1. NSW

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1.1 Government Overarching Indigenous Justice Strategic Policy Framework

1.1.1 Two Ways Together (2003-2012) and NSW State Plan (2006)

*Two Ways Together* 2003-2012 (*TWT*) is the NSW Aboriginal Affairs Plan, and represents a whole-of-government framework document to address Aboriginal disadvantage. It represents a ten-year commitment to change the circumstances of Indigenous people in NSW.

There is some focus upon relevant justice issues. Cluster Action groups (representing relevant government entities) were established under *TWT* to address particular focus areas of the strategy, including a Justice Cluster Action Group. This Group developed a *Justice Cluster Action Plan* in 2004, which had five ‘desired result areas’, including that the justice system respond to the needs of Aboriginal communities and openly engage Aboriginal communities to reduce offending and the over-representation of Aboriginal people in the criminal justice system; and that the provision of appropriate support and diversionary programs for young Aboriginal offenders reduces the use of incarceration, minimises negative effects of the criminal justice system and promotes the development of responsible adults. Generally the 29 ‘actions’ identified in the *Justice Cluster Action Plan* mirror the strategic actions identified in the *Aboriginal Justice Plan* (see below).

Key priority action areas have now replaced cluster groups, and justice is no longer identified as a priority for *TWT* on the basis that this area is now (comprehensively) addressed within the overarching *State Plan, A New Direction for NSW* (2006) (the NSW *State Plan*). The NSW *State Plan* is a framework document setting out a vision for improved delivery of Government services in NSW over the next ten years. Focus Area 1 of the *State Plan* sets out a number of priorities relating to justice (Area 1: Rights, respect and responsibility). Priority R2 within this focus area – Reducing re-offending – aims to reduce re-offending (within 24 months after conviction or conferencing) by 10% by 2016, with relevant actions including diversion options such as circle sentencing, and specialised support and programs for Indigenous offenders in custody and in the community (for instance, vocational skills and Aboriginal culture taught under the supervision of Indigenous staff and local elders).

1.1.2 NSW Aboriginal Justice Agreement (2002)

The NSW *Aboriginal Justice Agreement* (*AJA*) was signed in June 2002 by the NSW Attorney-General (AG) and the NSW Aboriginal Justice Advisory Council (AJAC), and provides formal recognition of the relationship between the AG and AJAC, and their joint role in working to reduce the involvement of Aboriginal people within the criminal justice system, in improving community safety, and in leading the development of the NSW *Aboriginal Justice Plan* (see below).

The overall aims of the *AJA* are as follows:
1. To improve Aboriginal access to justice;
2. To improve the quality and relevance of justice that Aboriginal people receive;
3. To provide a framework for ongoing partnership between AJAC and the AG in addressing justice issues; and
4. To allow Aboriginal people to take a leadership role and make key decisions in solving their own justice concerns.

The document contains a set of actions reflecting practical application of the AJA’s key principles. There are four key action areas; and within these, relevant actions include the following:

• The Aboriginal Client Service Specialist Program (Aboriginal court workers) will be expanded, due to its success to date. This Program seeks to improve service delivery for Aboriginal people (defendants, victims and witnesses) through Local Courts by liaising with Aboriginal communities and advising the Court in relation to Indigenous needs (in terms, for instance, of relevant services and programs).
• Aboriginal CJGs will work with police, courts, probation, and juvenile justice in providing advice to courts on defendants, managing court orders, working with courts to help people get bail, and establishing diversionary options
• As a complement to existing diversionary schemes and to provide a further sentencing format for Magistrates, circle sentencing will be introduced.

1.1.3 NSW Aboriginal Justice Plan: Beyond Justice 2004-2014

The NSW Aboriginal Justice Plan (AJP), finalised in 2004, follows on from the AJA. It is a ten year plan aimed at reducing Aboriginal contact with the criminal justice system. Whilst there is some focus on ensuring that the justice system works effectively for both Aboriginal victims and offenders, the AJP also seeks to address the underlying causes of offending in Aboriginal communities. The AJP works, at some level, in conjunction with TWT; and the State Plan also makes reference to, and endorses implementation of, the AJP.

The goals of the AJP include reducing the number of Aboriginal people coming into contact with the justice system. There are seven strategic directions set out in the AJP, with corresponding objectives and strategic actions for each of the directions. They range from issues relating to Aboriginal children and economic and broader community wellbeing, to addressing systemic racism and developing effective Indigenous leadership. Relevant actions are as follows:

(a) To reduce incarceration of Aboriginal youth, suggested actions include examining options for community-based and operated programs to provide new sentencing options as alternatives to custody; ensuring access to sexual assault counselling services for young Aboriginal people in detention centres; analysing educational and training needs of Aboriginal young people in detention; conducting ongoing yearly reviews of services provided to young Aboriginal people in detention; examining family and community-

based bail support and accommodation mechanisms and programs; and considering introducing specific transitional programs for young Aboriginal people in the criminal justice system.

(b) To ensure that the criminal justice system openly engages Aboriginal communities to reduce offending and the overrepresentation of Aboriginal people and responds to the needs of Aboriginal communities, a number of strategic actions are put forward, as follows:

(i) Improving Aboriginal community trust and confidence in the justice system by establishing local community justice mechanisms. This might be achieved by establishing CJGs and statewide Aboriginal community-based sentencing mechanisms for suitable categories of offences; and exploring the use of Aboriginal community supervision agreements to manage community-based sentences and parole (similar to initiatives in WA).

(ii) Addressing the needs of Aboriginal youth in detention centres by developing culturally based programs and program delivery models that address the criminal, behavioural, social and emotional needs of juveniles through Aboriginal engagement and remuneration; and by continuing to review the use of detention centres for young Aboriginal people and exploring alternatives to both custody and remand.

(iii) Ensuring that Aboriginal defendants have full access to bail by encouraging state-wide Aboriginal community involvement in bail processes; examining options for developing family and community-based bail support and accommodation mechanisms and programs; reviewing bail legislation and administrative processes to ensure Aboriginal defendants have full access to bail; and examining legislative options for judicial officers to consider bail with community-based support.

(iv) Ensuring that criminal justice processes act to reduce offending behaviours to reduce the number of Aboriginal defendants proceeding through the criminal justice system. Specific initiatives include developing Aboriginal diversion and intervention strategies to target specific offences and offending behaviours at each intervention point in the criminal process; developing options for state-wide Aboriginal community-controlled alternatives to prison and juvenile detention; trialing and evaluating an intensive court supervision program for young Aboriginal offenders; and exploring options for community-based sentences for Aboriginal women.

(v) Establishing high quality services for Aboriginal inmates to facilitate their transition into the community and to reduce the likelihood of their re-offending. Specific strategies include improving community-based support mechanisms for the children of Aboriginal prisoners; considering culturally-based healing programs to address physical, social, emotional and mental health needs of Aboriginal prisoners; providing access to health services for Aboriginal prisoners; developing Aboriginal
case management planning that provides for opportunities to access prison-based programs and services; considering amending parole legislation to encourage engagement with Aboriginal communities; developing pathways between the community and custody to ensure effective transfer of information services and program support within a through care framework; establishing localised community based support and visiting programs for Aboriginal prisoners; further developing Aboriginal community-based post release support programs; reviewing legislative and policy provisions to better assist Aboriginal offenders’ transition back into communities; and delivering accredited TAFE and bridging courses to assist Aboriginal inmates.

In terms of implementation, the AJP indicated that existing TWT mechanisms would be utilised. As noted above, the justice cluster group of the TWT, for instance, had adopted the goals of the AJP, and its action plan adopted the criminal justice aspects of the AJP. However, as noted above, the State Plan, has, in some respects, superseded the justice aspect of the TWT, and it is not clear how the AJP is being implemented.

1.1.4 Department of Corrective Services

There have been a series of Indigenous action plans, as follows. An updated version of the Strategic Plan is due for release in 2008. ²


This *Action Plan* identifies five key issues, as follows:

• involving Indigenous people in the planning and implementation of policy, services and programs;
• reducing the rate of imprisonment of Indigenous people, and diverting them away from the criminal justice system;
• increasing representation of Indigenous staff;
• raising cultural awareness – necessary to ensure effective interaction with Indigenous people and to eliminate discriminatory and racist behaviours; and
• meeting the special needs of Indigenous offenders.

For each of these key issues, relevant goals, objectives, achievements to date, and strategies for consolidation are identified.

**Key Issue:** *Involving Indigenous people in the planning and implementation of policy, services and programs*

Goal: consultation, empowerment and self-determination.

Achievements to date include Aboriginal Offender Programs within the Probation and Parole Service; Aboriginal Staff Network and designated Aboriginal positions; the

² There is also a Department of Corrective Services Action Plan for Indigenous families/children of offenders.
Department’s Aboriginal Task Force; Aboriginal post-release program, Regional Aboriginal and Project Officers; Indigenous Services Unit; and links with external Indigenous stakeholders in staff and program development. Strategies for consolidation include the Department’s Executive to consult with the Indigenous Services Unit on all significant matters regarding Indigenous staff and inmates; maintaining and strengthening Aboriginal Inmate Committees, and refocussing the Aboriginal Taskforce to enhance its role as a departmental reference group. Outcomes include culturally appropriate and effective policies, procedures, services and programs; increased participation of Indigenous offenders in programs; and reduction in re-offending and re-imprisonment rates of Indigenous offenders.

Key Issue: Reducing the rate of imprisonment of Indigenous people, and diverting them away from the criminal justice system
Goal: diversion of Indigenous offenders; programs as viable alternative to imprisonment, and which improve Indigenous life chances; and reduction of number of Indigenous people on short custodial sentences; and programs.
Achievements to date include greater access to Periodic Detention; Indigenous access to Intensive Community Supervision Program; and improved Indigenous access to probation and parole supervision, Community Service Orders and Attendance Centres in both urban and rural areas. Strategies for consolidation include ensuring cultural applicability of the proposed Home Detention program; increasing the number of Periodic Detention Centres (especially in locations which would improve access for Indigenous people); and redeveloping existing Periodic Detention Centres to accommodate female Indigenous detainees. Expected outcomes are a decrease in the number and proportion of Indigenous people in custody, and a diversion of Indigenous people from full-time custody to semi-custodial or non-custodial options.

Key Issue: Raising cultural awareness – necessary to ensure effective interaction with Indigenous people and to eliminate discriminatory and racist behaviours
Goal: Enhance knowledge and understanding of Indigenous issues among staff
Achievements to date include one – day course delivered through the Corrective Services Academy; and screening custodial staff during recruitment for racist attitudes. Expected outcomes include that staff working with Indigenous offenders have an increased understanding of relevant issues, and can identify behaviour by Indigenous people that can be seen as the result of conflicting cultures.

Key Issue: Meeting the special needs of Indigenous offenders
There are a number of focus areas within this Key Issue, as follows:
  (i)  Health and safety
Goal: Identify and address protocols to meet vulnerability of Aboriginal people in custody, to reduce the risks of death and self-harm, to remedy identified deficiencies in current practice, and to establish a protocol in the event of an Aboriginal death in custody. Achievements to date include the requirements of duty of care is known to all correctional staff and is reflected in the built environment; and that new inmates are screened for risk. Strategies for consolidation include assessing the Department’s training requirements in respect of the Royal Commission into Aboriginal Deaths in
Custody (RCIADIC) recommendations concerning the special needs of Indigenous offenders; and completing cell upgrading throughout the State in correctional centres, courthouses and police cells where required.

(ii) Indigenous Experience in Prison

Goal: Reduce the impact of the prison experience as a potential cause of damage to Indigenous inmates. Achievements in relation to Indigenous offenders to date include minimising isolation of inmates by placing them close to family or place of residence, or providing financial assistance to family for travel/accommodation to ensure their visits; recognising family/kinship obligations by allowing Indigenous inmates to travel to funerals and special visits statewide; providing for periodic visits by the Aboriginal Legal Service and other Aboriginal organizations; two Aboriginal visitors appointed to correctional centres with a substantial proportion of Indigenous inmates; and no charges laid against inmates inflicting self-harm. Expected outcomes include that Indigenous inmates are encouraged to use opportunities for improved educational, vocational and coping skills.

(iii) Welfare

Goal: Provide culturally sensitive welfare assistance to Indigenous offenders both inside correctional centres and in relation to welfare matters outside institutions. Achievements include Aboriginal Welfare Officers in those centres with significant Indigenous populations; established networks with local Indigenous communities; financial assistance to inmates to pay costs of using Link Up; and funding to non-government organizations to provide services to Indigenous offenders. Strategies for consolidation include priority being given to recruitment and retention of Aboriginal Welfare staff. The expected outcome is that the welfare needs of Indigenous inmates are met in a culturally appropriate manner.

(iv) Women

Goal: Equity and equality issues applicable to women in prison are also applicable to Indigenous women. Achievements to date include that the Women’s Services Unit within the Department has given attention to the special needs of Aboriginal women inmates. Strategies for consolidation include that the needs of Indigenous female inmates are surveyed and identified; that relevant strategies to meet these needs are reviewed and developed; that culturally appropriate material on domestic violence for Indigenous women offenders is developed; and that Periodic Detention Centres are also redeveloped to accommodate Indigenous female detainees.

(v) Education and training

Goal: To deliver education and training programs suitable for Aboriginal inmates. Achievements to date include Indigenous inmates having a greater participation rate in mainstream educational programs greater than non-Indigenous inmates; an MOU has been negotiated with TAFE for delivery of educational programs for ATSI inmates; Aboriginal teachers are employed on a part time basis to conduct culturally appropriate courses; and the Aboriginal Post-Release Program has as its focus education and vocational training and offers support and guidance to inmates in transition. Strategies for consolidation include ensuring teachers, and the design of programs and materials are sensitive to Indigenous needs and the expansion of Aboriginal Post-Release Program to additional areas. Expected outcomes include improvement in the quality of education services to Indigenous inmates; and
increasing (and successful) participation of Indigenous inmates attending mainstream and designated courses.

(vi) Psychology Services
Goal: To meet the demand for direct service delivery and staff consultancy/training in relation to the psychological needs of Indigenous inmates. Achievements to date include approval of Coordinator position, Aboriginal Psychological Services (and for two cadetships); and obtaining grant for a major research program into relevant issues. Expected outcomes include that Indigenous inmates have access to culturally appropriate and sensitive psychological assessment and services; and that relevant programs are modified where necessary to ensure their cultural appropriateness for Indigenous inmates. (see also 1.1.5 Corrections Health Service)

(vii) Drug & Alcohol (D & A)
Goal: Enhance the accessibility of D & A services to Indigenous offenders. Achievements include a drug free unit being established at Mulawa Correctional Centre; and employment of five Aboriginal D & A workers. Strategies for consolidation include examining and reporting on recent reviews of D & A Services in corrections with regard to the extent that they address Indigenous D & A needs; and continuing cultural awareness training for non-Aboriginal D & A workers. (see also 1.1.5 Corrections Health Service)

(viii) HIV and Health Promotion
Goal: Provide equal access to and involvement in health programs by Indigenous people. Achievements to date include establishing contacts with Indigenous community health workers; and that Indigenous inmates have equal access to health programs and facilities. Strategies for consolidation include development of the Aboriginal HIV and Health Peer Support Program; recruiting and training male and female Indigenous inmates to participate in peer support programs; and liaising with internal/external Aboriginal health agencies in developing appropriate policies and programs. (see also 1.1.5 Corrections Health Service)

(ix) Pre-Release Programs
Goal: Improved representation of Indigenous inmates in pre-release programs, including work release. Strategies for consolidation include ensuring that the Aboriginal Education Strategic Plan is linked with the identification of skills required by Indigenous inmates to participate in the work release program.

(x) Corrective Services Industries
Goal: To make work for Indigenous inmates culturally appropriate and relevant. Achievements to date include developing a pilot project involving cultural vocational business management, marketing and work skills for Indigenous inmates, in consultation with the Indigenous community. Strategies for consolidation include developing a policy in respect of the provision of culturally appropriate employment opportunities for Indigenous inmates.

(xi) Probation and Parole Services
Goal: Ensuring that objectives of self-determination, reconciliation, empowerment and elimination of disadvantage are met. Achievements to date include developing pilot where local Indigenous person in small, remote community supervises offender on behalf of the PPS; and employment of Indigenous person as sessional supervisor for the Community Services Orders program in Albury. Strategies for consolidation
include contracting services through Indigenous organizations to meet local service or program needs. Expected outcomes include ensuring that Indigenous communities are involved in offender management; and that program management is assigned to Indigenous communities, where appropriate.

Aboriginal Offenders Strategic Plan (2003-2005)

The Aboriginal Offenders Strategic Plan 2003-2005 followed on from the Department’s 1996 Action Plan (and is due to be updated shortly). It contains a number of guiding principles, which include the following:

• a commitment to implementing the recommendations of the RCIADIC;
• a commitment to the spirit of the HREOC inquiry: Bringing Them Home;
• an acknowledgment that overrepresentation of Aboriginal people in custody is unacceptable (with particular concern in relation to Aboriginal women);
• a commitment to negotiating with Aboriginal people to address the specific needs of Aboriginal people, to ensure that programs and services are culturally appropriate and to focus on reducing the overrepresentation of Aboriginal people in custody; and
• a commitment to working with other agencies to improve outcomes for Aboriginal communities.

The Plan is underpinned by key recommendations of the RCIADIC, as well as State Government policy (including the NSW Government Statement of Commitment to Aboriginal People of 1997 and the DJJ’s AORSP (see below)), and the Department's Strategic and Corporate Plans. It also reviews initiatives undertaken to date as part of the implementation of the previous Action Plan (1996-1998), which was reviewed in 2001. During this review process, it was found that the former Plan lacked a focus on key strategic outcomes, and there was an acknowledgement that numbers of Aboriginal people in custody had continued to increase. However, a number of achievements resulting from the former Plan are set out, and include the following:

(a) Key Issue 1 – involving Indigenous people in planning and implementation of policy services and programs. Relevant initiatives include Yetta Dhinnakkal and Warrakirri (alternatives to mainstream prisons), and Rekindling the Spirit (a holistic, community-based program focusing on addressing issues of violence, drug and alcohol abuse, child abuse and neglect within Aboriginal families).

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3 Other relevant documents informing the Aboriginal Offenders Strategic Plan include Aboriginal and Torres Straits Islander Commission (ATSIC) Rights Framework, the CEOs Group on Aboriginal Affairs project: Improving Outcomes for Aboriginal Communities, and the advice of the Aboriginal Justice Advisory Council (AJAC) (10 Years on After the Royal Commission, Some Suggested Directions for Aboriginal Justice Planning, AJAC, 2001, and Diverting Aboriginal Adults from the Justice System (outcome of the workshop of October 2001)
(b) Key Issue 2 – reduction in the rate of imprisonment of Indigenous people and diversion of Indigenous people away from the justice system. Relevant initiatives include Yullawirri Nurai (the Aboriginal Women’s Support Program providing pre and post-release support aimed to assist with re-integration).

(c) Key Issue 4 – raising awareness amongst staff in relation to Indigenous cultural issues. Relevant initiatives include Karrka Kirnti Cultural Program (a camp bringing Aboriginal and non-Aboriginal women together with correctional staff to break down barriers), and cultural awareness training for all Probation and Parole Service staff

The current Plan sets out a number of key result areas, and the rationale and relevant strategies for each of these areas. Those key result areas are as follows.

1.  **Working with Aboriginal communities and agencies**
   Relevant priorities include a commitment to self-determination through negotiation with Aboriginal communities and agencies and the development of effective relationships with agencies and service providers to improve outcomes for Aboriginal offenders and communities. Strategies include developing and implementing policies and protocols, with supporting training programs, to facilitate culturally appropriate negotiation with Aboriginal communities or agencies; identifying priorities to enhance service delivery to Aboriginal offenders under supervision in the community and pre and post-release services by reviewing services available within the context of known re-offending risks; and developing effective relationships with other government and non-government providers to negotiate enhanced service delivery and promote linkages to programs and services delivered in custody and in the community.

2.  **Diverting Aboriginal offenders from custody**
   Relevant priorities are departmental involvement in the development of alternatives to full time custody and increasing appropriate community based sentencing options for Aboriginal offenders or remanded persons; through the Probation and Parole Service's Court Advice Program, providing advice to the judiciary aimed at ensuring equitable access to community based sentencing options; and reducing the rate at which Aboriginal men and women are imprisoned compared to non-Aboriginal people. Strategies include improving access, suitability and performance of correctional programs and services for Aboriginal offenders that aim to reduce re-offending and the likelihood of imprisonment; improving pre-sentence advice, post-sentence support mechanisms and opportunities for Aboriginal offenders; and, in partnership with Aboriginal communities and agencies, developing programs offering courts more opportunities to divert Aboriginal offenders from custody (particularly in the more remote regions).

3.  **Reducing Aboriginal offending**
   Priorities include effective identification of risk factors associated with re-offending by Aboriginal people; development and delivery of programs and services that reduce re-offending; and the development and implementation of community-based support mechanisms and relapse prevention strategies to reduce rates of re-offending. Strategies
include designing and delivering programs that engage Aboriginal offenders; identifying
and implementing opportunities for members of Aboriginal communities to participate in
the development of case plans and the management of offenders in custody and in the
community; reviewing correctional programs for barriers to participation and cultural
bias; evaluating correctional program performance to establish effectiveness in reducing
rates of re-offending; and, within a through care framework, developing pathways
between community and custody to ensure effective transfer of information and optimum
program outcomes.

4. Meeting the needs of female Aboriginal offenders
Priorities include developing strategies to ensure that Aboriginal women have greater
access to the full range of community-based programs; developing and implementing
policy, programs and services that meet the needs of female Aboriginal offenders; and
participation by Aboriginal communities (particularly female elders and community
members) in the development of strategies to address the needs of Aboriginal offenders.
Relevant strategies include researching and developing diversionary programs and
supports to meet the needs of Aboriginal women; identifying obstacles to participation by
Aboriginal female offenders in community-based sentencing options; and ensuring that
gender is an essential feature of developing and validating offender assessment
instruments, programs and services.

5. Awareness and sensitivity to Aboriginal culture
Priorities are to demonstrate corporate commitment to improving outcomes for
Aboriginal people, and ensuring that staff support the inherent right to enjoy and exercise
practices, languages and traditions. Strategies include ensuring that business planning
processes across the Department specifically addressing the implementation of this
Strategic Plan.

In terms of monitoring and implementation, it is indicated that there will be an
Implementation Action Plan, and that the Aboriginal Support and Planning Unit will
collate relevant performance data and provide the Board of Management with six
monthly review reports.

1.1.5 Corrections Health Service (CHS) Care in Context: Aboriginal Health Strategic
Plan (2000)

The Corrections Health Service (CHS) developed the Care in Context Health Plan
(AHSP) in 2000, which was aligned with the State Aboriginal Health Service Plan, to
address health issues within a correctional setting. The CHS is a statutory health
corporation which operates independently from Corrective Services, and is now referred
to as ‘Justice Health’. It provides health services to all Indigenous inmates in NSW. In
summary, the AHSP indicated that the community-controlled Aboriginal Medical
Services ought to be involved in the provision of Indigenous health care in correctional
facilities; that Indigenous people must be recruited to relevant prison health services; and
that an active training, development, research and evaluation program was required (with
maximum local community input). Phase 1 involved implementation in rural centres, and Phase 2 in metropolitan centres.

The *AHSP* is due to be updated (upon completion of an update of the State Aboriginal Health Service Plan).

**1.2 Annual Reports**

**1.2.1 Department of Corrective Services**

*Annual Report 2006/07*

In terms of offender management in custody, relevant initiatives included employing Aboriginal Client Service Officers (ACSO) to advise and support Probation and Parole Officers (although ACSO positions had been created and filled in earlier years too). Two ACSO positions were funded to provide advice and assistance to courts to identify appropriate residential drug and alcohol rehabilitation programs and to assist offenders to access these resources. Aboriginal Assessment Support Officer positions were also consolidated at a number of centres, to assist in whole-of-sentencing planning and case management processes for Aboriginal offenders. Further, to address the needs of Aboriginal offenders in custody, DCS continued to offer a range of dedicated Aboriginal programs and to ensure that relevant key policies, procedures and resources are appropriate for Aboriginal offenders (including updating the Aboriginal Inmate Handbook, and providing cultural awareness training for new staff and those that work with the children of inmates and families). More broadly, the NSW Department of Education and Training Strategic Skills Program delivered approximately 2000 hours of training targeting vocational skill development of, primarily, Aboriginal offenders at a number of correctional centres (see also 1.3.1 below) A new correctional facility, modelled on the Brewarrina (Yetta Dhinnakal) (see below) program was also being constructed at Tabulam.

In terms of management of Aboriginal offenders in the community, funding was provided under *TWT* to support the Collaborative Approaches to Indigenous Family Violence and Child Abuse, and the Reducing Incarceration Initiative. This funding is administered across a number of programs and locations. In Lismore and Tabulam, the Rekindling the Spirit program (developed in 1998 in Lismore) continues to operate very successfully, and focuses on both males and females, with specific attention to family violence, drug and alcohol abuse, and child abuse and neglect. In Dubbo, the Yindyama La family violence project is operating, working with both victims and offenders; and in Newtown/Redfern, the Walking Together Project focuses on cultural identity and family violence, and is currently being re-developed in consultation with the local Aboriginal community, which will also deliver the program strategy. A Walking Together –

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Controlling Alcohol Abuse program is also being developed. The Department, moreover, funded a number of Indigenous community-based organisations in this reporting period through its Community Funding Program, with those organisations offering, for instance, post-release services for Indigenous women, and residential rehabilitation for male Indigenous offenders with alcohol and other drug dependence.

These activities were underpinned by the development of a draft five-year *Aboriginal Strategic Plan 2007-2012*, which is aligned with the whole-of-government approach in relation to Indigenous affairs (yet to be released).

**Annual Report 2005/06**

The Brewarrina (Yetta Dhinnikal) program won the Gold Award at the NSW Premier’s Public Sector Awards in the Social Justice Category in this reporting period. The Program is situated on a rural, farming property, where young Aboriginal offenders participating in the program are taught skills in horticulture, agriculture and a range of other practical skills, including small motor maintenance, welding, road sealing, building skills, literacy and numeracy and first aid. Respected Aboriginal Elders visit the program and instruct offenders on Aboriginal heritage and culture. Where possible, the program actively seeks the participation of the inmate’s family in their case management. In addition, offenders attend courses aimed at problematic behaviour, including courses targeting substance abuse, relapse prevention, anger management, domestic violence and drink driving. The Department has indicated elsewhere that the lower than average re-offending rate for young offenders who have passed through the outback centre demonstrates that the Yetta Dhinnakkal Program is working. The Yaruun Ngura Mayi cultural program was also offered to Aboriginal sexual offenders in custody (under the CUBIT program), developed in consultation with local community members.

**Annual Report 2004/05**

Aspects of the *Aboriginal Strategic Plan* were implemented in this reporting period, including programs at St Heliers Correctional Centre to cater for the special needs of indigenous offenders through new motor maintenance and Aboriginal art and history courses; and partnering with graziers in the Bathurst area to train Aboriginal offenders in shearing, wool classing and rouse-abouting. During the year, the Aboriginal Network Steering Committee was also established to provide correctional centres and staff with advice regarding programs and services appropriate to the female indigenous population within the Women’s Facilities and Services Command, and to support indigenous custodial and non-custodial staff in developing a career within the Department.

Programs other than those set out above included the following:

- An Aboriginal men’s group at Kempsey, to be expanded to a Family Healing Centre where domestic violence and substance abuse offenders will be granted conditional bail

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5 Ronald Timbery, Senior Project Officer (Support and Planning), Aboriginal Support and Planning Unit, Department of Corrective Services (NSW), email 9 July 2008
to reside at a culturally appropriate rural site

- Keepa Keepa – an Aboriginal Community Service Order program at Lake Macquarie – for CSO offenders to interact and work on projects such as building walking trails with elders and community service providers
- Living Together Program at Inverell involves community workers overseeing predominantly Aboriginal CSO workers in the performance of local tasks for the community
- On the Far North Coast, the Namatjira Haven project involved Aboriginal offenders (referred from the Magistrates Early Referral Into Treatment (MERIT) program, community and health services, and from the Department itself) refurbishing the Namatjira Haven Drug and Alcohol Healing Centre in collaboration with local Indigenous communities
- Aboriginal men, referred by community-based corrections, developed the Ancestral Trek on the Far South Coast of NSW (with offenders camping on site on a weekly basis)

**Annual Report 2003/04**

The *Aboriginal Offenders Strategic Plan* was launched in this reporting period, and the Aboriginal Support and Planning Unit began field trips to correctional centres to promote it. To meet the needs of female Aboriginal offenders, a number of initiatives were implemented or developed during the year - including video visits for ATSI Offenders with children in remote locations; research, training and consultancy for Aboriginal family and community history; Aboriginal Mothers and Children’s Cultural Camp; and Aboriginal Work Skills at Berrima Correctional Centre run by TAFE. Strategies were also implemented to ensure that Aboriginal Women have greater access to the full range of community-based programs, including providing through provision of information about external programs. Further, a number of resources were developed addressing health issues for Aboriginal inmates, including establishing the Community Drug Action Team (Yura Yulang) and development of a Drink Driving Program for Aboriginal youth aged 15-25 years (in collaboration with the Department of Juvenile Justice). An educational computer program was also developed for Aboriginal women covering health issues and targeting inmates with low literacy.

**Annual Report 2002/03**

In 2002/03 a funding contract was negotiated with the Department of Employment and Workplace Relations (DEWR) for a pilot employment program. The funding was to provide an Aboriginal Employment Officer to help Aboriginal inmates from Cessnock and St Heliers Correctional Centres find and keep work post-release. Also in 2002/03, and as part of the *Aboriginal Offenders Strategic Plan*, the Aboriginal Support and Planning Unit consulted with Aboriginal communities and organisations to:

- reform the Department’s Aboriginal Taskforce Committee;
- maintain a supportive framework to the Yetta Dhinnakkal Training Centre at Brewarrina;
- monitor and oversee the implementation of the Pinta Kulpi Elders Program within communities state-wide (providing a basis of support for all offenders);
• encourage Aboriginal offenders to participate in Mobile Camps;
• develop the Nangy Kangar Certificate III General Construction Program;
• provide cross-cultural awareness training for custodial staff;
• develop the Maruma-Li Men’s Cultural Program and the Karrka Kirnti Women’s Cultural Program to address the cultural identity needs of Aboriginal offenders; and
• hold an open day as part of its first indigenous cultural camp at Mannus with representatives from the Wagga Wagga Elders Group, ATSIC, NSW Parks and Wildlife Service and community service groups.

As well as the programs and initiatives set out above, the Report points to the following achievements:
• Alternative Justice Program covering drug and alcohol abuse and anger management (with TAFE, relevant Aboriginal organizations and departments of health and AG);
• Dubbo Aboriginal Family Violence Program;
• Lake Cargelligo 2 day intensive anger management program;
• Walgett and Coonamble Men’s Group, developed with local Elders and Indigenous specialists, and using resources of the Aboriginal Legal Service, courthouse, NSW Police and Aboriginal Medical Service;

1.3 Other Policy Initiatives/Documents

1.3.1 Aboriginal Offenders Action Plan for TAFE NSW Provision and Post Release Pathways 2008 – 2012

The Department has recently suggested that it is successfully meeting the educational and training needs of Aboriginal offenders as follows. The Department delivers a range of educational and vocational programs in NSW correctional centres, which target Aboriginal offenders. These programs range from basic literacy and numeracy courses delivered through the Departments Adult Education Vocational Training Institute (AEVTI), a Registered Training Organisation (RTO), through to intensive vocational training delivered by qualified departmental staff and TAFE. The delivery of basic educational and vocational training courses to offenders has also been supported and strengthened through the Memorandum of Understanding (MOU) between the NSW Department of Corrective Services and TAFE NSW. A 2008-2011 memorandum of understanding is currently being negotiated.

Under this MOU, the NSW DCS and TAFE NSW have jointly developed the Aboriginal Offenders Action Plan for TAFE NSW Provision and Post Release Pathways 2008 – 2012, which will enable Indigenous offenders to more readily access post release vocational education and employment pathways to further strengthen educational and employment outcomes for Indigenous offenders. This Action Plan builds on the TAFE

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6 Ronald Timbery, Senior Project Officer (Support and Planning), Aboriginal Support and Planning Unit, Department of Corrective Services (NSW), email 9 July 2008

NSW Provision for Aboriginal Offenders Implementation Plan 2004-2005. Its key result areas are:

(1) Increase enrolments and completions of Aboriginal offenders participating in TAFE vocational, educational and training provision while in custody

Key strategies include ensuring that TAFE provision in correctional centres is informed by each offender’s educational profile; integrating TAFE provision for Aboriginal offenders with work undertaken in corrections industries and work release programs; and increase access to the Indigenous Tutorial Assistance Scheme.

(2) Strengthen post release vocational education and employment pathways for Aboriginal offenders

Key strategies include ensuring that such pathways are relevant to Aboriginal people; and ensuring effective program transfer arrangements from correctional centres to TAFE colleges and campuses.

(3) Strengthen protocols, processes and collaborative links between key stakeholders

Key strategies include establishing Regional Aboriginal Reference Groups and establishing a communication action plan that will underpin the key strategies of the Aboriginal Offenders Plan.

(4) Ensure effective monitoring and evaluation of this Action Plan

In 2005/06 a monthly average of 747 Aboriginal offenders were enrolled in education and vocational training programs in correctional centres across NSW. This number of Aboriginal participants constituted 24.5% of the total population of all offenders participating in education and vocational training programs in correctional centres. In 2006/07 a monthly average of 764 Aboriginal offenders were enrolled in education and vocational training programs in correctional centres. This number of Aboriginal participants constituted 26% of the total population of offenders who participated in education and vocational training programs. In 2005/06, Aboriginal offenders enrolled in Aboriginal specific educations programs taught by NSW DCS employed Aboriginal teachers, successfully completed a total of 139 modules at Certificate I & II levels. In 2006/07 the number of modules completed by Aboriginal offenders/students increased to 347.

1.4 Some Identified Best Practice

1.4.1 Community Justice Groups
The NSW Department of Attorney General has identified the success of NSW CJGs, an initiative which has been progressively expanded across the State. This success is said

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8 See NSW Department of Attorney General’s Annual Reports 2005/06; 2006/07.
to be due, in part, to the groups being based within Indigenous communities themselves, and on their ability to respond so effectively to justice issues. 9 Cunneen notes that whilst CJGS are able, potentially, to work with police to issue cautions, to establish diversionary options, to support offenders, to assist in access to bail, to provide assistance to courts, and to develop crime prevention plans, they require adequate resourcing, operational guidelines and/or a legislative base to their work might also be required. 10

1.4.2 Circle Sentencing
This initiative, introduced in Nowra in 2002, has been identified as effective and positively evaluated. 11 Cunneen notes that the benefits of circle sentencing, generally, may include:-

- information to inform sentencing includes detail about whole community, offenders’ background, and impact of offence upon victim; community input into sentencing promotes sharing of responsibility and
- increases potential for workable solutions (including dealing with broader issues and solutions than those within the criminal justice system);
- the community is involved in outcome of sentence, as they determine and implement it, so the offender is supported, in this sense; and
- it allows a merger of Indigenous and non-Indigenous culture. 12

In ensuring effectiveness, however, it is important to consider issues such as adequate resourcing; integration of such an initiative with other Aboriginal-run or supported programs; and development of guidelines (Cunneen 2002). The success of the circle sentencing process has been reflected in roll-out of circle sentencing courts across the State.

1.4.3 Karrka Kirnti Aboriginal Women’s Program
The Karrka Kirnti Aboriginal Women’s Program, a cultural camp for staff

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9 Liz West, Department of Attorney General (NSW), telephone conversation with author of 25 June 2008
and female inmates operated by Corrective Services in Brewarrina and Picton, is an effective initiative, according to the Department (DCS (NSW) 2003). The program involves taking Aboriginal female offenders and staff to camp, and engaging participants in cultural learning (including through sessions presented by local Elders). Maurer also notes that it has been successful in reducing re-offending rates, and increasing cultural knowledge for all participants.  

1.4.4 Yindyama La (Dubbo), Rekindling the Spirit (Lismore and Tabulam) and Walking Together

The Yindyama La program at Dubbo targets Aboriginal male perpetrators of family violence. The program was developed in partnership with the Dubbo Aboriginal community and is based on the Aboriginal Healing and Responsibility Cycles. Yindyama La provides perpetrators with an opportunity to overcome issues of colonisation which are linked to violence, to take responsibility for their violent behaviour and to acquire the necessary skills to change their behaviour. The program is comprised of 16 sessions and is facilitated by DCS staff, and Aboriginal Elders and knowledge holders. As at February 2008, 129 Aboriginal men had been referred to the program with 41 men having graduated.

Funding also provides for DCS managed community-based offenders from Lismore and Tabulam to participate in the Rekindling the Spirit program. Rekindling the Spirit assists family violence perpetrators to take responsibility for their offending and provides an opportunity for behaviour change. The program includes one-to-one counselling and support, group work and referral to specialist mainstream services. Rekindling the Spirit also provides a range of support services for Aboriginal families who are victims of violence. The program expanded during 2004 to 2008 with the development of a parallel program for female perpetrators and their families, which is now successfully established. As at February 2008, 233 Aboriginal male offenders and 38 Aboriginal female offenders had been referred to the program. The Department of Attorney General has indicated that this initiative is very effective, and highlighted the fact that it is training Indigenous men to run family violence groups.

The Walking Together Program is for Aboriginal community-based offenders managed by DCS with family violence issues. A parallel program for Aboriginal women and a new format for the male program were developed from October 2005. The programs address substance abuse and family violence, anger management and issues relating to past victimisation, and employment issues. Both the male and female Walking Together programs are comprised of ten, one-day sessions; a field

14 Liz West, Department of Attorney General, telephone conversation with author, 25 June 2008; reiterated by DCS (Ronald Timbery, Senior Project Officer (Support and Planning), Aboriginal Support and Planning Unit, Department of Corrective Services (NSW), email to author 9 July 2008).
trip; and a cultural camp. The programs are facilitated by Aboriginal Elders and knowledge-holders from the inner-city communities, as well as Aboriginal Probation and Parole staff. Mainstream and Aboriginal agencies and organisations are also involved, to promote access and ongoing support for offenders. From October 2005 to February 2008, 101 men have graduated from the men’s program and 51 women have graduated from the women’s program.