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January 15, 2010
10/009

Committee Secretary
House of Representatives Standing Committee
on Aboriginal and Torres Strait Islander Affairs
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Parliament House
CANBERRA ACT 2600

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**RE: INQUIRY INTO THE HIGH LEVEL OF INVOLVEMENT OF INDIGENOUS
JUVENILES AND YOUNG ADULTS IN THE CRIMINAL JUSTICE SYSTEM**

Dear Secretary,

I write to lodge a submission to the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs Inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system on behalf of the Roman Catholic Archdiocese of Adelaide.

CLOSING THE GAP

I share the concerns expressed by Hon. Jenny Macklin, Minister for Families, Housing, Community Services and Indigenous Affairs and Chair of the Committee, Hon. Bob Debus MP, about the overrepresentation of Indigenous young people in the justice system. It is a critical area which needs to be given full and proper attention if we are to address the serious and continuing social inequalities between Indigenous and non-Indigenous Australians in areas such as health, life expectancy, infant mortality, employment opportunities and income. It requires coordinated long-term action by all levels of Government to improve the situation of Aboriginal and Torres Strait Islander peoples.

The persistence of these inequalities in life outcomes is unacceptable, especially in a land so blessed in natural, human and financial resources. As Catholics we believe that God intended the earth and all that it contains for the use of every human being and people (Vatican Council II, *Pastoral Constitution on the Church in the Modern World*, 1965, n 69), and that the State has a positive and active role to play in promoting and ensuring the good of all in the community, especially the most disadvantaged (Pope John XXIII, *Christianity and Social Progress*, 1961).

I am encouraged that a number of these issues are being put at the top of the national agenda, starting with the Prime Minister's pledge at the opening of the new Parliament in 2008 to embrace "*a new partnership on closing the gap*" and with the setting of concrete targets for measuring national action to address Indigenous disadvantage. Every effort must be made to fulfill this commitment made by the Government: "*Within a decade to halve the widening gap in literacy, numeracy and employment outcomes and opportunities for Indigenous children, within a decade to halve the appalling gap in infant mortality rates between Indigenous and non-Indigenous children and, within a generation, to close the equally appalling 17-year life gap between Indigenous and non-Indigenous when it comes to overall life expectancy*" (Prime Minister's Speech to Parliament, 13 February 2008).

THE CRIMINAL JUSTICE SYSTEM

The foundation for the Church's reflection on the criminal justice system is the primary principal of Catholic social justice teaching that insists on the need to respect the inviolable dignity of each and every person, at every moment from conception to natural death. An essential part of the Christian message is that compassion, forgiveness, and mercy will lead to reconciliation and healing. The notion of 'restorative justice' reflects the Church's teaching and tradition in calling us as a community to hold people accountable, to forgive and to heal.

We accept, as a starting point, the need to remove dangerous people from society to ensure public safety. We share the concern that all people should be able to live in safety, and that society and its members should be protected from those who threaten life, inflict harm, take property and damage trust in our community. Nevertheless, we stand opposed to the perspective built on a philosophy of retribution and focusing on punishment which uses the language of being "tough on crime" and which promotes punishment for its own sake. According to our Christian tradition, punishment must have a purpose - it must be coupled with treatment and, when possible, restitution. A criminal justice system should promote justice and the long term safety of the community, not short term retribution and vengeance.

PREVIOUS REPORTS

In terms of the current Inquiry being undertaken by your Committee, we note that a number of previous reports into this area have been conducted at both a Federal and State level, and that these have drawn on input and information provided by experts, professionals and the wider community. These include the *Royal Commission into Aboriginal Deaths in Custody* (RCIADIC)

conducted by Commissioner Elliott Johnston QC, (especially Volume 2, Chapter 14, “Young Aboriginal People And The Criminal Justice System”), and the South Australian *To Break the Cycle* Report, led by the South Australian Commissioner for Social Inclusion Monsignor David Cappo AO and Aboriginal leader Mr Tauto Sansbury. These reports have made a number of important insights and recommendations, which need not be repeated here, but many of which still remain to be fully acted upon (see “*State and Territory Implementation of the Recommendations of the Royal Commission,*” by Mr Tauto Sansbury (2001).

THE ROLE OF CATHOLIC EDUCATION

In this particular submission, I wish to take the opportunity to respond to the first four of the Inquiry’s Terms of Reference from the perspective of what is currently happening in our Catholic Schools in South Australia, drawing upon the reflections of the Indigenous Education Team of Catholic Education South Australia (CESA).

The Indigenous Education Team of CESA works with schools, Indigenous students and their families/guardians to provide student support through a case management approach, cultural and curriculum support and professional development opportunities. The Indigenous Education Team is made up of a Senior Education Advisor, 1.4 Indigenous Education Officers, an Indigenous ‘Choices for Indigenous Secondary Students’ Project Officer, a R-12 Student Support Consultant, a Primary Consultant, a Secondary Consultant and an Administrative Officer.

The following points are made in response to the first four Terms of Reference and from the perspective of what is currently happening in Catholic Schools in South Australia and what we believe is best practice at a school and system level to support Indigenous students. The last three terms of reference are out of the Indigenous Education Team of Catholic Education’s areas of expertise and therefore we have not made responses around these points.

Catholic Education South Australia aims to support Indigenous students by:

- (1) **A holistic and non-judgemental approach with families/community at the centre.** This includes:
 - developing positive relationships – partnerships with families/guardians and the school community, between students and teachers, with the wider community and with other agencies and services
 - valuing the diversity of Indigenous histories and cultures and the contributions that Indigenous people have and continue to make to Australian society
 - the development of inclusive curriculum embedded with Indigenous perspectives and Indigenous Studies units of work so that Indigenous students see themselves reflected in the curriculum and as valued members of society and non-Indigenous students gain an understanding and respect for Indigenous histories and cultures.

This includes inviting Indigenous people into the schools and reaching out to Indigenous communities

- the employment of Indigenous staff in schools and in the Indigenous Education Team
- culturally aware staff across the sector who have access to appropriate training, resources and support
- having knowledge about culturally appropriate support available from other agencies, e.g. Families SA *Marni Wodli*, *Yaitya Tirramangkotti*, *Taikurtinna Maltorendi*, 'Student Matters' Centacare, to which families may be referred
- hosting events such as the Annual Student Dinner to which all families/guardians are invited and Year 7 and Year 12 student success is celebrated. Indigenous role models play a key part in the celebration of student success and on-going encouragement of students at school

(2) **Privileging young Indigenous people in our schools.** This includes:

- promoting culture and identity and strategies to develop confidence and self-esteem
- having high expectations for all Indigenous students and cognitively age appropriate curriculum which meets students' individual needs
- encouraging all schools to have a Focus Teacher who is responsible for the Indigenous students in the school
- all staff being aware of the impact of health on students' learning and implementing appropriate strategies and resources to support any students with health issues e.g. a significant percentage of Indigenous students have Conductive Hearing Loss at some point in their schooling and this can significantly impact on their Language and Literacy development
- case managing all Indigenous students with learning needs - implementing strategies to improve Literacy and Numeracy development and to provide social and emotional and behavioural support where required (including the identification and on-going monitoring and support for students considered 'at risk')
- review meetings to monitor the progress of students with learning needs - involving all key stakeholders, e.g. student, parents/guardians, teachers and other professionals involved
- personal learning/individual education plan for every student - PLP for SACE provides an instrument for this for secondary aged students
- ensuring attendance is regular, having processes in place to monitor, to follow-up and to liaise with schools and families

(3) **Case managing of all secondary school students from a system and school level.** This includes points above plus:

- providing leadership opportunities for students which build self-esteem, strong cultural identity and sense of community (CESA has a Choices for Indigenous Secondary Students program and employs an Indigenous Project Officer to manage the program as mentioned above. This role includes organising and running the 'Yellakka Yellarkarri' three day leadership camp for students in Years 8 to 12 in Catholic Schools across South Australia)
- explicit education and student support around alcohol and other drugs and support for schools in incident management (CESA employs a Drug Education Consultant)
- providing information and support networks to students to enable them to make informed choices about school and post-school pathways
- ensuring students have the skills necessary to access employment and tertiary enrolment
- maintaining links with students post-school to monitor and support their transition - especially for students considered 'at risk'

CONCLUDING REMARKS

Of course, very much more needs to be done to address the overrepresentation of Indigenous young people in the justice system and the fundamental causes of entrenched disadvantage for Aboriginal and Torres Strait Islander peoples.

In 2007, in the context of the emergency Commonwealth intervention in the Northern Territory, the Australian Catholic Bishops issued a statement on appropriate Government responses to entrenched Indigenous disadvantage (*A statement from the Catholic Bishops of Australia on a way forward for Indigenous Australia*, 30 November 2007). In that statement, the Bishops nominated the following six areas for continuing action and concern, and these remain vitally important in relation to the current Inquiry:

- tackling key causes of child abuse and poverty such as housing; poor employment opportunities, substance abuse and community breakdown;
- going beyond a law-and-order response to provide a full range of culturally appropriate support services to foster strong families and communities;
- respecting indigenous culture and identity through full and genuine partnership with Aboriginal communities, Aboriginal leaders and Church and community organisations working with Aboriginal communities;
- providing adequate funding to secure these goals;

Given the diversity of Aboriginal communities, the Catholic Bishops stressed that any responses should be designed and implemented to take account of the particular local circumstances, and should follow full consultation and collaboration with Indigenous communities.

In spite of the daunting challenges, it is possible that recent events such as the National Apology have helped to build the foundations for an era of renewed hope, collaboration, and commitment to Reconciliation between Indigenous and non-Indigenous Australians. If we are to succeed in "closing the gap" - and we must - it will require a strong bipartisan leadership and a sustained effort on the part of all levels of Government and the support of the community at large.

I am grateful for the extension of time granted by the Committee Secretary. As requested in your submission guidelines, I am happy to indicate that this submission has been personally authorised by me as Catholic Archbishop of Adelaide.

Yours sincerely,

Most Rev Philip Wilson DD JCL
Archbishop of Adelaide

