. Indigenous people encounter high levels of police contact leading to arrest.

ACTION:	<ul style="list-style-type: none"><li>➤ Advocate for the NT Commissioner of Police to develop culturally appropriate early contact procedures, preventative policing mechanisms and pre-court diversion in consultation with the Indigenous community.</li></ul>
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### **Corrections Focus on Rehabilitation**

Correctional facilities have an opportunity to have input into prisoner rehabilitation through the delivery of programs such as work skills, education, and rehabilitation. Correctional facilities need to work closely with post-release services to ensure that prisoners receive support after release from gaol.

ACTION:	<ul style="list-style-type: none"><li>➤ Have input into the NT Government Inquiry into Adult Custodial Services.</li><li>➤ Advocate for full implementation of Recommendations of RCIADIC which relate to correctional facilities.</li></ul>
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### **Address Juvenile Justice Issues**

Preventative measures, including information and education, are required to break the trend of high rates of Indigenous juveniles incarcerated.

ACTION:	<ul style="list-style-type: none"><li>➤ Promote the use of a range of medium, including Indigenous radio broadcasting, to provide youth with education about their legal rights and to raise awareness of legal services available to youth.</li></ul>
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	<ul style="list-style-type: none"> <li>➤ Require ATSIIS funded broadcasting services to produce an education segment for youth which focuses on legal rights and crime prevention.</li> <li>➤ Advocate for an increase in youth diversionary and preventative programs and services to be conducted by Aboriginal community based Organisations.</li> <li>➤ Consider the recommendations of the Council funded Youth Needs Assessment and advocate for implementation of the recommendations supported by Council.</li> </ul>
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### **Prevention and Diversion**

Community based prevention and diversion programs are vital to reducing the over representation of Indigenous people incarcerated.

ACTION:	<ul style="list-style-type: none"> <li>➤ Advocate for an increase in Community Service Orders being served with Aboriginal community organisations and communities where they will be supervised and supported by Aboriginal people from their community.</li> <li>➤ Advocate for community based diversionary programs which promote pride in Aboriginal culture and community.</li> </ul>
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### **Culturally Appropriate Community Courts**

Court and the sentencing process are not culturally appropriate. Community Courts promote an atmosphere of open communication and resolution.

ACTION:	<ul style="list-style-type: none"> <li>➤ Work in partnership with the Office of Courts Administration and the Indigenous community to adapt Courts to be more culturally appropriate.</li> <li>➤ Work in partnership with the Department of Justice and the Judiciary to consider appropriate models to make the sentencing process more inclusive of victims and offenders.</li> <li>➤ Monitor rates of non-appearance, re offending and breached orders.</li> </ul>
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## **5. DISCRIMINATION**

Discrimination is occurring and needs to be addressed at all levels of service provision, including within the justice system.

ACTION:	<ul style="list-style-type: none"><li data-bbox="418 220 1351 367">➤ Support the Anti-Discrimination Commission and the Human Rights and Equal Opportunities Commission in their endeavours to raise the public awareness of discrimination and the remedies available.</li><li data-bbox="418 409 1351 525">➤ Advocate for cross cultural training to be provided to all persons working in the criminal justice system, including judges, magistrates, lawyers, police and corrections.</li></ul>
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