



## Independent Review into the over-representation of First Nations people in the ACT criminal justice system- Terms of Reference

The researcher will review/evaluate the ACT Government's progress implementing recommendations of the Australian Law Reform Commission's Report 133, *Pathways to Justice – Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*.

### **Research team criteria**

The principal consultant must identify and be recognised by the ACT Aboriginal and Torres Strait Islander community as an Aboriginal or Torres Strait Islander person.

The evaluation can be led and facilitated by an interstate Aboriginal or Torres Strait Islander consultancy provided that the consultants work closely with the ACT Aboriginal and Torres Strait Islander community and organisations.

### **Directorate and community engagement**

The researcher will engage with responsible Directorates and agencies to obtain the information required to allow it to carry out this evaluation. The ACT Government will in good faith endeavour to make available information the researcher identifies that it reasonably requires (subject to compliance with obligations on the disclosure of sensitive and protected information).

The researcher must engage with First Nations community members in the ACT and relevant First Nations organisations in undertaking its review, including but not limited to:

- The Aboriginal and Torres Strait Islander Elected Body
- United Ngunnawal Elders Council
- Winnunga Nimmityjah Aboriginal Health and Community Services Ltd
- Yedding Murra (Good Pathways) Aboriginal Corporation
- Gugan Gulwan Youth Aboriginal Corporation
- Yerrabi Yurwang Child and Family Aboriginal Corporation
- Sisters In Spirit Aboriginal Corporation
- First Nations people with lived experience of the ACT criminal justice system, including young people.
- Other organisations delivering justice services to First Nations people in the ACT (such as the Aboriginal Legal Service, Dhurrawang Aboriginal Human Rights Program, Canberra Community Law; Mulleun Mura, Women's Legal Centre and Beryl Women Inc).

The researcher should also identify and consult with other relevant stakeholders such as relevant policy and research organisations, legal assistance service providers and the broader legal profession, community service providers and the ACT Human Rights Commission.

In undertaking consultation, the researcher should consider whether there are factors specific to the ACT that influence First Nations contact with the criminal justice system and rates of incarceration in the Territory.

In conducting the review, the researcher must have regard to the *Human Rights Act 2004*.

## **Deliverables**

The researcher will deliver a first report that sets out an evaluation of the extent to which the ACT Government has implemented the measures recommended by the Australian Law Reform Commission and any other relevant recommendations of previous reports which are identified in the course of this evaluation.

For the Australian Law Reform's recommendations that focus on collaboration between Commonwealth, state and territory governments, the ACT's role in supporting a national response to these recommendations should be assessed.

Where the researcher identifies that a measure has not been implemented, or only partial implementation has been achieved, the researcher should make recommendations on actions required.

The researcher should make additional recommendations for action, where the researcher identifies additional practical measures that it considers would have an appreciable impact on overrepresentation rates of First Nations people in incarceration in the ACT.

The researcher will be required to deliver the report in two stages;

- a First Report by mid-2024, which addresses the ACT Government's progress in implementing recommendations of the Australian Law Reform Commission Pathways to Justice Report and related issues, and
- a Final Report by the end of 2024, which includes findings from consultation and additional recommendations for action which would have an appreciable impact on overrepresentation rates of First Nations people subject to incarceration in the ACT.