



JUSTICE AND COMMUNITY SAFETY

A fair, safe and peaceful community for the ACT

Aboriginal and Torres Strait Islander Justice Initiatives in the ACT

*Towards the Development of an
Aboriginal Justice Agreement for the ACT*

Compiled by

Justice Planning and Programs
ACT Department of Justice and Community Safety

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The following is a compilation of contributions received from agencies and community based organisations on their current and future initiatives that have an impact on Aboriginal and Torres Strait Islander Justice in the ACT. The ACT Aboriginal Justice Centre jurisdictional reports to the National Aboriginal Justice Advisory Committee (NAJAC) have also been used in preparing this report with the kind permission of the ACT Aboriginal Justice Centre. This is a working document and additional contributions are welcome from agencies or organisations not currently contained within this report.

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Introduction

The aim of this document is to provide a snapshot and overview of justice initiatives for Aboriginal and Torres Strait Islander people in the ACT.

The ACT Attorney-General and the ACT Aboriginal Justice Centre are working towards the development of an Aboriginal Justice Agreement for the ACT in 2008.

It is hoped that this document will be used as a consolidated starting point in the development of an Aboriginal Justice Agreement and to engage a range of stakeholders in discussing how we can improve services and outcomes.

One of the major challenges for all States and Territories continues to be the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system. The solutions to address Indigenous anti-social and criminal behaviour revolve around providing holistic solutions that address the causes of poverty and disadvantage. Early intervention and prevention strategies supported by the Aboriginal community targeting individuals and families are seen as crucial. At the same time, there is a need to develop innovative approaches to ensure that the criminal justice system meets the needs of the Indigenous community.

Contemporary research into Aboriginal Justice Agreements has found that justice issues should be interpreted more broadly than just focusing on the over-representation of Aboriginal and Torres Strait Islander people within the criminal justice system. Research also suggests that a holistic whole-of-government and whole-of-community approach is required to ensure that solutions are coordinated and effective. This additional coordination and cooperation requires adequate resources and effective participation and consultation with, and between, all stakeholders.

Any agreement needs to consider justice areas beyond over-representation and include the needs of victims, crime prevention, community safety, dispute resolution, family law, youth at risk, diversion, restorative justice, policing, family violence, discrimination, consumer issues, drug and alcohol services, family support, access to culturally competent services and the like.

The current approach of ACT government agencies to improve access to justice for Aboriginal and Torres Strait Islander people is contained in the attached summaries. The contributions have been prepared by each of the relevant stakeholders and compiled into this document.

The ACT Council of Social Services (ACTCOSS) and Aboriginal Justice Centre (AJC) released a report on the 29 July 2008 entitled *Circles of Support: Towards Indigenous Justice: Prevention, Diversion and Rehabilitation*, that focuses on contemporary research and complements this report particularly examining the issues surrounding over-representation within the criminal justice system.

This document is seen as an initial step towards making improvements in the ACT under the banner of reconciliation and the formulation of an Aboriginal Justice Agreement in 2008.

Background to Aboriginal and Torres Strait Islander Justice Issues in the ACT

Royal Commission into Aboriginal Deaths in Custody (RCIADIC)

The 1991 Royal Commission into Aboriginal Deaths in Custody (RCIADIC) examined the over-representation of Indigenous people in the criminal justice system and highlighted the poor social, educational and economic conditions that led to over-representation and argued that the underlying issues for over-representation related to the inequitable access to resources and basic services within society. The contribution of unemployment, poor health and education, inadequate housing, individual and institutional racism, historical government policies including assimilation and removal, and the lack of understanding of the requirement of culturally appropriate service delivery was seen as significant contributors to offending behaviour.

As a result of historical policies and marginalisation, Indigenous communities throughout Australia grapple with complex social issues and loss of cultural identity. These factors lead to mental health issues, family dysfunction, anti-social behaviours and drug and alcohol abuse with a flow-on effect to increased crime. The provision of adequate services, breaking the poverty cycle and social dysfunction is a key to reducing incarceration of Indigenous peoples and overall contact with the criminal justice system. Therefore a whole of government and whole of community approach is required.

Statistical Background

In August 2004 John Stanhope MLA, the then ACT Minister for Community Services of the ACT released a report entitled, *Social And Cultural Profile of Aboriginal and Torres Strait Islander People in Canberra*. The report used statistical information from the Australian Bureau of Statistics (ABS) *2002 National Aboriginal and Torres Strait Islander Survey* (NATSIS).

In summary, the report stated that Aboriginal and Torres Strait Islander people in Canberra:

- Make up only 1% of the total population, but comprise around 10% of people in the justice system. This particularly involves youths, especially males.
- Had the second highest proportion of persons removed from their natural parents, a high incidence of personal stressors in their lives, and the highest proportion of victims of physical violence in Australia.
- Have lower average incomes in comparison to non-Indigenous people in the ACT.

It further showed that:

- By Year 9, half of Aboriginal and Torres Strait Islander students (compared with a quarter for non- Indigenous students) have not reached the required literacy standards, and they have much higher rates of absenteeism from school.

- A larger proportion of Aboriginal and Torres Strait Islander people live in overcrowded housing conditions, with nearly a fifth of all households living in dwellings with insufficient bedrooms.
- Due to relationship breakdown, a significant proportion of young children do not live with both parents. By the age of 14, approximately 40% of children live with both parents, nearly half the rate for the non-Indigenous population.
- Over a third of children (36%) live in households without an employed parent. This is three times higher than for the non-Indigenous population.
- Indigenous people in the ACT accounted for 1 in 10 arrests and 25% of juveniles arrested were Indigenous. There has been an increase in arrest rates of Indigenous people in the ACT over the period 1994 – 2002.

Other reports generally comment on the difference between the wider Australian community and Indigenous Australians including:

- a life expectancy of 15-20 years less than the non-Indigenous population;
- a suicide rate that is three times higher; and
- 50% of the Indigenous population is under the age of 20 and fertility rates are much higher in comparison to the wider community.

Current Trends in Indigenous Incarceration

The Australian Institute of Criminology (AIC) *Juveniles in Detention Monitoring Program* contains census data on the numbers of young people placed into detention, on a quarterly basis, from 1981 to 2005. The AIC Paper No. 22: *Juveniles in detention in Australia, 1981–2005* published in 2006 (<http://www.aic.gov.au/publications/tbp/tbp022/>) provides an overview of juveniles in detention in Australia. A key finding in the report in terms of policy, remains the "over-representation of Indigenous young people aged 10 to 17 in detention using the rate ratio (Indigenous rate divided by the non-Indigenous rate) remains high and has not decreased since 1994. Indigenous young people were 23 times more likely than non-Indigenous young people to be in detention at 30 June 2005".

In the ACT, one in four juveniles taken into police custody and 30-50% of juveniles in detention are Indigenous. This will have significant consequences in relation to future adult incarceration.

Research by the NSW Bureau of Statistics and Crime Research (November 2006) suggests that a third of Indigenous youth who appear in NSW Courts this year will end up in prison within eight years and this situation is transferable to other jurisdictions (source: Weatherburn D, November 2006, *Disadvantage, Drugs and Gaol: Rethinking Indigenous Over-representation in Prison*, NSW Bureau of Crime Statistics and Research).

Approximately 56% of the Indigenous population is under the age of 25 and fertility rates are much higher in comparison to the wider community. Research suggests that early intervention and prevention programs targeting children and youth are one way to significantly address the high levels of incarceration of Aboriginal and Torres Strait Islander people within the criminal justice system. However, this requires supporting families holistically through a range of inter-related support systems.

Overview of the ACT Criminal Justice System

The criminal justice system is comprised of five main authorities/services. These are the police, the legal profession, the courts, post-sentence management authorities such as corrective services and youth justice services and releasing authorities such as the ACT Sentence Administration Board. Each service carries out a specialised task, and within each service there are further specialists who focus on prevention and management of offending behaviour. In the context of the Aboriginal and Torres Strait Islander community, each service may have specialist services that engage with Indigenous clients.

The criminal justice system has the power to use diversionary schemes to address criminal behaviours. That is, schemes designed to address offending behaviour without a final judicial decision that imposes a penalty. The courts impose sentences of varying degrees of severity: from community based sentences to imprisonment.

In mid 2006, the ACT empowered ACT Courts to impose sentences that are tailored to the offender and their offending behaviour by allowing a combination of custodial and community based dispositions as part of one sentence. For example, a court can now impose a three year sentence which combines one year imprisonment with a one year periodic detention and a good behaviour order that applies to the two years following imprisonment.

The variety of sentencing options, such as custodial sentences, committals, periodic detention, community service orders, rehabilitation programs, suspended sentences etc, leads to a commensurate set of specialists within the ACT Corrective Services (ACTCS) and Community Youth Justice (CYJ). There are officers in ACTCS and CYJ who specialise in the management of court orders, including rehabilitation programs. Adding to this is the foreshadowed case management of prisoners as part of the new Alexander Maconochie Centre and the new *Corrections Management Act 2007*. It is envisaged that each adult prisoner in the ACT will have a case management plan to address their health and welfare needs, to assist with education and to manage offending behaviour. The overall goal of the plan will be to assist the person to be re-integrated into the community at the soonest legal time.

As evidenced by the report into the Quamby Youth Detention Centre by the Human Rights Commissioner, young Indigenous people are at a great risk of being detained for offending behaviour. This also reflects the situation for Indigenous adults. For people who are at high risk of engaging in offending behaviour, it is crucial that a coordinated and holistic approach be taken by all the relevant services to manage offending behaviour.

Whilst there is an emphasis in the attached summaries on initiatives from justice related agencies and organisations, equally, contributions have been sought from education, health and community service agencies recognising that a whole of government and whole of community approach is required. It is hoped that these initial summaries will be further supplemented by additional contributions from stakeholders as the agreement process develops.

ACT Policing

Current ACT Policing strategies are outlined in the [AFP Reconciliation Action Plan 2007](http://www.afp.gov.au/media/publications/reconciliation_action_plan.html) available at http://www.afp.gov.au/media/publications/reconciliation_action_plan.html and include:

- undertaking early intervention and prevention programs;
- building better relationships between police and the Indigenous community; and
- improving cultural awareness for frontline police and senior officers.

These key approaches in ACT Policing are to address the issues surrounding victimisation and contribute to reducing the rate of incarceration.

Victimisation

The ABS reported that in 2002, one-quarter (25%) of Indigenous people had been a victim of physical or threatened violence in the previous 12 months, nearly double the rate reported in 1994 (13%). Rates of victimisation were similar for people living in remote and non-remote areas (23% compared with 25%) and for men and women overall (26% compared with 23%). Rates of reported victimisation were higher among young people, with young men aged 15-24 years having the highest reported victimisation rate. Unemployed persons (38%) and those who reported they had first been formally charged before the age of 17 years (44%), also reported high levels of victimisation.

Many assume that contact with the criminal justice system by Indigenous people is as offenders, however, Indigenous people are over-represented in the justice system as both victims and offenders. Since, in many instances, the justice system fails to identify Indigenous people as victims of crime, developing a better understanding of Indigenous victimisation and developing effective program responses will be a priority for ACT Policing.

Family Violence

The ACT has a well developed Family Violence Intervention Program (FVIP).

The FVIP commenced in 1998 as part of the ACT Government's approach to addressing the criminality of family violence. The policy of ACT Policing in respect to intervention at family violence incidents is *Pro-Charge, Pro-Arrest* and *Presumption against Bail*, where evidence exists that a criminal offence has been committed.

The FVIP continues to be best practice model as a criminal justice response to family violence, with ACT Policing working in partnership with other participating agencies including the Victims of Crime Coordinator, Domestic Violence Crisis Service, Office of the Director of Public Prosecutions (ACT), ACT Corrective Services, ACT Legal Aid Office, and the Department of Justice and Community Safety.

The FVIP also incorporates data collection and analysis. It aims to provide a best practice model for criminal justice intervention in family violence incidents. The ACT Policing family violence team reviews family violence incidents that have occurred in the ACT and maintains data on these incidents. This data provides information about trends in family violence incidents in order to improve ACT Policing's responses to family violence incidents. Data is also gathered by other FVIP stakeholder agencies

and the combined data provides information to the Government on the overall effectiveness of the inter-agency approach to family violence.

Role of the Indigenous Community Liaison Officer

Once imprisoned, the likelihood of an Indigenous person re-entering the criminal justice system increases significantly. ACT Policing's focus is to implement early intervention preventative programs and these are undertaken by ACT Policing's Indigenous Community Liaison Officer (ICLO). In addition, one of the biggest obstacles for police to solve crime in the Indigenous community is the reluctance from the community to come forward with information. This leads to many crimes going unsolved in the community and further leads the community to perceive that police are giving inferior levels of service to the community. Therefore the ICLO is integral to improving services to Indigenous communities.

The ICLO undertakes a wide variety of tasks including developing and maintaining a network of contacts between police and local Indigenous communities in order to strengthen cooperation and communication. The ICLO provides support and encourages positive role models to enhance police and Indigenous youth relationships as an effective crime prevention strategy. Cultural and recreational activities are a significant feature of diversionary options exercised by the ICLO. Activities that aid ACT Policing strengthen its relationship with the indigenous community in the ACT include:

- conducting two camps a year in the Jervis Bay region of NSW for groups of 'at risk' indigenous youth;
- facilitating excursions for Indigenous youth to sporting and cultural events
- involvement with the ACT Aboriginal Justice Centre, which is designed to provide a coordinated approach to Aboriginal and Torres Strait Islander justice programs and services in the ACT;
- participation in the On Track Program (a joint initiative of Gugan Gulwan and Narrabundah Primary School); providing an opportunity to interact with participants in a flexible alternative education program for Aboriginal and Torres Strait Islander students;
- partnering with the PCYC and supports the Police Citizens Youth Club (PCYC) ReLink program's which involves indigenous youth at risk;
- facilitating and participating in Restorative Justice conferencing involving members of the Indigenous community. This provides input to and addresses justice issues for Indigenous offenders and victims of crime;
- educating police officers about the culture of Indigenous people and encouraging them to develop a better understanding and interaction with persons of an Indigenous background; and
- providing recruits and newly sworn members, as well as other operational policing areas with methods to improve interaction with members of the indigenous community;

There are significant demands placed on police as they are frequently the first to respond to family violence, child sexual abuse or to families subjected to chronic drug and alcohol abuse. Strong interagency cooperation between the police and to the

government agencies is essential if genuine progress is to be made in improving relationships with Indigenous people. This is supported by a commitment to put maximum resources into frontline policing and make them aware of issues relating to Indigenous peoples by providing training in and exposure to Indigenous cultural issues during recruit courses and on an ongoing basis.

Further Information:

Kenny Nagas, Indigenous Community Liaison Officer, ACT Policing (02) 6256 7777

Indigenous Community Liaison Officer

The Australian Federal Police (AFP) employs an Indigenous Community Liaison Officer who liaises with the Indigenous community to establish and maintain positive relationships and foster mutual understanding.

Role of the liaison officer

The Indigenous community liaison officer performs a range of tasks, including:

- developing and maintaining a network of contacts between the police and the local Indigenous communities within the ACT to strengthen cooperation and communication between the parties;
- improving community knowledge about policing services, the law and order issues
- attending new recruit training sessions on Indigenous culture, heritage, behaviour and traditions;
- informing operational police about local issues that may affect relations between the Indigenous community and police;
- establishing and maintain close personal rapport with the Elders of the Indigenous community;
- assist in mediation of disputes involving police and people from the Indigenous community;
- advising police about areas of potentially high crime rates, and suggest preventative measures;
- implementing crime prevention strategies for ACT Policing as it relates to the Indigenous community;
- making representations to AFP management and other committees on behalf of the local Indigenous community;
- participating in community events and where required, undertake public speaking appearances; and
- consulting with government and non-government agencies, community groups and businesses within the ACT, concerning crime prevention strategies relating to the Indigenous community.

A secondary function of the Indigenous Community Liaison Officer is to assist the AFP Recruitment Unit in the development and implementation of Indigenous recruitment, retention, career management and development strategies for Aboriginal and Torres Strait Islander peoples.

Source: http://www.afp.gov.au/act/community/aboriginal_community_liaison_officer.html

Indigenous Victim Support

The presence of violence in Indigenous families and communities is a widely acknowledged problem across States and Territories. Violence and abuse undermines the capacity of individuals and families to achieve positive educational, vocational and social outcomes.

Located within Victim Support ACT, the Victims of Crime Coordinator (VoCC) is the ACT's statutory advocate for victims of crime under the *Victims of Crime Act 1994*. The Office of the Coordinator works to ensure that any victim of crime receives the assistance necessary to enable their participation in the administration of justice. Indigenous clients to the office vary from 1-5% per annum.

A research project into Indigenous Victims of Crime in the criminal justice system commenced during 2006-07. The project is an initiative of the VoCC and is assisted by a reference group comprising Indigenous and non-Indigenous stakeholders. The first phase of the research has been conducted by the Australian Institute of Criminology (AIC). The AIC examined the circumstances of Indigenous victims of violence who have chosen to access the criminal justice system and the support available to them. The second phase of the research, to be undertaken in 2008, will be to conduct targeted interviews with key persons working in the criminal justice system.

Other mechanisms for victim support within Victim Support ACT include the Victims Services Scheme. The government-funded scheme (\$1.180m per annum) provides access to a range of services for psychological and physical therapeutic interventions to victims of crime or their family members. Service provision under the scheme is based on a "brief intervention model". The services are provided free, up to a maximum number of visits, depending on the nature of crime and the demonstrated needs of the victim. At different stages of the intervention, clients and their case coordinator can review the effectiveness of the services within an overall "case plan".

Most of the scheme's clients are victims of personal crime. In 2006-07, 4% of clients identified as Indigenous victims. The VoCC advocates strongly for the development of innovative approaches to ensure that the criminal justice system protects Indigenous victims of violence and meets the needs of the wider Indigenous community.

The VOCC, provides pre and post circle sentencing preparation and support for Indigenous and non-Indigenous victims.

Other specialised services for those who experience sexual assault and family violence victims also exist in the ACT, including ACT Policing's Sexual Assault and Child Abuse Team (SACAT), Canberra Rape Crisis Centre (CRCC) and Domestic Violence Crisis Service (DVCS). Both the CRCC and the DVCS have Indigenous specific workers who conduct outreach to the Indigenous community, developing culturally-appropriate responses for Indigenous clients and creating linkages with other services.

Further information:

Robyn Holder, Victims of Crime Coordinator, (02) 6205 0399

Circle Sentencing

The ACT **Ngambra Circle Sentencing Court** commenced in May 2004. It is available for adult offenders only. The primary objective of the Ngambra Circle Sentencing Court is to reduce recidivism of Aboriginal and Torres Strait Islander offenders. The emphasis of the community's participation is on rehabilitation, support and healing.

The Court is guided by a Practice Direction of the ACT Magistrates Court. The *ACT Magistrates Court Act 1930* (Section 309 – Directions about procedure) provides a legislative basis for the use of a practice direction to guide its operation. A steering committee of stakeholders is convened by the Circle Magistrate, Magistrate Shane Madden, to discuss the progress of the Circle. The Magistrates Council may consider amendments to the practice direction by way of a written submission.

In 2005/06 the ACT Government committed \$100,000 recurrent funding for five years to the Court's operation. The funding is a contribution to a Co-ordinators salary and the costs associated with convening the Court. The Court convenes at various times on a Wednesday morning at the Aboriginal and Torres Strait Islander Cultural Centre at Yarramundi Reach ACT if the offender is on bail, or in a hearing room at the Court if the offender is in custody. Up until October 2007, the Court has convened on 50 occasions and dealt with 35 offenders.

The majority of offenders before the Court face offences relating to family violence attributable to long-term alcohol and drug abuse. Other offences relate to traffic matters and minor assault. The offenders must plead guilty to the offences and be prepared to submit to a panel of Elders who recommend an appropriate sentence commensurate with the gravity of the matter to the presiding Magistrate. There is a screening process by an Elders panel to assess the suitability of the offender appearing before the Circle Court.

Given the nature of the proceedings, the Court is highly intensive and a session lasts for two-three hours with the Elders panel gaining an understanding of the offender's behaviour. The new sentencing legislation introduced in the ACT in June 2006, the *Crimes (Sentencing) Act 2005* and the *Crimes Sentencing Administration Act 2005* enables the Elders' panel to recommend combination sentences which may link the offender to appropriate programs and support.

The success rate outweighs the failures in terms of recidivism and while intensive longitudinal studies have not been undertaken in the ACT, it is thought that the Circle has a 75% success rate. The Circle process promotes the offender taking responsibility for their actions with the support of the community. It improves the chances of rehabilitation and 'healing' by the offender.

Magistrate Shane Madden presented a paper at the National Indigenous Courts Conference in Mildura in September 2007 on the ACT Ngambra Circle Sentencing Court. In short, the paper outlined the process of the Circle since its commencement. Mr Madden, on page 25 of his paper, discussed the future of the Ngambra Circle Sentencing Court including:

- the role of the Aboriginal Justice Centre in assisting offenders;
- the extension of the Circle to youth through the Children's Court;
- the need for a coordinated agency approach for offenders;

- the development of a holistic healing farm concept to assist individuals and families with chronic social problems; and
- the extension of the Circle to Jervis Bay, NSW.

Magistrate Madden, on page 4 of the paper, suggested that it was time to evaluate the Circle by a recognised authority on Indigenous courts.

The Department of Justice and Community Safety has provided funding in 2008 to strengthen the NCSC by working with the Aboriginal and Torres Strait Islander community to improve the selection, training and support of panel members involved with the NCSC and undertake an initial scoping review of the NCSC outlining the issues that a comprehensive review would need to examine.

Further information:

Betty Callow, Ag Coordinator NCSC, ACT Magistrates Court (02) 6217 4219

Dion Devow, Ag Senior Policy Officer, Justice Planning and Programs (02) 6205 0295

Restorative Justice

The ACT Government has legislated to expand restorative justice options in the criminal justice system. The *Crimes (Restorative Justice) Act 2004*, commenced in January 2005. It is being implemented in two phases. Phase one, currently in operation, allows young offenders to be referred to restorative justice, either as a diversion from the criminal justice system, or in addition to prosecution. Phase two will commence at a date to be fixed. In phase two, adult offenders will become eligible to be referred to restorative justice.

The ACT restorative justice scheme enables a wide range of criminal justice agencies and individuals, including legal advocates, to refer cases for restorative justice at any point in the justice system. From the point of apprehension through to post-sentence, restorative justice, in both its face-to-face (direct) and indirect forms, is available to people who have been part of a criminal incident. Participation in restorative justice is voluntary for all concerned.

Restorative justice is a community response to crime. It is a very effective way of addressing the social contract that has been broken by a criminal act. It takes those individuals directly affected and, with their consultation, works out a way for them to talk about what happened, who was affected and what can be done to make things better.

Since the scheme commenced operating, the AFP, the Office of the Director of Public Prosecutions (DPP) and the ACT Children's Court has referred 84 young people who identify as Aboriginal or Torres Strait Islander. They represent 12% of all young offenders who have been referred. The AFP uses the scheme predominantly as a diversion from the criminal justice system, while the DPP and the Children's Court use the scheme to provide opportunities to young people to take responsibility for their actions and to make amends for what they have done. The DPP and the Children's Court take into account the young person's participation in restorative justice when making decisions about their case.

Most offences that are referred to restorative justice are property related (80%), with the remainder being offences against persons and other miscellaneous offences. Family members and professional workers support those who decide to participate. The process is managed so that the young person's dignity and self worth are upheld, while allowing victims the opportunity to explain how they have been affected by what has happened.

At the end of the process, young people agree to undertake actions that will help repair the harm that has been caused by their offences. Agreements are often aimed at getting the young person to participate in counselling or other activities that may be beneficial to them.

Further Information:

John Hinchey, Manager, ACT Restorative Justice Unit (02) 6207 8774

Corrective Services

ACT Prison - The Alexander Maconochie Centre

The ACT Government has fully funded the establishment of an ACT prison with an allocation of \$128.7 million in the 2005-2006 Budget. Previously people sentenced by ACT courts have carried out their sentences in NSW prisons. The prison will be constructed over three years and will be fully operational in late 2008.

The operational philosophy of the Alexander Maconochie Centre is founded on the *ACT Human Rights Act 2004*, and also sits within the framework of the *Canberra Plan* and its constituent documents, the *Social Plan*, the *Spatial Plan* and the *Economic White Paper*.

The prison will be a 300 bed facility, and will include a 140 bed facility for sentenced prisoners, a 115 bed remand centre, 30 beds for health and management, and a 15 bed transitional release centre for low risk prisoners. The prison will be a low impact campus style design with a range of accommodation types, including single cells, dual occupancy cells and residential style units.

Programs and Services provided by ACT Corrective Services (ACTCS)

- *Indigenous Policy Officer* – provides advice and guidance to enhance programs designed for indigenous clients and offers support through networking and collaborating with other agencies and community-based organisations.
- *Indigenous Liaison Officer (ILO)* - provides welfare support for inmates at remand centres.
- *Indigenous Cross-Cultural Training* – cultural education provided for all ACTCS operational staff upon entry into Corrective Services. Refresher courses are provided to staff.
- *Identified Positions* – two positions based in Probation and Parole allows ACTCS to specifically case manage Indigenous clients in both mainstream and the Circle Sentencing court.
- *Indigenous Traineeship in Community Services* – Two new identified positions under the ACTCS's Traineeship program provide employment opportunities for Indigenous people to participate in community-based corrections.
- *Vocational Educational Training* – membership to this group allows ACTCS to contribute to a range of educational products and to address the needs of Indigenous offenders both pre and post release.
- *Employment/Recruitment* – promotes and positively encourages indigenous people to apply for positions with ACTCS.
- *Cross Border Arrangements* – arrangements for sentenced prisoners are in place to protect their rights and offers support through protocol arrangements.

Community Corrections

ACTCS Community Based Corrections has a well-established case management system aimed at reducing re-offending. One of the key focus areas for ACT Community Corrections to address is that of accommodation, which Research has shown that insufficient and inappropriate accommodation is a wide spread problem for offenders, particularly those offenders leaving custody, and is a predictor of re-offending.

The ACT Homelessness Strategy *Breaking the Cycle* 2004 identified Aboriginal and Torres Strait Islander people as one of the groups requiring specific attention in the *Needs Analysis of Homelessness in the ACT*, 2002. Aboriginal and Torres Strait Islander people are more vulnerable to homelessness than the broader population, face higher levels of discrimination and require greater assistance with specialist needs like drug and alcohol use and support with their general health and well being.

Consequently, ACT Community Corrections has developed effective inter-agency relationships with accommodation providers and accommodation support services in the ACT region.

When the Alexander Maconochie Centre opens in 2008, Probation and Parole Officers (PPOs), as case managers in ACT Corrective Services, will maintain primary case management responsibility for offenders sentenced to imprisonment. There will be an emphasis on Throughcare at the Centre. Throughcare is aimed at ensuring an integrated and seamless approach to the delivery of services for offenders as they move between prison, community corrections and the community. The Throughcare approach includes referral to re-settlement support services.

In addition, ACTCS is developing policy and procedures, and an overarching management plan for Indigenous prisoners. The Throughcare program for the prison will offer specific culturally focused responses to areas of need, and which will include input from the Indigenous community and key Indigenous organisations such as the Aboriginal Justice Centre, Winnunga Nimmityjah Aboriginal Health Service, Gudan Gulwan Youth Aboriginal Corporation, and Billabong Aboriginal Corporation.

Indigenous Resources

An Indigenous Policy Officer, Indigenous Liaison Officer, Custodial Operations and two Indigenous Probation and Parole staff have been provided to ensure culturally specific support and case management. Strong links continue to be developed with key Indigenous community organisations.

Human Rights

The ACT Human Rights Commission's audit of the ACT remand facilities in April 2006 made a range of recommendations to government on the current state of our ACT remand facilities highlighting many inadequacies, particularly in terms of infrastructure and space. The new prison will address the issues put forward in the ACT Human Rights Commission's report. In fact, planning on many of the recommendations has been occurring for some time as part of the Alexander Maconochie Centre project.

The Centre will be Australia's first prison to be operated and designed on human rights principles. The extensive planning has measured up favourably with the ACT Human Rights Commission's recommendations.

Other Developments

- Development of a workable relationship with the Aboriginal Justice Centre (AJC), in respect to the effective delivery of a range of correctional and community based services to Indigenous offenders.

- In collaboration with the AJC, exploration and developing placement and program options for Indigenous offenders, placed on a court order to undertake a drug and alcohol rehabilitation program.
- In collaboration with the ACT Aboriginal Justice Centre and Auswide (ACTCS identified tender), development of a framework (under an AMC prisoner transitional release program) that will provide sustainable long-term employment opportunities for indigenous offenders.

More information can be found at www.cs.act.gov.au/amc/publications

Further information:

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OFFICE FOR CHILDREN, YOUTH AND FAMILY SUPPORT

Youth Directorate

Introduction

The Youth Directorate is responsible for the operation and management of Community Youth Justice, Quamby Youth Detention Centre and the development of the new Bimberi Youth Justice Centre. It is also responsible for the ACT Government's Commitment to Young People, the Young People's Plan, policy and funding programs, youth services, Turnaround, the Adolescent Day Unit and Youth Connection.

The Youth Directorate balances whole of government policy, universal and targeted secondary services with statutory obligations and funding for early intervention programs for particularly vulnerable and at risk young people. Alignment of all youth services, policy and funding ensures a consistent and evidence based practice focus drives policy and program development in the area of youth.

Key to the delivery of quality outcomes is the ongoing relationship with the non-government youth sector and other key youth service delivery agencies, such as health and education and the involvement and support of the Ministerial Youth Advisory Council.

Youth Justice

Care must be taken when comparing ACT data with that from other jurisdictions in this area. There are significant issues in interpreting data for small jurisdictions and, due to its small population size, ACT data can be quite volatile. Small numerical changes in client numbers can appear larger and more significant than they are in reality.

As in all Australian jurisdictions, Indigenous children and young people are over represented in the ACT youth justice system. The Australian Institute of Health and Welfare's (AIHW) publication *Juvenile Justice in Australia 2005-06* indicates that the Indigenous population of the ACT aged 10 to 17 years is 2.7 % of the total 10 to 17 year age group. At the same time, 18.8 % of young people involved in youth justice supervision, and 44 % of the average number of young people in detention during 2005-06 were Indigenous. The rate of Indigenous young people aged 10 to 17 years under youth justice supervision per 1,000 was the third highest in Australia at 44.2 per 1,000. This rate was marginally below the national rate of 44.4 per 1,000.

The relatively high rates of juvenile justice supervision in the ACT is due in part to the courts placing some young people on supervision to address concerns about welfare, rather than offending-related matters. Indigenous young people involved in the youth justice system often have high levels of welfare needs and, in many cases, lack what the courts consider appropriate levels of parental supervision in the community.

Limited access to pre-court diversionary programs in the ACT may also contribute to the rate of Indigenous young people under supervision. The courts divert some young people to the Restorative Justice Unit within the ACT Department of Justice and Community Safety (JACS), with the intended result that they do not become clients of youth justice services. The extension of Circle Sentencing to Indigenous young people in the ACT is currently under consideration. However, a key issue that remains to be addressed is establishing a core group of accepted elders.

Current ACT initiatives aimed at addressing the needs of Indigenous offenders in the youth justice system are:

- the Youth ?? Outreach Worker (YPOW) program, a partnership between the Domestic Violence Crisis Service and the Office for Children Youth and Family Support (OCYFS) to address family violence perpetrated by children and young people;
- a workforce plan at Quamby Youth Detention Centre (the only youth detention centre in the ACT), which includes the identification of ways to increase the number of female staff and Indigenous employees;
- recruitment of an identified Indigenous position at Quamby. This officer will provide other staff at the Centre with guidance and training in culturally competent practice with Indigenous young people. The Officer will also focus on ensuring culturally appropriate transition plans are in place prior to a young person's release, and undertake a community development role through building links between the Indigenous community and Youth Justice services with a preventative and post release focus;
- supporting a research partnership with the Institute of Child Protection Studies to examine transitions out of Quamby with a focus on reducing recidivism;
- reviewing Quamby's Behaviour Management System and Standing Orders, including consultation with key members of Aboriginal and Torres Strait Islander Services and community and Aboriginal and Torres Strait Islander organisations;
- consultation on the development of the new Bimberi Youth Justice Centre (to be operational from late 2008). The Indigenous community and service providers have contributed to the design of the outdoor areas generally and, in particular, the outdoor area immediately adjacent to the Spiritual Centre. This area provides a focus for cultural practice, and will be accessible to all residents; and
- reviewing the *Children and Young People Act 1999* and service and program delivery at Quamby Youth Detention Centre and Bimberi Youth Justice Centre. This review will address the specific needs of young Indigenous people and young Indigenous females in particular.

Turnaround - Case Coordination Model

The Turnaround Program was established in response to a review of Intensive Youth Support Services in the ACT, *Turning Lives Around* (2002). The Turnaround program is a new model of providing case coordination to young people with complex issues. It brings together a range of service providers to develop and implement case management, which encompasses all the services required to assist the young person.

The Turnaround Program is characterised by:

- a Good Practice Framework, which includes a set of principles to guide practice across the service system;
- a centralised holistic assessment process that assesses strengths and risks for the young person across a range of domains.
- individualised case coordination for each young person;
- a team to support each young person, including people with whom they already have relationships (natural supports) as well as professionals. The young person and their family are active members of the team;
- one individual overarching case plan for each young person;
- efficient management of services and resources to best meet each young person's assessed needs and informed by research;
- an integrated and collaborative approach across the whole service system to meet the support needs of young people;
- an evaluation process to measure the effectiveness;
- effective and appropriate transition planning from the program to meet the longer-term needs of each young person.

There are three tiers to the Turnaround program.

1. Governance –the overall agreement of the key agencies to work together on the initiative, provide resources and jointly plan and develop the program.
2. The Service System – new arrangements are developed between different organisations so that their service delivery can reflect the broad agreements made at the governance level.
3. Case Coordination – Turnaround workers advocate for clients' access to appropriate services and coordinate the delivery of the many different services involved with each client.

The program has recently been evaluated. There is an opportunity to use the learnings from this model and apply the principles more holistically to the needs of Aboriginal and Torres Strait Islander people within the ACT criminal justice system – for both youths and adults.

Further Information:

Paul Wyles, Director, Youth Directorate, (02) 6205 9490

Aboriginal and Torres Strait Islander Services

Introduction

The ACT Government is committed to working in partnership with Aboriginal and Torres Strait Islander people to address issues of child abuse and neglect within the ACT's Aboriginal and Torres Strait Islander communities.

Since 2004, following the *Review of the Safety of Children in Care in the ACT and of ACT Child Protection Management*, the ACT Government has been implementing wide-ranging reforms across the care and protection service system, including early intervention and family support services. These reforms, based on principles of child-centeredness, collaboration and integration, are improving the delivery of government and non-government services to all Canberrans, including Aboriginal and Torres Strait Islander people.

The following provides an overview of initiatives currently in the ACT that work toward addressing issues associated with the safety and wellbeing of Aboriginal and Torres Strait Islander children, young people and their families.

Aboriginal and Torres Strait Islander Services

In August 2005, the ACT Government established a discrete functional unit—Aboriginal and Torres Strait Islander Services (ATSIS)—within the Office for Children, Youth and Family Support (OCYFS). ATSIS was established as a mechanism to give a strong focus to Aboriginal and Torres Strait Islander issues and to work toward addressing the over-representation of Aboriginal and Torres Strait Islander children and young people in the care and protection and community youth justice systems.

ATSIS has two primary functions:

- the provision of advice on policy and practice issues as they relate to Aboriginal and Torres Strait Islander children, young people and their families; and
- the delivery of three Indigenous-specific services:
 1. Aboriginal and Torres Strait Islander family support services,
 2. an Aboriginal and Torres Strait Islander Kinship and Foster Care Service, and
 3. Narrabundah House—a supported accommodation facility for young Indigenous men.

Aboriginal and Torres Strait Islander Family Support Services

Indigenous family support officers work closely with OCYFS staff, particularly Care and Protection Services staff, to deliver targeted support services to Aboriginal and Torres Strait Islander children, young people and their families. Staff in this area have an important role in contributing to the development and implementation of case management plans, including Indigenous cultural care plans.

Narrabundah House Indigenous Supported Accommodation Service

The Narrabundah House Indigenous Supported Accommodation Service (NHISA) began operation in March 2005 providing supported accommodation to up to five young Indigenous men aged between 12 and 18 years. The service provides important culturally appropriate, safe and stable accommodation for OCYFS staff looking to place Aboriginal and Torres Strait Islander children and young people in supported accommodation.

The Aboriginal and Torres Strait Islander Kinship and Foster Care Service

Since its inception in August 2004, the Aboriginal and Torres Strait Islander Kinship and Foster Care Service has been able to build a strong reputation in the local Aboriginal and Torres Strait Islander community. By the end of 2006-07, the number of families registered with the service had grown to 14, with a further 10 families undergoing the training, assessment and registration process. The service continues to provide an important culturally appropriate placement option for staff within OCYFS looking to place Aboriginal and Torres Strait Islander children and young people in out-of-home care.

Community-Based Indigenous Family Support Services

In addition to the above, OCYFS funds community-based Indigenous family support services through two Indigenous community organisations.

- 1) Gugan Gulwan Family Support Worker—through a partnership arrangement between Gugan Gulwan Youth Aboriginal Corporation, Winnunga Nimmityjah Aboriginal Health Service and OCYFS, funds are provided to employ a family support worker based at Gugan Gulwan. The officer works with families who have come to the attention of care and protection services through a notification and whose children may be at risk of being taken in care; and
- 2) Jumby Mulla Program—through a contract to the Billabong Aboriginal Corporation funds are provided for an Indigenous family support service in North Canberra.

Taskforce on Indigenous Affairs

In 2006, the ACT Government established a senior officer Taskforce on Indigenous Affairs, comprising the chief executives of the Department of Disability, Housing and Community Services (DHCS), the Department of Education and Training (DET) and ACT Health. The Taskforce was established to deliver improved services and outcomes for Aboriginal and Torres Strait Islander people in the ACT.

The Taskforce is conducting a pilot project on integrated service provision involving a small cohort of children and young people in the care of the Chief Executive. The pilot will build on the work already underway involving integrated work practices across DHCS and will apply these learnings to the cohort of Aboriginal and Torres Strait Islander children and young people.

Integrated Family Support Project

The Integrated Family Support Project is a joint initiative between government and non-government agencies in the ACT, targeting at risk children in vulnerable families.

Its aim is to work close to the threshold for statutory intervention, to try and divert families away from the care and protection system and to prevent re-reporting. Under this project, participating agencies will be working with up to 10 families in vulnerable circumstances. Although this is a mainstream project, at least two of the families will be Indigenous. Learnings from this project will be applied across the service system.

Integrated Service Delivery for Aboriginal and Torres Strait Islander People

In 2006-07, the ACT Government provided funds for an Integrated Service Delivery for Aboriginal and Torres Strait Islander People project. The project was set up to develop and foster an integrated and coordinated approach to service delivery across identified health, education and family support services. It focuses on at-risk Aboriginal and Torres Strait Islander children and young people's education, health and wellbeing. Its aim is to improve outcomes for these children and youth, and their families, particularly in regard to strengthening the children's transition to school and their transition from primary to high school. Integral to the model is the voluntary involvement of the family, child or young person in decision-making about the provision of support services and about the people and community services they prefer to work with as their primary contacts.

Aboriginal and Torres Strait Islander Cultural Plans

Following 2006 amendments to the *Children and Young People Act 1999*, decision-makers in the ACT must now take into account any cultural plan in place when making a decision to place an Aboriginal and Torres Strait Islander child or young person in out-of-home care. An Aboriginal and Torres Strait Islander Cultural Plan is a plan to preserve and enhance the identity of the child or young person and staff from Care and Protection Services and ATSI work together to develop the cultural care plans in consultation with the child or young person and their family. Care and Protection Services also worked closely with the Public Advocate regarding the progression of the care plans into practice.

Vardon Aboriginal and Torres Strait Islander Reference Group

The Vardon Aboriginal and Torres Strait Islander Reference Group is a joint government and community group that meets regularly to consider service delivery issues relating to Aboriginal and Torres Strait Islander children, young people and their families. ATSI provides secretariat support to this reference group, which it uses as a source of guidance and advice. The reference group has a diverse membership, which includes a number of Indigenous community organisations, relevant representative bodies such as the ACT Foster Care Association, as well as government agencies. During 2007, the reference group oversaw the development of a number of discrete projects that contributes to improving service delivery to Aboriginal and Torres Strait Islander children, young people and their families. The projects include a series of Indigenous youth forums, a one-day Indigenous out-of-home care conference and cultural gathering. The Institute of Child Protection Studies has been engaged to work with ATSI on these projects, which are scheduled for completion by November 2007.

Further Information:

Neil Harwood, Director, Aboriginal and Torres Strait Islander Services, DHCS
(02) 6207 0497

Early Intervention and Prevention Unit

The Early Intervention and Prevention Unit consist of a range of universal services that have a focus on early intervention and prevention. Programs within the unit include:

- Child and Family Centres
- Schools as Communities
- Parents as Teachers
- Parentlink

Child and Family Centres

Child and Family Centres provide a variety of services for families in Gungahlin and Tuggeranong. These services include parenting information and groups, facilitated playgroups, individual and family support.

Gungahlin Child and Family Centre procured funding to implement a community development project (*Building Healthy Families*) through the Commonwealth's Indigenous Coordination Centre (Shared Responsibility Agreement) As a result of this agreement, an Indigenous Community Facilitator was employed. The worker undertakes locally based community development work through Ngunnawal and Holt Koori preschools.

The Indigenous Community Facilitator works with families to encourage sustainable development around child and family welfare. This community development work focuses on facilitated *supportive* linking to mainstream and other existing services, strengthening family foundations, promoting education equity, mobilising resources and improving social cohesion and inclusion of ATSI children, young people and their families within the Gungahlin and West Belconnen communities.

Building Healthy Families has addressed some of the group's identified needs of education, housing and health through:

- providing advocacy with government and non-government agencies, including Therapy ACT, Housing ACT, OCYFS, Australian Federal Police, Smith Family, Centrelink, Education and Children's Services etc;
- facilitation of engagement of families with the Smith Family's Learning for Life Scholarship Program;
- referrals into the CFC program (Child and Family Workers, Relationships Australia, MACH, Child Health Medical Officer); and
- providing parenting information sessions as identified by parents (Calm and Confident Children, Developing Positive Relationships with your Child, Practical Behaviour Tips).

Schools as Communities

Schools as Communities is an early intervention program that focuses on improving educational and social outcomes for children and young people at risk by creating strong and effective working relationships between families, communities and their schools.

Schools as Communities workers have addressed some of the needs of education, housing health and behaviour through:

- specific programs such as mentoring, creative arts, grief and loss, drug and alcohol, self esteem, strategies to address violence and bullying and parenting programs;
- individual and family support; and
- supported referrals and linking to health, education and housing services.

Further Information:

Helen Pappas, Senior Manager, Early Intervention and Prevention Unit, DHCS
(02) 6207 8228

Accommodation and Housing

The Department of Disability, Housing and Community Services (DHCS) as part of its ongoing implementation of the *Breaking the Cycle – the ACT Homelessness Strategy*, has established specific homelessness responses to Aboriginal and Torres Strait Islander people in 2006-07. These initiatives include crisis accommodation and outreach services, and the establishment of a pilot program to provide transitional support for young people exiting the youth detention system. The pilot project is likely to support young Indigenous people, given their over-representation in the ACT's youth correctional facility.

The ACT Government announced new investment of \$1.5 million per year for three years in its 2006-07 Budget, to provide additional public housing for Aboriginal and Torres Strait Islanders. This capital program will be supported by an increased focus on improving the responsiveness of ACT Housing to the needs of Indigenous people. This work will focus on sustaining Indigenous tenancies and responding to overcrowding issues, increasing the numbers of Indigenous public housing tenants who identify, and implementing measures to recruit Indigenous staff into the Department of Disability, Housing and Community Services.

In addition to these responses, a range of reforms to public housing services have been implemented to ensure the provision of public housing is targeted to those most in need in the community. This includes a comparative needs based assessment system that recognises family violence, children at risk and the complex needs of Indigenous families and private rental discrimination as factors which qualify people for priority housing.

DHCS is also acting to improve housing services for women and children who have experienced violence. This work includes an audit of DHCS policies and procedures in relation to domestic violence and the inclusion of domestic violence as a priority needs assessment. Considerable work has also been undertaken to identify alternative responses to domestic violence, including policies which enable perpetrators of violence to be removed from the domestic situation to minimise disruption to women and children who have experienced violence.

Further Information:

Kylie Beer, Manager, Homelessness Strategies and Services (02) 6205 9269

Education

The ACT Department of Education and Training (DET) provides the following programs and initiatives to support Indigenous young people in public schools.

Preschool

In the ACT, four year old Indigenous children (in the year in which they turn four on or before 30 April) have access to 12 hours of preschool per week in local preschool settings and 9 hours in the Koori Preschool Program (a total of 21 hours per week).

Three year old Indigenous children may attend the Koori Preschool Program for an additional nine hours per week. Children enrolled in this program are also eligible to enrol in the Early Entry (Indigenous) Program in the year in which they turn three (on or before 30 April), which provides access to six hours of preschool in second semester. This program is currently being reviewed, with the possibility of this entitlement being increased to 12 hours per week.

Children under three years of age may attend the Koori Preschool Program with a parent or adult carer.

The Koori Preschool Program operates across five sites and is staffed by a qualified early childhood teacher and an Indigenous Education Officer.

Indigenous education officers promote the enrolment of Indigenous students in preschools and encourage parent/caregiver involvement. Community networks are utilised to disseminate promotional materials. The department is working with Indigenous community organisations to promote preschool enrolment, attendance and participation.

Children who are speakers of Aboriginal English may be eligible for support from the Preschool ESL Teachers. Teachers of Indigenous children receive professional learning and advice to enhance learning outcomes and 'school readiness'.

Preschool Indigenous Education Officers work with their primary school-based colleagues to provide support during the transition into kindergarten.

In 2008, Indigenous Education Officers met with the family and teaching staff of all Indigenous children enrolled in local preschool at the beginning of the school year to support successful transition and participation in preschool.

Indigenous Education Officers (IEOs)

IEOs are employed across all schools including preschools. IEOs support Indigenous students with their educational program and encourage the inclusion of Indigenous parents and caregivers in the education of their children from a young age through the development of positive partnerships with school personnel.

English Literacy and Numeracy Support

In 2007, Indigenous Literacy and Numeracy Officers (ILNOs) continued to work with Indigenous students in primary schools across the ACT. The focus was on Year 4

students who scored in the lowest 20% of Year 3 ACT Assessment Program (ACTAP) results in at least one area of reading, writing and/or numeracy.

Intensive support is provided over eight weeks to schools with more than one student with an identified level of need. ILNOs support students through targeted teaching programs and by working with teachers in professional discussion and team planning.

Success in English literacy and numeracy provides a strong foundation for all learning. Students' success also leads to enhanced attendance patterns and can reduce the chances of negative experiences with the justice system.

This program will be expanded in 2008 to include an extra Level 1 teacher. All teachers employed in this program will support the development of English literacy and numeracy skills by Indigenous students from Kindergarten to Year 4.

School Leadership

In 2008 the Department of Education and Training will provide training for school leaders in the area of Indigenous education. The program will be presented by Indigenous and non-Indigenous educational leaders and cover topics such as attendance, partnerships with Indigenous communities, professionalism and capacity building as well as good teaching and learning strategies.

Student Aspirations (Real Dreams) Program

In 2008 the Department of Education and Training will provide more focused support to targeted Indigenous students to assist them achieve their potential learning goals. High performing Indigenous students in Year 6 will be supported in the development of strategies that target their successful completion of schooling. These strategies are summarised as:

- Pathways plans
- Partnerships between the school and Indigenous parents and caregivers
- Mentoring
- Enrichment programs

On Track Program

The program, established in 2005 aims to improve educational outcomes for Indigenous students who have been identified as experiencing low self-esteem.

The program was funded by the ACT Government under the Community Inclusion Fund grants and is delivered as a partnership between the DET and the Gugan Gulwan Aboriginal Youth Corporation. Students are encouraged to participate in a range of activities designed to impact positively on school attendance, behaviour and attitude to school.

Further Information:

Phill Nean, Manager, Indigenous Policy and Organisational Practice, DET,
(02) 62059189

Hindmarsh Education Centre

The Hindmarsh Education Centre (HEC) is located at Quamby Youth Detention Centre. All residents of Quamby attend HEC. Students participate in a number of programs at the centre that are integrated in nature and include numeracy and literacy, an arts program, and vocational education and training in the areas of horticulture, automotive and wood technology. HEC has a principal and school leader who manage the provision of education programs as well as resourcing for the centre. There are also three classroom teachers, two youth workers and two trainers from the Canberra Institute of Technology (CIT).

HEC is educationally dynamic and staff at the centre work collaboratively across all the programs provided to ensure a fully integrated curriculum is achieved. Education staff also work collaboratively with case management personnel to determine the needs of residents in relation to transition from the centre. Transition planning commences as soon as young people enter the centre until they leave to ensure successful reintegration back into mainstream schooling, further vocational education or training, or employment.

- In 2006, the Department of Education and Training participated in a national research project, Increasing vocational learning opportunities for Indigenous students in juvenile detention (IVLOIS). One of the outcomes of the project was the recognition of the importance of the employment of Indigenous workers in Youth Detention Centres to improve the outcomes for students in education programs. As a result, an Indigenous Home School Liaison Officer (IHSLO) position was created in 2007. The role of this officer was to maintain and ensure the connection of young Indigenous people in detention with their families in the wider community.
- Students attending the HEC have an individual learning plan that incorporates their strengths, interests and cultural perspectives. This plan also considers the learning styles of individual students therefore providing a tailored education program for each student.
- There is a regular focus on Indigenous culture through the arts program delivered at HEC.
- Recently, there has been a move to an integrated case management model for supporting transition of young people back into the community. The aim of this model is to reduce recidivism and ensure more successful transitions occur.
- In 2007, HEC staff participated in a whole-of-centre professional learning program that targeted the social and emotional learning of residents. This program, called ResponsAbility Pathways (RAP) training, focused on a whole-of-centre approach to supporting social skills development of residents. The aims of the program focus on helping residents develop the necessary skills to aid in the reduction of recidivist behaviour and equip them with skills for more successful reintegration back into the community.
- Future planning for the new centre has focused on an increase in the provision of VET opportunities. As part of this focus, consideration has been given to further education, training and/or work opportunities by connecting young people to the Yurauna Centre at the CIT.

Further Information:

Fiona MacGregor, Principal, Hindmarsh Education Centre, (02) 6205 7170

Health

ACT Health is implementing the following policies and strategies relevant to improving the delivery and accessibility of health and, social and emotional wellbeing services to Aboriginal and Torres Strait Islander people residing in the ACT:

- ♦ ACT Government Plan: "A New Way": The ACT Aboriginal and Torres Strait Islander Health and Wellbeing Plan 2006-2011
- ♦ ACT Health Cultural Respect Implementation Plan 2006-2009

These Plans strategically outline the ways in which ACT Health will improve its operations to design and deliver health services to Aboriginal and Torres Strait Islander peoples within the ACT. The provision of a comprehensive range of health services is designed to enhance the overall health and wellbeing of Aboriginal and Torres Strait Islander people and reduce the risk of substance misuse and violence.

ACT Health, through the ACT Taskforce on Indigenous Affairs, continues to work with the Department of Housing and Community Services, Department of Education and other agencies to implement a range of policies and programs to support resilience building in the ACT's Aboriginal and Torres Strait Islander community.

The Terms of Reference for the Taskforce place emphasis on actions to improve outcomes for "children" and "young people". The Taskforce also gives further consideration to adopting a more positive statement of intent that ensures that the ACT emerges as the lead jurisdiction in Australia where optimum or best-practice services and support are developed and provided for Indigenous Australians. ACT Health through its membership on the Taskforce is required to provide quarterly update reports on progress on key focus areas as identified by each membership agency and additionally on progress on key areas as identified by the Taskforce.

ACT Aboriginal Health Forum and "A New Way"

The Aboriginal and Torres Strait Islander Health Forum was formed under the National Framework Agreement and is the primary strategic planning body for Aboriginal and Torres Strait Islander Health in the ACT consisting of three forum partners:

- Commonwealth Department of Health and Ageing
- ACT Health
- Winnunga Nimmityjah Aboriginal Health Service

Additional Forum representation comprises of:

- Queanbeyan Indigenous Coordination Centre
- ACT Division of General Practice
- Department of Families, Community Services and Indigenous Affairs

The Forum continues to meet up to six times a year and is specifically responsible for the implementation of "A New Way": The ACT Aboriginal and Torres Strait Islander Health and Wellbeing Plan 2006-2011. This Plan represents an ACT

government/non-government health service provider response to the requirement of the NSFATSIH that each jurisdiction develop a local implementation Plan.

“A New Way” contains five priority areas underpinned by four objectives that contain fifty-five strategies designed to engage ACT government and non-government health and health related sectors to work together to improve Aboriginal health in the ACT and surrounding areas. This Plan is the ACT distillation of the priorities areas/key result areas resulting from the NSFATSIH.

The Priority Areas for “A New Way”

1. Building family resilience
2. Maternal and child health
3. Social health, including mental health and substance abuse
4. Chronic and infectious disease prevention and management
5. Frail aged and people with disabilities

An element of Priority Area’s 1 and 3 is the provision of health services by Winnunga Nimmityjah Aboriginal Health Service to Indigenous inmates at the Belconnen Remand Centre, and outreach health services to the Goulbourn Goal when required.

The following is one example of a range of collaborative strategic policy and program approaches ACT is presently engaged in to improve Aboriginal health and wellbeing outcomes.

A priority for Aboriginal Health Taskforce membership is to improve outcomes for children and young Aboriginal and Torres Strait Islanders living within the ACT. ACT Health, Department of Education and Training & Department of Housing, Disability and Community Services are implementing the “*Indigenous Integrated Services Delivery Program*” (IISD) designed to work with families with children currently under or at risk of coming under government care and protection orders. Improved and measurable health, educational and wellbeing outcomes for at risk Aboriginal families children, young people and their families is a priority for the IISD program.

In terms of Indigenous law and justice issues, ACT Health acknowledges priority in working collaboratively with identified Government agencies to foster an integrated approach to service delivery for at risk Aboriginal families.

ACT Health, through its key relationships with other ACT Government, Commonwealth Government and community organisations continues to build upon existing frameworks to address issues that may impact upon the health and wellbeing of Aboriginal and Torres Strait Islander people residing in the ACT.

The links between unemployment, low economic status and imprisonment are well established. In addition, it is clear that many of the other social problems experienced by Aboriginal people are correlated with the effects of poverty and unemployment.

Further recognition is required of social and emotional wellbeing problems that can result from; grief loss; trauma; abuse; violence; substance misuse; physical health problems; child development problems; gender identity issues; child removals; incarceration; family breakdown; cultural dislocation; racism; and social disadvantage.

A recognition and understanding of the importance of focusing on health and wellbeing in program and policy development and how this can impact both positively and negatively on Aboriginal communities. The National Strategic Framework for Aboriginal & Torres Strait Islander Health 2003–2013 (NSFATSIH) for which all Australian governments are signatories recognises this under its nine key principles and key result areas that health and wellbeing are inexplicably interlinked. Key Result Area Six recognises the importance to developing and establishing partnerships that include health related program and policy development within custodial settings.

Improving Aboriginal health data quality continues to be a priority. The Aboriginal & Primary Health Unit continues to work with the Registrar General's Office to improve the quality of Aboriginal identification on death registration data, a process that includes making Aboriginal identification mandatory. Additionally ACT Health continues to report against Territory and nationally agreed benchmarks for data quality and data collection process.

ACT Health works closely with a number of organisations involved in Aboriginal and Torres Strait Islander health and funds a number of programs in the ACT including the following at WNAHS:

- the Aboriginal Midwifery Access Program providing antenatal and postnatal support to Aboriginal and Torres Strait Islander mothers;
- the Hearing Health Program that provides a comprehensive screening service, and a referral service for children in need of further treatment;
- the Dental Health Program which provides dental assessment and treatment services for Aboriginal and Torres Strait Islander children, youth and adults;
- the Mental Health Service which provides support to clients to facilitate access by clients to mainstream mental health services;
- the Dual Diagnosis Program involving a dual diagnosis outreach worker who coordinates the provision services with Indigenous clients with a dual diagnosis of mental health and drug and alcohol issues and their families; and
- the Youth Detox Support Service providing programs for young Aboriginal and Torres Strait Islander people aged 14 through to 18 years who experience problems with alcohol and other drugs. This work extends to working with Aboriginal and Torres Strait Islander youth at the Quamby Youth Detention Centre (Quamby).

ACT Health has been working to develop the *ACT Corrections Health Service Plan 2007-2010* which is due for release later this year, having consulted widely including with WNAHS, ACT Corrective Services and NSW Justice Health in the process. Currently ACT Health, through the Corrections Health Program coordinates health services provided at the Belconnen Remand Centre (BRC), the Symonston Temporary Remand Centre (STRC) and Quamby. The Plan has been drawn up in preparation for major changes in the ACT's correctional system; the Alexander Maconichie Centre (AMC) will replace both BRC and STRC (as well as accommodate prisoners normally sent into the NSW prison system), and Quamby will be replaced by a new youth detention centre at Gungahlin.

Services provided by ACT Health to ACT Corrective Services include medical and dental support through WNAHS and Community Care and education programs in areas such as men and women's health, diabetes, cardiovascular and other diseases, and drug and alcohol.

With research funding, WNAHS along with government and other stakeholders has developed a draft Holistic Model for Health Care Delivery for Indigenous Prisoners for AMC.

WNAHS currently provides the following specific services to Aboriginal and Torres Strait Islander clients in the corrections system:

- weekly visits to BRC by a doctor and health worker;
- fortnightly visits to Goulburn and Cooma gaols by a doctor and health worker;
- Pharmacotherapy;
- advocacy and referral counselling services;
- court support and transport;
- youth diversion program;
- men's group;
- home maintenance program;
- parenting program; and
- anger management program.

Further Information:

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(02) 62050835

Commonwealth Attorney-General's Department

The Attorney-General's Department, as a priority, has been developing and consulting on an National Indigenous Law and Justice Strategy (NILJS). The consultative draft of NILJS was provided to the ACT Department of Justice and Community Safety (JACS) and constructive feedback provided. The comments particularly noted the importance of the draft Strategy as a potential framework to assist the Commonwealth Government to develop cooperative relationships with the ACT and other States and Territories and to improve coordination of justice services. The Department is currently reviewing key stakeholder feedback on the consultative draft and considering the next steps.

The Attorney-General's Department looks forward to further discussion with the ACT Government on opportunities for improved cross-jurisdictional cooperation and shared strategic frameworks.

ACT Indigenous Law and justice initiatives funded by the Attorney-General's Department

In 2007-08, the Department is providing \$136,960 to the Australian Indigenous Leadership Centre to fund 22 participants to attend a 3 day workshop on financial management, governance, stress and conflict management.

The Attorney-General's Department also provides ongoing funding for the provision of legal services through the:

- Legal Aid for Indigenous Australians Program (NSW/ACT Aboriginal Legal Service - Canberra office) – \$13,231,843 in 2007-08 (combined funding for NSW and ACT)
- Mainstream Legal Aid (for Commonwealth law related issues) – \$3,997,000 in 2007-08, and
- Community Legal Services Program (Environmental Defender's Office, Welfare Rights and Legal Centre and Women's Legal Centre) – \$529,274 in 2007-08.

Further Information:

Judith Smith, Indigenous Law and Justice Branch (02) 6250 6666

Human Rights Commission

Outreach and Information Services

Discrimination and vilification on the grounds of race is unlawful under the *Discrimination Act 1991*. The *Human Rights Act 2004* acknowledges in its preamble the special significance of human rights for Indigenous people. The Human Rights Commission (HRC) provides information to Indigenous people and communities on discrimination and human rights.

The HRC commenced offering an outreach service at the Aboriginal Justice Centre in June 2007. The service was briefly suspended while changes occurred at the Centre. A monthly outreach clinic will recommence in August 2008, with an officer from the HRC attending the Centre to answer enquires about the *Discrimination Act 1991* and the operation of the HRC.

The Commission also publishes a brochure for Indigenous people in the ACT, entitled '*Have you been treated unfairly? Information for Indigenous people on race discrimination and your rights*'. The brochure was developed by the former Human Rights Office in 2005, following consultation with community groups and networks. It is available through a number of community organisations, from the HRC directly or on the HRC website at:

http://www.hrc.act.gov.au/assets/docs/HRC_Indigenous_Treated_Unfairly.pdf

Study on Racism in the ACT

The Commission has contributed \$5,000 to a national study to assess the effective responses to racist abuse and behaviour in the ACT. The results of the study will be released in the 2008-09 financial year and will assist the HRC to review its education and engagement program to ensure it is focussed on methods most likely to achieve positive outcomes.

Human Rights Audit of ACT Correctional Facilities

The HRC *Human Rights Audit on the Operation of ACT Correctional facilities under Corrections Legislation*, was tabled in the ACT Legislative Assembly in August 2007, and the government response is expected within three months.

In conducting the audit, the HRC examined the treatment of detainees at the existing remand centres in the ACT, identifying issues that were relevant to the future operation of the Alexander Maconochie Centre. Some sections of the audit report, and resulting recommendations, focussed specifically on the experience of Indigenous detainees.

The report found that the position of the Indigenous Liaison Officer and regular offering of cultural awareness training is evidence of a serious commitment by ACT Corrective Services to create an environment that is as free as possible from racism directed towards Indigenous detainees.

However, the HRC recommended that in order to ensure all officers take this commitment seriously, non-Indigenous Corrective Services officers should be required to attend courses in cultural awareness. Officers would be assessed on cultural competencies during recruitment and ongoing training (including particular skills that

are relevant to interactions with people from culturally and linguistically diverse backgrounds) and performance review measures would include an assessment of officers' ability to maintain effective relationships with detainees from culturally and linguistically diverse backgrounds.

In addition, the audit made urgent recommendations in relation to the lack of an organised activities program for all detainees. It was further noted that the lack of meaningful activities had particular ramifications for Indigenous detainees. Other problems identified included the lack of cultural activity provided for Indigenous detainees. The Audit recommended that the Indigenous Liaison Officer be given more support and resources to enable culturally important activities for Indigenous detainees be provided. These opportunities should be available for non-Indigenous detainees to participate. Corrective Services officers should be encouraged to play a role in Indigenous events such as NAIDOC week, with participation counted as an aspect of ongoing cultural awareness training.

The HRC also completed an audit in 2005 of Quamby Youth Detention Centre. The Quamby audit report noted that young Indigenous offenders were disproportionately represented, particularly females, and recommended that the Aboriginal Legal Service be notified immediately of the arrival of new detainees who identified as Aboriginal or Torres Strait Islander and consented to such a notification.

Further Information:

Belinda Barnard, Human Rights & Discrimination Law Policy Adviser
Human Rights Commission (ACT) (02) 6205 2222

ACT Aboriginal and Torres Strait Islander Representative Body

The process for the Aboriginal and Torres Strait Islander Elected Body started when the Chief Minister announced his support for a democratically elected body in October 2004 following the abolishment of ATSIC.

Following this announcement, community consultation was undertaken by the Aboriginal and Torres Strait Islander Community Consultative Council and the Office of ATSIA about the introduction of legislation for an Indigenous elected body.

The ACT *Aboriginal and Torres Strait Islander Elected Body Act 2008* was enacted with effect from 15 May 2008.

The Act requires the Elected Body to consult with the United Ngunnawal Elders Council, report to the Minister for Indigenous Affairs and invite Chief Executives of Government Agencies to meetings to discuss issues raised by the community.

The Elected Body will advise the Government on issues affecting Indigenous peoples living in the ACT. It will monitor the effectiveness of programs delivered by ACT agencies as well as on the accessibility of mainstream services. It will conduct research, hold forums and propose programs for consideration.

The electoral process commenced on 26 May 2008 and on 2 July 2008 the seven successful candidates were announced. The successful candidates in order of their election are:

Rodney Little; Dianne Collins; Paul House; Terence Williams; Frederick Monaghan; Lynette Goodwin; Roslyn Brown.

The Elected Body is having a planning day on 29 July 2008 and its first meeting is in early August 2008 at which a Chair and Deputy Chair will be selected.

Further Information:

John Law, Assistant Manager,
Office of Aboriginal and Torres Strait Islander Affairs 620 52551

Office of Regulatory Services

The [Office of Regulatory Services](#) (ORS) combines a range of registration and regulation functions to provide a one-stop shop for ACT Clients. This includes ACT Workcover, Registrar General's Office and the Office of Fair Trading.

ORS assists and protects the community through the administration of fair trading legislation and the registration and compliance of businesses in specific industries. The main object of the Office of Fair Trading is to provide information to consumers to make them informed and confident when making purchases.

ORS has maintained a close relationship with the ACT Aboriginal Justice Centre, and this arrangement ensures that any clients of the Centre experiencing consumer problems can access the advice of ORS.

At a national level, the ORS is an active member of the Indigenous Consumer Assistance Network, and through this forum the ORS contributes to practical and effective solutions to cross-jurisdictional Indigenous issues. Issues that arise at the Network includes strategies to protect the copyright of Indigenous artists.

ORS has successfully negotiated with the ACT Aboriginal Corporation for Sporting and Recreational Activities to implement the 'Alcohol Aware - the Smart Play' program at Boomanulla Oval. This program is designed to provide venues with model alcohol practices and standards, a single recognisable brand that encapsulates and demonstrates their commitment in this area.

ORS and the Corporation are also in discussion to find other ways that Boomanulla, as the local centre for Aboriginal sport and recreation, can be used to project other messages to the local ATSI community.

Further Information:

Manager, Business and Community Relations, Fair Trading (02) 6205 0200

ACT Aboriginal Justice Centre

The ACT Government has funded a new organisation in late 2006 called the ACT Aboriginal Justice Centre (AJC). The AJC was incorporated by the Ministerially appointed Aboriginal Justice Advisory Committee (AJAC) and has assumed the role of providing advice to the Government and agencies on Indigenous Justice Issues.

The AJC is recurrently funded as a crime prevention initiative and partners with agencies to facilitate the creation of an Aboriginal Justice Agreement in 2008. The AJC was a priority and an outcome of the last ACT Aboriginal Strategic Plan.

The AJC will take the lead on reducing Indigenous incarceration in the ACT by providing or linking persons to support and prevention programs that compliment, but do not duplicate, the role of the Australian Government funded Aboriginal Legal Service and other service providers in education, health, employment and the like. The AJC has sought recurrent funding from a number of Australian Government agencies to supplement the \$350,000 provided by the ACT, but has been unsuccessful to date.

The AJC participates in the National Aboriginal Justice Advisory Committee and provides jurisdictional reports to keep agencies in the ACT informed of developments. The importance of the AJC relates to the role of the case managers that assist agencies in the criminal justice system. The AJC currently employs two case managers. The following outlines some of the thinking around the role of the AJC case manager.

Aboriginal Justice Centre and Case Management

Aboriginal and Torres Strait Islander people who are clients of the criminal justice system, present with multiple and complex needs. Typically these clients:

- have high and complex needs that are not met or sustained by existing services;
- have challenging behaviours that place the individual at risk to themselves and their community;
- require long-term and multiple service responses;
- have links to their community that are critical to their case management and yet these links are unknown by service providers;
- do not access mainstream services and programs;
- have an inability or unwillingness to engage with the mainstream service system;
- need intensive support to successfully complete community based sentences;
- need specialised programs and interventions to address their criminogenic needs;
- are often homeless or at risk of becoming homeless;
- may have long-term issues within family relationships;
- are often highly transient; and
- are socially isolated and lack positive support networks.

The AJC attempts to address the existing service gaps by providing case managers to coordinate existing case management services to Aboriginal and Torres Strait Islander people. The case manager's primary role will be to liaise with clients and service providers to maximise the opportunities for Aboriginal and Torres Strait Islander

people and to support their attempts to comply with community based court orders. The case manager's secondary role is to deliver case management practices to this group of clients within the context of existing case management plans being delivered by existing service providers.

The AJC case manager is a resource for criminal justice agencies. The case manager will work closely with service providers to improve communication with the provider's Indigenous clients and to provide advice and support to the criminal justice agency in the management of Indigenous people. In the past, service providers have had to rely on known identities in the Aboriginal and Torres Strait Islander community on an ad hoc basis to assist them to manage Indigenous clients of the criminal justice system. For example, the type of assistance that service providers look to receive regarding Aboriginal and Torres Strait Islander clients is information about a person's links to the community, their whereabouts, their perceived resistance to existing case plans or court orders, correct assessment for programs, services and access strategies for those services. The case manager's role will be to provide that assistance to service providers.

It is important for the case manager to develop integrated and collaborative approaches to the case management of Indigenous people through the development of protocols with service providers. The process of developing these protocols provides opportunities for the case manager and the service providers to identify gaps in service delivery and ensures that stakeholders build positive relationships with the case manager. It will be essential that the AJC case manager works consultatively with existing service providers and tailors the case management to enhance the case plans of other service providers to avoid duplicating existing services and to avoid confusion of roles.

The case manager is in a unique position to engage in prevention work by focusing on criminogenic factors that raise the risk of a person's offending behaviour irrespective of whether the person is in contact with the criminal justice system or not. In this sense, the case manager would also be in a position to engage in early intervention.

For example, if the person becomes homeless, or loses their job, or is taking drugs, or is associating with people who they have previously offended with, the case manager can work with the person and human services agencies to prevent the escalation of the risk.

The case manager will be responsible for holding regular case management meetings with clients and their service providers to ensure case plans are clearly understood and to liaise and negotiate case plans with clients and service providers. It is critical that the case manager has excellent communication and liaison skills to ensure clients and service providers are clear about roles and responsibilities. Where multiple agencies are involved with an Indigenous client the case manager will oversee the development of uniform case plans that work in conjunction and are achievable for the client.

Another example, in the process of engaging in a rehabilitation program as part of a sentence, is that the strategies, advice and behaviours passed on during that time could be re-enforced, encouraged and acted upon with assistance from the case manager well after the end of a sentence. This could be the case for community based sentences or imprisonment.

This role has a distinct advantage of drawing upon the expertise of both the criminal justice system, and the human services sector, without the limitations of the division of labour within the criminal justice system. For example, while a court might impose a sentence designed to manage offending behaviour, the court's role is finished once the sentence is passed. Likewise, the authority of ACTCS to work with a person only applies during the sentence. Once the sentence is finished ACTCS' authority is limited. A case manager with overall responsibility would not be limited by these legal boundaries.

In essence, the division of labour between the criminal justice system and the case manager would be that the agencies provide a specific service or enforce a particular order in relation to the person relevant to the stage of criminal justice. The case manager provides a coordination and case management role to the person in question, whether they are under the authority of a specific entity of the criminal justice system or whether they are not under any authority at all.

Further Information:

Rae Lacey, Manager, ACT Aboriginal Justice Centre (02) 6162 1000

Legal Services

NSW and ACT Aboriginal Legal Service (Canberra Office)

The ACT office is comprised of two criminal solicitors and one family law solicitor on loan from ACT Legal Aid, a prison support officer, field officer and an administration officer.

The following principles underlie the functions of ALS (NSW/ACT) Ltd:

- All Aboriginal and Torres Strait Islander people with a criminal offence have the right to high quality and culturally sensitive representation in Court;
- Aboriginal and Torres Strait Islander victims of violence have a right to sympathetic and high quality legal support and assistance;
- The ALS (NSW/ACT):
 - will assist and support Aboriginal and Torres Strait Islander families to resolve any problems to protect the rights and welfare of their children;
 - will support and assist any Aboriginal and Torres Strait Islander person whose rights and interests are in jeopardy;
 - at the requests of its members will work to bring about change in laws, legal processes and legal institutions that disadvantage Aboriginal and Torres Strait Islander people;
 - is a community organisation that is run by its members as representatives of the Aboriginal and Torres Strait Islander communities in the region;
 - will employ efficient, ethical and accountable management practices;
 - will apply fair and equitable employment principles and practices in line with current employment and industrial laws.

Family/Care Practice

The Canberra Office has a solicitor 'on loan' from the Legal Aid Office (ACT), who coordinates our Family/Care practice. This arrangement is indicative of the close relationship with the Legal Aid Office (ACT). This pilot project has generated a considerable amount of work, which demonstrates that there was previously a large gap in service provision. Apart from family and care matters, the Solicitor also provides advice, assistance and referrals, where matters would simply fall into the 'too-hard basket'. To add to the challenge, peculiar only to the Canberra ALS office, involves a requirement to have knowledge of NSW, Commonwealth and ACT law.

ACT Criminal Practice

The ALS Canberra criminal practice operates to assist persons who face charges before the Court. In the ACT jurisdiction, the ALS cover all aspects of criminal law practice and a number of courts including:

- the Children's Court;
- the "A" list in Canberra Magistrates court, which includes bail application, bail variation, entering pleas, ordering briefs, considering mental health issues and calling in experts such as psychiatrists when necessary;
- the Family Violence list in the Magistrates Court which includes bail applications and variations, hearings, reply to briefs, case management hearings and domestic violence orders.

In terms of visits to clients in custody, the ALS attends Quamby Youth Detention Centre and Belconnen Remand Centre as well as the Symonston Remand Centre. The ACT has a new prison and detention centre opening in 2008; the Alexander Maconochie Correctional Centre (prison) which will replace Symonston and Belconnen Remand Centres and have a remand section, long term prisoner section and a low risk transitional centre which prepares inmates for release.

Following on from the Aboriginal Deaths In Custody Report, the ALS has been active in assisting Aboriginal persons in custody and working to reduce the numbers of Aboriginal persons in custody. Many Aboriginal people are arrested for minor offences and often the frustration of this, results in further charges being brought on the person. An example is referred to the Aboriginal trifecta, which commences with an arrest for 'offensive language', followed by charges of 'resist arrest' and 'assault police'.

The ALS is active in bringing about reform and understanding in the Courts, with the result that particularly for juveniles, it is never justified to arrest a youth for offensive language. The second most common trifecta is one where the person is arrested for the driving trifecta of drive unlicensed or while suspended, drive unregistered and drive uninsured. These offences are often brought about by poverty where the Aboriginal person, often exiting on welfare payments, cannot pay fines or to pay for the cost of registration of the vehicle. A vicious circle is created which can result in a person going to jail in order to pay off the fines.

The ALS also assists with the many other myriad of criminal charges that bring people before the Courts, including Centrelink fraud, assaults, property crimes etc. The aim of any defence lawyer is to ensure that the person before the Court receives a fair and just hearing and the Prosecution properly proves their case beyond reasonable doubt.

Volunteer Program

Given the operational tempo of the work in the Canberra office, the ALS could not provide an adequate level of service without our Australian National University (ANU) students participating in the Graduate Diploma in Legal Practice (GDLP) program and the ALS Undergraduate Student Volunteer Program (USVP). We are privileged to have some of the brightest and best law students from the ANU willingly giving their time, knowledge and enthusiasm to help us help our clients.

Further Information:

Gerry Moore, Zone Manager, Central South Eastern Zone (02) 42257977

NSW/ACT Aboriginal Legal Service - Canberra Office (02) 6249 8488

Legal Aid Office ACT

Indigenous people may access the usual range of services provided by the Legal Aid Office. The following services are available:

- The Legal Aid Office (ACT) provides free legal advice either through the client contacting the free telephone advice line, or making a face to face interview to see a solicitor at either the Civic or Woden Office. Initial advice is given in relation to a wide range of legal matters including family law, civil disputes, family violence, debt, mental health issues and criminal law. Minor assistance may also be provided without a grant of assistance if it will help resolve a matter quickly - eg. writing a letter or making a telephone call on behalf of the client.
- If a client has a legal issue that is not dealt with by the provision of simple advice or through minor assistance, the client is encouraged to apply for legal assistance. Grants of legal aid are made allowing for ongoing representation - providing the applicant falls within the income and assets test adopted by the Legal Aid Commission together with any other tests applied to the particular legal area where assistance is sought.
- In criminal proceedings generally, a Legal Aid duty lawyer at the Magistrates Court or the Children's Court may provide legal services to Indigenous clients. The duty lawyer is available to give advice, seek adjournments, enter pleas of guilty in minor matters and make bail applications. Grants of legal assistance are made to defend criminal charges, enter pleas of guilty and appear on sentence or appeals.
- The criminal law assistance provided by the Legal Aid Office (ACT) complements the service provided by the Aboriginal Legal Service. The ALS is the principle service providing criminal law assistance to indigenous clients in the ACT. The Office will usually assist indigenous clients when the ALS has a conflict or is otherwise unavailable to represent the client or if the client chooses.
- The Legal Aid Office provides a family law solicitor to the ALS to give advice in the area of family law and care and protection proceedings. The solicitor is located at the premises of the Aboriginal Legal Service. The type of advice provided has expanded in recent times to include civil law matters. This "outplacement" service will continue and reviewed.

The numbers of people using the solicitor at the ALS office continues to increase.

Further Information:

Martin Hockridge, Legal Aid ACT, Assistant Executive Officer, (02) 6243 3406

ACT Women's Legal Centre

The ACT Women's Legal Centre was funded under the ACT Government's Community Inclusion fund to employ an Aboriginal Liaison Officer for 20 hours per week.

The centre advises on a wide range of legal problems such as:

- divorce and separation;
- disputes over children;
- property settlement;
- domestic violence;
- child support;
- going to court;
- sexual harassment and sex discrimination;
- unfair dismissal;
- other employment rights; and
- compensation for criminal injuries.

The Aboriginal and Torres Strait Islander Liaison Officer aims to support Indigenous women using the Centre and to provide legal information sessions in the Indigenous community.

Further Information

Traci Harris, ILO, ACT Women's Legal Centre, (02) 6257 4377

<http://www.womenslegalact.org/>

Aboriginal Interview Friends

The Aboriginal Interview Friends program is coordinated by the ACT Aboriginal Justice Centre. Aboriginal Interview Friends resulted from Recommendation 145 of the 1991 *Royal Commission into Aboriginal Deaths in Custody* which related to the introduction of a cell visitors scheme to assist when an Indigenous person is taken into custody.

The Crimes Act 1900, [Section 23 H – Aboriginal and Torres Strait Islanders](#) – and Sections 187, 23J & 23K, specifies that when an Aboriginal or Torres Strait Islander person is arrested and questioned by ACT Policing they must inform an Aboriginal legal aid organisation and arrange for an interview friend to attend the interview. In the ACT, the appropriate Aboriginal legal aid organisation is the [NSW ACT Aboriginal Legal Service](#). An interview friend is defined in the Crimes Act as

"interview friend", means:

- a) a relative or other person chosen by the person; or
- b) a legal practitioner acting for the person; or
- c) a representative of an Aboriginal legal aid organisation; or
- d) a person whose name is included in the relevant list maintained under [subsection 23J\(1\)](#).

Where a relative, friend, solicitor or a representative of an Aboriginal legal aid organisation is not sought by the person in custody, the [ACT Aboriginal Justice Centre](#) coordinates volunteer Aboriginal Interview Friends to attend the interview. The Aboriginal Interview Friends are on call as an independent person to sit in on an interview conducted by ACT Policing.

The role of the Aboriginal Interview Friend is similar to the mainstream ACT Public Advocates interview friends volunteer program whose role under the *ACT Children and Young Persons Act 1999* is to attend interviews held with young people.

The role of the Interview Friend is not intended to be as an advocate for the person. Rather, they attend as a support person to ensure that any statements made are voluntary and that the interview process is conducted in an appropriate manner.

A training program for volunteer Aboriginal Interview Friends is available through the Yurauna Centre at the Canberra Institute of Technology (CIT). The Yurauna Centre has also been working on developing appropriate training for volunteers participating in the Ngambra Circle Sentencing Court.

Further Information:

Rae Lacey, ACT Aboriginal Justice Centre (02) 6162 1000

Patricia Mackey, ACT Public Advocates Office (02) 6207 0707

Caroline Hughes, Head of Yurauna Centre, Canberra Institute of Technology (02) 6207 3308

ACT Council of Social Services

The ACT Community Sector is working to become more inclusive of Indigenous communities and to improve the cultural appropriateness of services, workplaces and forums for Indigenous consumers, workers and organisations.

Indigenous members of our community rely heavily on the provision of community services, disproportionately to their representation in the general population. To provide culturally appropriate services, community organisations must develop their ability to be inclusive, recruit and sustain Indigenous workers, and participate in networks that reach out to and into the Indigenous community.

Building trust is a two-way process and existing Indigenous networks and organisations need support to reach out to the broader community sector to gain the greatest benefit from available services for their consumers. Several existing networks have developed these links but require ongoing support to sustain them.

The ACT Council of Social Service (ACTCOSS) Indigenous Sector Development Project has three broad areas of focus:

- supporting individual organisations in their structures and processes;
- facilitating and advising community sector networks on cultural appropriateness; and,
- providing cultural awareness training to community sector workers, volunteers and consumers.

ACTCOSS has two identified Indigenous workers within our staff team who support the project, and who also support other ACTCOSS staff to be culturally appropriate in their work within the community sector.

Further Information:

ACTCOSS (02) 6202 7200 or e-mail actcoss@actcoss.org.au