



Ms Toni Matulick
Committee Secretary
Senate Select Committee on Regional and
Remote Indigenous Communities
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Ms Matulick

Re: Inquiry into regional and remote Indigenous communities

Please find enclosed the Submission of the New South Wales Department of Corrective Services to the above inquiry.

The Department has no comment to make on the Committee's first term of reference, namely the effectiveness of Australian Government policies following the Northern Territory Emergency Response. The Department's response addresses terms of reference (b), (c) and (d) in general, with particular relevance to the provision of services and programs attendant on law and order, and the consequent effect on Indigenous welfare, education and health.

The Department's response provides information on programs and services delivered by the Department to Indigenous people. Many programs and services are delivered to ALL Indigenous offenders regardless of whether they reside in regional and remote communities, though it is evident that some programs are more suited to regional and remote communities than urban communities. It is also evident that some programs provided currently in urban areas could eventually succeed if extended to regional and remote communities.

A number of programs are provided to all offenders regardless of culture, but have particular relevance to, and participation by, Indigenous offenders.

Additional information may be found in the May 2006 Report of the NSW Legislative Council Inquiry into Community Based Sentencing Options for Rural and Remote Areas and Disadvantaged Populations, to which the Department contributed.

Yours faithfully


RON WOODHAM
Commissioner

25 February 2009

Department of Corrective Services (NSW) – Submission – Select Committee on Regional and Remote Indigenous Communities

The New South Wales Department of Corrective Services (DCS) provides custodial and community-based services to the State Government for the management of offenders and the administration of sentences and remand orders delivered by courts. Whilst primarily recognised for operating 33 correctional centres, 26 correctional complexes and 7 periodic detention centres, the Department in fact manages almost twice as many community-based offenders serving sentences of parole, home detention and community service, compared with custodial inmates.¹

Program provision is an integral part of the Department's service delivery, both in a custodial setting and for community-based offenders. Under the Department's ThroughCare model, inmates may progress from a custodial-based program to a related program in the community upon their release from custody.

Indigenous offenders represent over 20% of offenders in custody and over 18% of community-based offenders.² A number of correctional centres and the Balund-a residential facility cater for predominantly Indigenous offenders, whilst a number of community-based offender programs also cater for predominantly Indigenous offenders. Other programs are available to all offenders regardless of culture, but are particularly directed towards Indigenous offenders.

The Department recognises that in order to reduce re-offending, a multi-faceted approach must be taken in managing offenders to address their offending behaviour and risks of re-offending and to endeavour to address some of the underlying socio-economic disadvantages that are experienced by some offenders. For Aboriginal people, this approach must be conducted in the context of Aboriginal culture and community. This approach not only enhances the prospects of a successful reintegration back into the community and reduces the likelihood of re-offending, but also can positively impact upon the health/welfare/education status of Aboriginal people.

International research in the area of what works in reducing re-offending has grown dramatically over the past two decades and a number of sound principles have emerged which underlie effective interventions. The key finding is that interventions that target those at higher risk of re-offending have greatest impact. Logically, this practice is based on the fact that those at greater risk of re-offending have, potentially, the most to gain, and the community has the most to gain from interventions applied to those who pose the greatest risk of harm.

In line with contemporary correctional practice, DCS policy is to target medium, medium-high and high-risk offenders with sufficiently intensive interventions to meet individual needs. However, it is recognised that Aboriginal offenders respond best to culturally appropriate interventions and that acceptance of the offender by the local Aboriginal

¹ On 1 February 2009, DCS held 10,108 inmates and periodic detainees in custody, and managed 18,288 offenders with community-based orders from 65 District Offices of Community Offender Services.

² Of the 10,108 inmates and periodic detainees in custody on 1 February 2009, 2,126 (21.5%) identified as Indigenous, comprising 1,916 males (20.9%) and 210 females (29.5%). No corresponding figures for community-based offenders are available, though the DCS Community Offender Services Census 2007 showed that on 30 June 2007, 3,292 (18.2%) of a total of 18,106 community-based offenders identified as ATSI.

community is important in terms of reducing re-offending. Equally important is the acceptance by the local Aboriginal community of the intervention.

The experience of DCS is that culturally appropriate Aboriginal programs aimed at reducing re-offending are only successful when they are based on relationships built with target communities. Successful program development in metropolitan, regional and rural Aboriginal communities depends on the development of localised and long-term co-operative relationships and a focus on the well-being of the entire community. This process requires extensive consultation with all community and cultural interest groups in the region. Since some regions can have as many as fifteen often-diverse communities, this process demands a major time investment by all partners.

DCS has developed considerable expertise in working with Aboriginal communities to address offending behaviour. Major learnings that have evolved from this experience are that the development and implementation of programs to address offending behaviour within Aboriginal communities requires:

- projects which involve the community and community “ownership” of the project, including ownership of intellectual property,
- projects run over the longer term rather than short-term or pilots,
- programs which add to existing programs rather than being developed independently,
- project development that is fluid so as to fit the needs of the community in which it is occurring, and which enables the capture of new knowledge, and
- Aboriginal programs which are built on Aboriginal knowledge, experience and terms of reference.

Custodial programs

Yetta Dhinnakkal and Warakirri

The Brewarrina (Yetta Dhinnakkal) Centre and Ivanhoe (Warakirri) Centre, whilst not exclusively Aboriginal, both give Aboriginal offenders the opportunity to learn a range of practical work skills, including motor maintenance, building skills, and land management. These work skills are combined with educational programs which primarily focus on enhancing literacy and numeracy skills. Respected Aboriginal Elders also instruct offenders on Aboriginal heritage and culture and offenders attend therapeutic programs that target problematic behaviour, such as substance abuse, anger management, and family violence.

Both Yetta Dhinnakkal and Warakirri are located in rural settings. They provide a culturally appropriate and holistic approach to reducing re-offending by firstly addressing criminogenic risk factors, and combining this with education, work and Aboriginal cultural development.

The Winhangadilinya Program

This program operates from Bathurst Correctional Centre. Winhangadilinya is a culturally appropriate, holistic program that assists Aboriginal offenders to address their offending behaviours. Aboriginal participants undertake a combination of personal development, educational, vocational, therapeutic and work-based training activities over a six-month period. At the end of the program Aboriginal participants can graduate with nationally recognised qualifications such as Certificate I Access to Work and Training, Senior First Aid, OH & S White Card, and completion of modules in Certificate II Horticulture.

Girawaa Aboriginal Cultural Centre (Bathurst Correctional Centre)

The Girawaa Aboriginal Cultural Centre at Bathurst is a business unit of the Department's Corrective Services Industries (CSI). The unit employs up to fifteen Aboriginal inmates to produce Aboriginal art and artefacts for commercial supply. Participants undertake educational and vocational training programs, including business management training, in conjunction with art and artefact production. The Centre provides a unique balance of cultural, educational, vocational, workplace and business management skills for Aboriginal offenders.

Aboriginal Education and Vocational Training

A wide range of educational and vocational programs targeting Aboriginal offenders are delivered in NSW correctional centres.

In 2007/2008, an average of 786 Aboriginal offenders were enrolled per month in such programs - 27% of the total number of inmates participating in such courses.

DCS Reception, Screening, Induction and Assessment

The Department's enhancement of its offender reception, screening, induction and assessment processes has greatly enhanced its ability to identify the health problems of Aboriginal offenders from the time that the offender first enters the custodial environment. Departmental screeners are required to ask offenders (including Aboriginal offenders) a range of questions, including questions relating to mental health status, which has helped in the early detection of the health problems of Aboriginal offenders, as well as enabling the Department to identify Aboriginal offenders who are under duress and may be at risk of inflicting self harm.

An extremely important element of the reception, screening, induction and assessment process is the health assessment that is undertaken by Justice Health, the corrections arm of the NSW Department of Health. These assessments are undertaken by qualified medical staff, who are based on-site at each of the DCS reception centres throughout NSW. The health assessments undertaken by Justice Health staff are not only integral in identifying health problems, but are also important in determining the placement and case management of Aboriginal offenders within the correctional environment.

Aboriginal Assessment and Support Officers (AASOs)

Another recent development of the NSW Department of Corrective Services is the creation and establishment of four Aboriginal Assessment and Support Officer positions. The Department acknowledges that there may be certain barriers between non-Aboriginal staff and Aboriginal offenders which can distort the information gathered during the reception, screening, induction and assessment process. The role of an Aboriginal Assessment and Support Officer is to engage an Aboriginal offender in the early stages of being incarcerated, to undertake a cultural assessment of the offender. Information gathered by the Aboriginal Assessment and Support Officer is used to make any referrals that are required and are inputted into the case management plan of the offender. Non-Aboriginal staff involved in the reception, screening, induction and assessment process can refer an Aboriginal offender to an Aboriginal Assessment and Support Officer at any time. Aboriginal Assessment and Support Officers are located at Bathurst, Grafton, Goulburn and Dillwynia Correctional Centres.

Community-based programs

Tabulam

The Department's newest facility – "Balund-a" - is a residential facility located near Tabulam (near Casino) on the North Coast of NSW within the Bundjalung Aboriginal nation. The centre opened in late 2008 and accommodates up to 70 offenders (50 male and 20 female) and aims to break the cycle of offending through:

- Recognising, restoring and valuing cultural links of young adult offenders with their land and history;
- Providing a range of programs that target issues relating to offending behaviour, thus contributing to safer communities;
- Developing activities and programs that increase educational, vocational and employability skills;
- Involving the community and family as well as the offender in facilitating change;
- Forging ongoing relationships with Aboriginal communities and developing sustainable partnerships with community organisations to support the re-entry of offenders into the community;
- Undertaking enterprises and activities that utilise the property's natural resources within their limits which enhance the property's environmental, pastoral and asset value; and
- Developing sustainable partnerships with community organisations in order to support the resettlement process.

The aim of the centre is to break the cycle of offending of younger offenders. It is an alternative to full time custody and men and women offenders are ordered to reside at the Centre by a court, generally as a condition of a Section 11 Good Behaviour Bond³. Programs are delivered as far as possible by community-based groups and their content and delivery will reflect the needs of the predominantly Aboriginal clientele.

Contracts are being entered into with community groups to provide selected programs at the Centre. An emphasis is being placed on Aboriginal-specific programs, or adapted programs presented by Aboriginal facilitators. Offenders generally reside at the Centre as a condition of their bail or sentence, with the length of stay ranging from 3 to 12 months. The Balund-a facility has a high proportion of Aboriginal staff and can provide culturally appropriate support to Aboriginal offenders.

Two Ways Together Programs

The Department of Corrective Services is funded by way of the Two Ways Together NSW state government initiative to provide programs to address family violence and to reduce the rate of Aboriginal incarceration. DCS is committed to the development of robust partnerships with Aboriginal communities in order to address offending, particularly family violence.

Two Ways Together is the NSW Aboriginal Affairs Policy for 2003-2012, which responds to the findings of the Productivity Commission's *Overcoming Indigenous Disadvantage – Key Indicators 2003* Report and establishes a new framework for a wide range of Government agencies to work with each other and with Aboriginal communities to improve the lives of Aboriginal people.

³ Also known as a "Griffiths Remand".

The Department provides three programs under the NSW Government's 'Two Ways Together' initiative:

- *Rekindling the Spirit* involves the provision of support services to Aboriginal communities in Lismore and Tabulam, targeting offenders as well as their families, and provides a range of support services to address the cultural needs of Aboriginal families, with specific attention to family violence, drug and alcohol abuse and child abuse and neglect within the family;
- *The Yindyama La Family Violence Project* focuses on the male perpetrators and female victims of domestic violence. The project operates in Dubbo and works closely with services that support victims and children. It is based on a collaborative model for working with Indigenous men, families and communities to address issues of family violence in regional communities. The focus is on male perpetrators of violence and the development of an inter-agency approach, working closely with services for victims, and children in collaboration with the Aboriginal community;
- *The Walking Together Project* operates in Sydney (Redfern/Newtown) to target Aboriginal male and female offenders. It is a group-based program that addresses social issues and the loss of cultural identity that affects many urban Aboriginal offenders. It was originally developed to address the problems of loss and lack of cultural identity that affect many urban Aboriginal offenders. *Two Ways Together* funding provided DCS with the opportunity to review, refine and extend the original *Walking Together* program. The revised *Walking Together* program will more specifically target family violence with a goal of reducing re-offending and rates of Aboriginal incarceration. At the same time, a parallel program for Aboriginal female offenders is being developed. The female *Walking Together* program will also address family violence but will emphasize the need to protect children and include issues relating to speaking out against violence towards women and children in the family and in the community.

All *Walking Together* programs are to be based on empirical evidence of "what works" in program delivery and "what works" within Aboriginal communities. The new *Walking Together: Family Violence* programs are being re-developed in consultation with the local Aboriginal community and will incorporate a unique and flexible cultural component based on the Aboriginal Healing and Responsibility Cycles. The design allows for the local Aboriginal community to work in close partnership with DCS and to be involved in both the development and delivery of the programs. The local Aboriginal community will have ownership of the components of the programs that they develop, including intellectual ownership.

The *Walking Together* programs will become part of a personalised case management strategy which will allow the offending needs of individual male and female Aboriginal family violence offenders to be directly addressed at a level of intensity which is commensurate with the level of risk of re-offending. This is the first time that DCS has had the opportunity to develop an evidence-based program for Aboriginal offenders that can be implemented *across locations* yet allow the local Aboriginal community to retain ownership of the program.

Pathways to Employment, Education & Training (PEET)

The *Pathways to Employment, Education and Training Program* is an excellent example of a community-based program which has been adapted to suit the needs of Aboriginal offenders.

PEET was developed in partnership with NSW TAFE and is available to offenders who have substance abuse issues. It is designed to enable offenders to gain employment through their participation in TAFE courses or other training courses. In 2007/08, 43 different courses were held at 22 locations throughout the state.

Although the program is currently available to any offenders managed by Community Offender Services (COS) whose background involves drug issues, in some regional and rural locations all offenders attending some PEET programs have been Indigenous.

Aboriginal Client Services Officers (ACSOs)

Aboriginal Client Services Officers are employed by the Department and located at COS Offices across the State. ACSOs are located at Wagga Wagga, Wollongong, Bathurst, Dubbo, Moree, Mt Druitt, Newtown, Kempsey, Blacktown, Bourke, Broken Hill, Coonamble, Grafton, Cardiff, Tamworth, Lismore, and Forbes. These staff provide advice and support to Probation and Parole Officers in the case management of Aboriginal offenders and assist in meeting their needs in a culturally sensitive manner. They:

- liaise with the courts, community rehabilitation services, Probation and Parole Officers and local Aboriginal communities to ensure Aboriginal offenders with drug issues are provided with appropriate support and access to services in the community;
- participate in the case management of Aboriginal offenders in the community to ensure appropriate supervision strategies;
- develop community contacts to support referrals for Aboriginal offenders;
- identify appropriate community based resources; and
- bridge the cultural gap between non-Aboriginal staff and their Aboriginal clients.

ACSOs consult with correctional centre and community rehabilitation centre staff regarding pre- and post-release planning for offenders. ACSOs also act as a resource within the COS District Office to develop effective culturally appropriate offender programs as well as identifying and building collaborative community networks and partnerships to improve the effectiveness of community based offender programs.

Community Offender Support Programs (COSP):

The Department recognises that lack of stable accommodation, or the ability to access accommodation at all, increases the risk of re-offending. Accordingly, DCS has recently developed and is currently implementing Community Offender Support Program Centres (COSPs).

COSPs are a non custodial community based service providing interim accommodation for between three to six months for community-based offenders (parole, probation, home detention, post-conviction). The target population comprises those offenders who are unable to attain or maintain suitable accommodation and/or access to community support services and programs. In addition, crisis accommodation for up to 14 days is available at COSPs for offenders whose accommodation arrangements suddenly break down in the community.

COSPs also provide an opportunity to stabilise and provide enhanced supervision of offenders who may be experiencing difficulties in adjusting to normal, lawful community life, and who may otherwise be re-incarcerated for a breach of parole or other community-based order.

COSPs are located in the Sydney inner and outer metropolitan area and also at Kempsey for Indigenous offenders.

Community Funding Program:

The DCS Community Funding Program, which operates on a triennium basis, funds non-government agencies that assist offenders, ex-inmates and their families to maximise post-release opportunities by providing a network of support services throughout their incarceration and extending that care to their transition back into the community. Indigenous community organizations funded by the Department include:

- Link-Up (NSW) Aboriginal Corporation, which is funded to operate the Aboriginal and Torres Strait Islander (ATSI) Family Reintegration Project. This project aims to assist ATSI inmates to trace and re-establish their family links if they had been separated or removed from their families due to government intervention. Additional resources would permit expansion of this service;
- Namatjira Haven Ltd, which is funded to operate the Intensive Alcohol and Other Drug Rehabilitation Project (Male) - NSW North Coast Region. This project aims to provide intensive rehabilitation support to male indigenous offenders with alcohol and other drug dependence throughout their period of transition from custody back into the community to enable them to establish appropriate networks and life skills in the community. Up to 4 male offenders at any one time (approx 16 per annum) are provided with this service; and
- Yulawirri Nurai Indigenous Association Inc, which is funded to provide transitional support service for Indigenous women prior to and after release from custody. In 2008/09, Yulawirri Nurai was involved with approximately 90 Aboriginal women in custody and 35 Aboriginal women post release.

Adult Education and Vocational Training Institute (AEVTI):

The Department delivers a range of educational and vocational programs in NSW correctional centres, some of which target Aboriginal offenders. Aboriginal inmates also access general TAFE courses. These programs range from basic literacy and numeracy courses delivered through the Department's Adult Education Vocational Training Institute (AEVTI), a Registered Training Organisation, through to intensive vocational training delivered by qualified departmental staff and TAFE.

The provision of courses to Aboriginal offenders is supported and strengthened through the Memorandum of Understanding (MOU) between the DCS and TAFE NSW, which provided 17,194 hours of TAFE course delivery in 2007-08. This provision includes 5,111 hours dedicated specifically to courses for Aboriginal inmates.

Under the MOU between DCS and TAFE NSW, the *Aboriginal Offenders Action Plan for TAFE NSW Provision and Post Release Pathways 2008 – 2012* has been developed. This Action Plan will enable Indigenous offenders to more readily access post-release vocational education and employment pathways to further strengthen educational and employment outcomes for Indigenous offenders.

In 2007/08 a monthly average of 755 Aboriginal offenders were enrolled in education and vocational training programs in correctional centres. This number constituted 27% of the total population of offenders enrolled in education programs. It should be noted that the education participation rate for Aboriginal inmates is significantly higher than their relative numbers in the inmate population.

The department employs 12 Aboriginal teachers in designated positions who deliver Aboriginal cultural programs as well as basic education courses. In 2006/07, Aboriginal

inmates enrolled in Aboriginal-specific education programs taught by these Aboriginal teachers completed a total of 347 modules at Certificate I and II levels.

Hey Dad for Indigenous Dads, Uncles & Pops

Hey Dad for Separated Fathers is an educational program developed by Centacare Broken Bay. It provides opportunities for men who are separated from their children to gain a greater understanding of the importance of their role as a father, and facilitates the development of a worthwhile and enriching relationship with their children.

The program builds on their knowledge of parenting skills including child development, communications, managing strong emotions, child protection and self-efficacy. The program addresses issues of loss and grief, including cultural and family of origin issues, and it explores their own experiences of being fathered. The program is strengths based, and uses shared group experience as a powerful learning tool.

Centacare have developed a community program called *Hey Dad for Indigenous Dads, Uncles & Pops* that has been piloted in various location across the state. In conjunction with the Aboriginal Support and Planning Unit, DCS staff have been trained to pilot the program in Tamworth, Cessnock, Lithgow and Parklea Correctional Centres. An Evaluation Report provided positive feedback for the program being implemented in correctional centres, and some programs have been run in these Centres and in some locations community trainers have offered support the delivery of the program in custody.

'SMART Recovery' and 'Getting SMART' Program: Addressing Aboriginal Community Needs

SMART Recovery is a program that promotes self empowerment by teaching people new techniques that can be used to overcome addictive behaviours. It was developed as an alternative to other self-help programs such as Alcoholics Anonymous and has been used internationally for over 20 years.

In 2005 Offender Programs Unit (OPU) staff developed the 12 session 'Getting SMART' program, designed to introduce the tools and concepts that are used in SMART Recovery meetings. The program can be delivered in an informal group setting, with facilitators being able to utilise a variety of tools that will help offenders engage in session activities and, more importantly, to use the tools provided to address their addictive behaviours.

The underlying purpose of the program is to challenge addictive behaviour and the impact this has on the offending behaviour. The rationale for using SMART Recovery is to provide offenders with experiences similar to what is provided in the community and - once released - to provide the ThroughCare aspect, as offenders will have been exposed to a program / meeting structure that they are comfortable with and can use in the community without distress.

Strong links exist between DCS and SMART Recovery Australia, with training being provided to community service staff together with DCS staff. In addressing links to Aboriginal communities, training has been provided to staff within many correctional centres and most recently to a variety of remote and rural COS District Offices such as Casino, Lismore, Grafton, Tamworth, Armidale, Gunnedah, Moree, Inverell, Narrabri, Batemans Bay, Goulburn and Bega. External community services have also participated in Getting SMART training and include Gurehlman (Grafton), Casino Family Support Services, Aboriginal

Medical Services (Casino), Rekindling the Spirit (Lismore), Tweed Valley AOD Services, AOD Services (Queanbeyan), Anglicare Youth Services (Batemans Bay), Workability Personnel Inc. (Batemans Bay) and Salvation Army (Batemans Bay). This enhances the community agencies' understanding of requirements of offenders upon release, and opportunities to learn new skills in working with resistant and often difficult clients who are mandated to attend such support programs to address their addiction issues.

THINK FIRST PROGRAM – Indigenous Adaptation Facilitator Training

The Think First program is a cognitive skills program that addresses the cognitive criminogenic needs of recidivist offenders. Its overall objective is to help individuals acquire, develop and apply a series of social problem-solving and associated skills that will enable them to manage difficulties in their lives and to avoid future re-offending.

Think First is a group-based, cognitive-behavioural program that addresses problem-solving, self-management, social interaction training and values education, designed to teach participants a number of social problem-solving skills which are then applied to aspects of offences and situations in which they occur.

A Koori version of the mainstream Think First program has been developed by Corrections Victoria in close partnership with the Koori community.

The Koori adaptation remains focussed on cognitive-behavioural principles and reflects the structure of the mainstream program. It also includes affective, spiritual and cultural dimensions. The Koori program recognises indigenous people's sense of place in terms of connection to family, community and ancestral country. There is also a greater emphasis on individual, family and community strengths to counterbalance the existing emphasis in the mainstream program on 'fixing' individual offenders' skills deficits.

In November 2008 two staff from Corrections Victoria delivered a 3-day training course in the Koori adaptation of the mainstream Think First program to DCS staff at Balund-a. Three indigenous facilitators from Balund-a attended the training.

The overall aims of the training were to increase facilitator's familiarity with Koori-focused content and processes in the program, and help maximise the responsiveness and effectiveness of the Koori program to residents at Balund-a. The training also provided the opportunity for local staff to gain a sense of ownership over the program by offering input into the content and delivery of the program relevant to the local population.