ACT ABORIGINAL AND TORRES STRAIT ISLANDER JUSTICE PARTNERSHIP 2015–18

Artwork Title: “My Journey”
Artwork Title: “My Journey”  
Artist: Ngunnawal woman, Julieann Williams

The painting tells the story of the Journey through the criminal justice system and the success you can achieve with the help and support of family, community and organisations both Aboriginal and mainstream, including programs such as Extended Throughcare. These are the supports and programs that help us along the way to transition from a life of crime, back into the community as a law abiding citizen.

You will see five moons and stars, these represent and equal one day and one night and shows that the transition through the system happens over many moons and many stars. The symbols with the yellow dots and red lines represent the Dreamtime and re-connecting with my culture.

The ACT Government acknowledges the traditional custodians of the land the ACT is situated on, the Ngunnawal people. The ACT Government acknowledges and respects their continuing culture and the contribution they make to the life of this city and this region. The ACT Government also acknowledges the contribution of other Aboriginal and Torres Strait Islander people who reside in the ACT.
FOREWORD FROM THE ATTORNEY-GENERAL

It is widely acknowledged that numerous social and economic factors contribute to the over-representation of Aboriginal and Torres Strait Islander people within the justice system. Aboriginal and Torres Strait Islander people have suffered a long history of social disadvantage, cultural displacement, trauma and grief, and poor health and living conditions. Despite some social and economic indicators pointing to improvement, Aboriginal and Torres Strait Islander people remain seriously disadvantaged compared with other Australians. Aboriginal and Torres Strait Islander people suffer more ill-health, die at much younger ages, have lower levels of educational attainment and income, higher rates of unemployment, and poorer housing conditions.

As with other Australian jurisdictions, Aboriginal and Torres Strait Islander people are significantly over-represented in the ACT justice system, as both victims and offenders. In 2010 the ACT Government entered into the ACT’s first Aboriginal and Torres Strait Islander Justice Agreement (2010 -13) with the ACT’s Aboriginal and Torres Strait Islander Elected Body as a step towards addressing this over-representation. Not only was the 2010-13 Agreement the ACT’s first Aboriginal and Torres Strait Islander Justice Agreement, it represented the first formal agreement between the ACT Government and the local Aboriginal and Torres Strait Islander community.

This Aboriginal and Torres Strait Islander Justice Partnership, seeks to continue the work of the ACT’s first Aboriginal and Torres Strait Islander Justice Agreement in addressing Aboriginal and Torres Strait Islander over-representation in the ACT justice system, as both victims and offenders, and to reduce the incarceration rate of Aboriginal and Torres Strait Islander people in the ACT. This will be done by building on the work of the ACT’s first Aboriginal and Torres Strait Islander Justice Agreement (2010 -13) and seeking to improve justice outcomes for Aboriginal and Torres Strait Islander people in the ACT through the development and implementation of policies and programs that have long-term benefits for the local community. Being a Partnership, it embodies the need for the government and community to work together to achieve this.

While Aboriginal and Torres Strait Islander Justice Agreements are an important framework to develop policies and programs to address Aboriginal and Torres Strait Islander over-representation, they should not be seen as the sole solution to what is a complicated and complex set of circumstances. To achieve improvements in law and justice outcomes, stakeholder agencies need to develop further strategies relevant to their organisations that will complement the work of Justice Agreements. This includes finding innovative and creative solutions to addressing the disadvantage experienced by Aboriginal and Torres Strait Islander people, often a precursor to involvement with the justice system.

The ACT Government is committed to reducing the inequalities for Aboriginal and Torres Strait Islander people in the justice system. The challenge for all governments is to find affordable and sustainable solutions to a complex set of circumstances for Aboriginal and Torres Strait Islander people. This ACT Aboriginal and Torres Strait Islander Justice Partnership is a further step towards that goal.

Simon Corbell MLA
Attorney General

Foreword from the
ACT Aboriginal and
Torres Strait Islander
Elected Body

The Elected Body welcomes a renewed and outcomes focused Justice Partnership with the ACT Government and services. We are committed to stronger collaboration and facilitation of more effective developments that reduce incarceration rates and levels of our peoples entering the ACT justice system.

Additional to our legislative functions as elected representatives, we are proud and obligated to defend and protect the rights of Aboriginal and Torres Strait Islander peoples and advocate for our participation in decision-making on matters that impact on our lives.

We acknowledge there are lessons to be learnt from the inaugural Justice Partnership and anticipate that through improved relationships and collaboration this new Partnership will provide a sustainable framework for delivering evidence that reflects the improvements we aspire to.

The Elected Body’s Strategic Plan 2012-2017 registers our priorities and actions as informed by Aboriginal and Torres Strait Islander peoples in the ACT and we encourage that this Partnership aligns with our priorities for community safety and other related priorities that enable their full participation in the shaping of programs and supports for an enjoyable future for families.

We welcome the continued recognition of human rights and advocate for the rights of Aboriginal and Torres Strait Islander peoples in the ACT being equally observed, respected and upheld.

This new Partnership is a great opportunity for the ACT government to make significant changes for Aboriginal and Torres Strait Islander peoples who have endured ineffective investment in policies, programs and services. The Elected Body encourages greater collaboration and participation in the decision-making in future investment and design of programs to increase the likelihood of systemic change to enable social change and the freedom for our peoples to reach their potential.

In a modern society we can no longer continue to allow Aboriginal and Torres Strait Islander peoples experience disadvantage or discrimination leading to incarceration or poor health and poverty and we want to emphasise that disparity is no longer acceptable in respect to education achievements and economic participation and growth.

The Elected Body is pursuing an over-arching agreement with the ACT Government to embed effective arrangements for achieving tangible outcomes for Aboriginal and Torres Strait Islander people in the ACT and views this Justice Partnership to be an integral part of that agreement for sustaining the work with government agencies and the broader community.

We recognise there are new initiatives; new ways of doing business and much more work to be done and the Elected Body believes this Partnership provides new opportunities for improvements in future years.

We commend the efforts of the Justice and Community Safety Directorate and the ACT Government for its inclusion of the Elected Body and community in the consultation approach in the development of this new Partnership, and look forward to the benefits for the whole ACT community.

Rod Little, Chairperson
ACT Aboriginal and Torres Strait Islander Elected Body
STATEMENT OF COMMITMENT TO REDUCE ABORIGINAL AND TORRES STRAIT ISLANDER OVER-REPRESENTATION IN THE CRIMINAL JUSTICE SYSTEM

The signatories to the Aboriginal and Torres Strait Islander Justice Partnership 2015-2018 express their commitment to working in partnership with the ACT Aboriginal and Torres Strait Islander community in reducing Aboriginal and Torres Strait Islander over representation in the criminal justice system, as both victims and offenders.

In achieving the aims and objectives of the Partnership, signatories recognise the following relationship principles as important:

1. Collaborate with the community.
   People appreciate being recognised, listened to and understood. Relationships develop when we interact.

2. Work with different communities differently.
   Avoid one size fits all solutions. Tailor a response that meets the needs of the individual.

3. Increase value for the community.
   Building relationships increases value for the community, ACT Government and service partners.

4. Continuously improve the level of service delivered to Aboriginal and Torres Strait Islander communities.
   Building relationships increases value for the community, ACT Government and service partners.

5. Enable information sharing and interaction across the ACT Government and service partners.
   Simplify the experience for the community by developing a holistic view of each client’s relationship with government, organisations and services.

SIGNATORIES TO THE PARTNERSHIP

Andrew Barr MLA
Chief Minister, Treasurer
Minister for Economic Development
Minister for Urban Renewal, Minister for Tourism and Events

Yvette Berry MLA
Minister for Housing
Minister for Aboriginal and Torres Strait Islander Affairs
Minister for Community Services
Minister for Multicultural Affairs
Minister for Women
Minister assisting the Chief Minister on Social Inclusion and Equality

Simon Corbell MLA
Deputy Chief Minister
Attorney-General
Minister for Health
Minister for Environment
Minister for Capitol Metro

Rod Little
Chair
ACT Aboriginal and Torres Strait Islander Elected Body on behalf of members and the community
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ACRONYMS

The following is a list of commonly used acronyms and terms used in this Partnership.

ABS  Australian Bureau of Statistics
ACT  Australian Capital Territory
ACTCOSS  Australian Capital Territory Council of Social Services
ACTCS  ACT Corrective Services
AIHW  Australian Institute of Health and Welfare
AJA  Aboriginal and Torres Strait Islander Justice Agreement
AJP  Aboriginal Justice Partnership
AJA 2010-13  Aboriginal and Torres Strait Islander Justice Agreement 2010-13
AJC  Aboriginal Justice Centre
ANCD  Australian National Council on Drugs
ANU  Australian National University
ATSIEB  Aboriginal and Torres Strait Islander Elected Body
CAEPR  Centre of Aboriginal Economic Policy Research
COAG  Council of Australian Governments
IJA  Indigenous Justice Agreement
JACS  Justice and Community Safety Directorate
MLA  Member of the Legislative Assembly
MOU  Memorandum of Understanding
NATSISS  National Aboriginal and Torres Strait Islander Social Survey
NIDAC  National Aboriginal and Alcohol Council
RCIADIC  Royal Commission into Aboriginal Deaths in Custody
SCAG  Standing Committee of Attorney’s General
SCLJ  Standing Council on Law and Justice
AIMS AND OBJECTIVES

This Partnership aims to reduce Aboriginal and Torres Strait Islander over-representation in the criminal justice system, as both victims and offenders, by improving accessibility, utilisation and effectiveness of justice related programs and services and improving data collection and reporting.

This Partnership takes a targeted approach to addressing the over-representation of Aboriginal and Torres Strait Islander people in the ACT justice system through the identification of 3 key objectives which detail targets, measures, actions and areas of accountability. The three objectives are:

• reducing over-representation by:
  - reducing recidivism; and
  - increasing access to diversionary programs;
• improving access to justice services; and
• improving data collection and reporting.

In taking this targeted approach, the Partnership seeks to build on cross government work to address the contributing factors that lead people into contact with the justice system. These factors include health, education, employment and engagement with the human services system. This holistic cross government work is essential to achieving the Partnership’s aims and objectives. It is recognised in a number of key strategic priorities which seek to work with individuals and the community to bring about long term change. They include the:

• Blueprint for Youth Justice in the ACT;
• Whole of Government Human Services Blueprint;
• Out of Home Care Strategy;
• Aboriginal and Torres Strait Islander Education Action Plan;
• ACT Aboriginal and Torres Strait Islander Health Plan;
• ACT Aboriginal and Torres Strait Islander Agreement 2015–18; and
• ACT Aboriginal and Torres Strait Islander Elected Body – Community Priorities 2014–2017.

TARGETS

The actions in this Partnership have been developed to achieve the identified targets. All actions relate to at least one of the Partnership’s 3 objectives. These actions have been designed to be measurable and have tangible outcomes.

Reducing recidivism and increasing access to diversionary programs

Studies have shown that after initial contact with the justice system, Aboriginal and Torres Strait Islander offenders across Australia are more likely than non-Indigenous offenders to have additional contact, have higher rates or more frequent levels of contact, and for shorter periods of time to elapse before that additional contact.3

Aboriginal and Torres Strait Islander youth across Australia are 1.2 times as likely as non-Indigenous youth to have more than one, or five or more receptions to a detention centre.4 During 2009, three quarters (74.4%) of adult Aboriginal and Torres Strait Islander prisoners in Australia had served a previous period of incarceration compared with half (49.9%) of non-Indigenous prisoners.5

Research focused on recontact or imprisonment of parolees also indicates higher recidivism rates, with Aboriginal and Torres Strait Islander offenders across Australia 1.2 to 1.8 times more likely to have recontact for offences within two years than non Indigenous parolees.6 Given the likelihood that after initial contact Aboriginal and Torres Strait Islander offenders will have higher rates and more frequent contact with the justice system, it is important that Aboriginal and Torres Strait Islander offenders have access to support aimed at reducing their contact with the justice system.

It has been suggested that Aboriginal and Torres Strait Islander offenders’ over representation in the justice system could be reduced through increased use of diversion.7 While diversion is any process that prevents people from entering or continuing in the formal criminal justice system, it typically involves pre-court processes such as police cautioning or conferencing.8 It is important to understand how diversion is used to respond to offending and its impact on reoffending. A 2008 study explored whether there was disparity in the use of diversion as a response to offending by Aboriginal and Torres Strait Islander and non-Indigenous young people. Findings of that research indicated that Aboriginal and Torres Strait Islander young people were less likely to be diverted.9 Additionally, findings from several studies indicate that Aboriginal and Torres Strait Islander young people who are diverted from the criminal justice system are less likely to have further contact with the criminal justice system than Aboriginal and Torres Strait Islander young people who have a court appearance.10 Studies have, however, also indicated that regardless of the nature of the contact with the justice system and its outcome, Aboriginal and Torres Strait Islander young people remain more likely than non-Aboriginal and Torres Strait Islander young people to have further contact with the system.11 Increasing access to diversionary programs for Aboriginal and Torres Strait Islander young people is central to reducing the frequency of Aboriginal and Torres Strait Islander young people’s re-contact with the justice system.

Data from a 2008 study of the reintegration of Aboriginal and Torres Strait Islander prisoners across Australia shows that Aboriginal and Torres Strait Islander offenders are more likely to be readmitted to prison than non-Indigenous prisoners.12 The study analysed data from all Australian jurisdictions on 8,938 prisoners released in a two year period, all of whom had been convicted and imprisoned for a violent offence. Some 35% of prisoners in the sample were Aboriginal and Torres Strait Islander. Within two years of release, 55% of those Aboriginal and Torres Strait Islander offenders had returned to prison, compared with 31% of non-Indigenous prisoners.

As well as returning to prison at a higher rate, Aboriginal and Torres Strait Islander prisoners tend to return sooner. Within six months of release, one-quarter (24%) of Aboriginal and Torres Strait Islander offenders are readmitted to prison custody, twice the percentage of non-Indigenous prisoners (12%). Within 12 months, two-fifths (39%) of Aboriginal and Torres Strait Islander offenders are readmitted, compared with one-fifth (21%) of non-Indigenous prisoners.

For a successful reintegration of Aboriginal and Torres Strait Islander offenders back into the community, the transition from custody, independent living needs to be underpinned by continuity of care from a range of service providers.

3 Allard et al 2010; Chen et al 2005; Scoy, Wundersitz & Castle 2005
4 APW 2009
5 ABS 2010b
6 Holland, Pointon & Ross 2007; Jones et al 2009; Nadesu 2009
8 Jouts 2006; Pick et al 2003
9 Snowball 2008a, 2008b
10 Cunningham 2007; Dannison, Stewart & Haren 2006; Hayes & Daly 2004; Stewart et al 2007; Vignananda & Fangar 2006
12 Wilk & Moore 2008
This requires identification of the offenders’ pre-release needs and coordination of a wide range of services including housing, mental health, drug and alcohol, behavioural management, training and employment assistance. For Aboriginal and Torres Strait Islander detainees, this support is critical. Providing intensive support for the initial period after release from custody is an important component in reducing recidivism.

**Improve access to justice related services for Aboriginal and Torres Strait Islander people**

Australia-wide, Aboriginal and Torres Strait Islander legal services and community-led preventative, early intervention, diversionary and rehabilitative programs struggle to keep up with demand and are chronically under-resourced and underfunded.

Current policies aimed at overcoming barriers and closing the over-representation gap fail to recognise the complexity of such issues and the links between justice and other social determinants. The multiple forms of disadvantage faced by Aboriginal and Torres Strait Islander people can be address or prevented from escalating further through improved legal assistance and by moving from a “tough on crime” to a “smart on crime”, solution focused approach to justice.13

A key highlight of this Partnership is the continued focus on improvements to accessing legal support services for Aboriginal and Torres Strait Islander people in the ACT.

**Improve data collection and reporting**

The availability of official statistical information to inform public debate and decision making is fundamental to transparent government.14 The ABS recently identified ‘improved crime and justice statistics about Aboriginal and Torres Strait Islander people’ as a priority area for development.

Administrative data and surveys form the major sources of data in crime and justice research. These data sets are often a by-product of government administrative processes rather than being designed to answer specific research questions. Administrative data sets often contain minimal client and service information and can be used to examine, for example, case flow through the criminal justice system. In contrast to administrative data, surveys are designed to answer specific research questions.

A robust, comprehensive, Aboriginal and Torres Strait Islander, whole of justice system data set would provide the capacity to document and analyse not only the types and varying levels of crime in the ACT, but the response to crimes by different parts of the criminal justice system.

Quality data provides a transparent access point from which to evaluate the implementation of strategic government priorities in the justice sector and so facilitate policy development. The development of a robust, comprehensive, Aboriginal and Torres Strait Islander, whole of justice system data set will be critical to creating a sound body of local evidence on which to base decisions about law, policy and programs that will benefit Aboriginal and Torres Strait Islander people in the justice system and the wider community.

**Reporting and Evaluation**

At the completion of this Partnership a final report will be provided to the Attorney-General and Aboriginal and Torres Strait Islander Elected Body on how the criminal justice system has improved for Aboriginal and Torres Strait Islander people in the ACT. This will include an assessment of the effectiveness of projects and initiatives. The report will also comment on progress made on action items and achievements against agreed targets. This report will be publicly released on the Justice and Community Safety website.

The evaluation framework will assess the relevance, efficiency, effectiveness, and impact of the strategic elements of the Agreement. It will include both process and outcome components.

The process portion of the evaluation will examine a range of things including the level of access to projects and initiatives and the extent to which participants are supported by these projects and initiatives. The outcome portion of the evaluation will examine the extent to which the Partnership has achieved its aims and objective.

The evaluation will provide an evidence base to inform decision making on future options for Aboriginal and Torres Strait Islander justice policy development.

**JUSTICE REINVESTMENT AND JUSTICE REFORM**

Justice reinvestment as a concept has been gaining momentum in Australia as a mechanism for addressing reoffending and making the justice system more effective and efficient. Broadly speaking justice reinvestment seeks to reduce prison funds by providing support to recidivist offenders and reinvesting the savings into local communities to which these recidivist offenders return. It is important to understand that justice reinvestment is not the panacea to addressing the high incarceration rates of Aboriginal and Torres Strait Islander people. However, it is an approach that, if implemented well, has the capacity to positively impact on those who are over-represented in the justice system, including Aboriginal and Torres Strait Islander people. The potential of this process is based on its capacity to target high recidivism rates and patterns of intergenerational offending through its community based approach.15

Justice reinvestment approaches form part of the ACT Government’s commitment to a safe community and improving outcomes for all Canberrans. This commitment is underpinned by:

- strong investment in early intervention, prevention and diversion services as the most effective way to improve social outcomes;
- access to efficient and effective services;
- integrated responses to meet individual needs; and
- a strong evidence base to inform our policy and service system responses.

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14 Australian Bureau of Statistics, Annual Report 2012-13, p20
15 A JR Academic interviewed (2013) recommended a JR authority, be funded and have the authority to monitor what works around and the country. Being an authority, it would set it outside the electoral cycle. NACLC (2013) has already invested $2 million in evaluating Aboriginal and Torres Strait Islander Justice Programs identifying what works and what fails. This is the beginning of implementing JR, starting to look at things like cost, availability, effectiveness.
It is important to contextualise what justice reinvestment can do. Although it has a contribution to make to reducing incarceration rates for Aboriginal and Torres Strait Islander people, it requires careful description and implementation in an ACT context to ensure it generates the types of benefits identified in other countries.

A key challenge in undertaking actions that result in the reinvestment of justice savings is identifying where best to place efforts to make these savings and, once the saving are made, how to ensure that these savings are directed into the community where the incarcerated population return. In the ACT there are not geographic sites that are economically disadvantaged in the same way as has been identified in the United States and other places. In the absence of these sites, a place-based approach in the ACT needs to ensure that the relevant services that the affected population need are accessible within the local community or nearby.

The ACT Government’s commitment to justice reinvestment is a key vehicle for addressing reoffending and making the justice system more effective and efficient. Justice reinvestment involves the rebalancing of criminal justice expenditure from custody to community based initiatives that tackle the causes of crime rather than the results of crime.

In the 2014-15 budget the Government committed to the delivery of a Justice Reinvestment Project. The Project includes two initiatives. The first is the development of a whole of government justice reinvestment strategy, aimed at reducing recidivism and diverting offenders, and those at risk of becoming offenders from the justice system. The justice reinvestment strategy is to be developed from 2014-15 to 2017-18. The second initiative is strategic support for an Australian Research Council (ARC) Linkage Grant on Justice Reinvestment that, if awarded, will commence in 2015-16 until 2017-18. The ARC Grant will involve a multi-layered approach to researching justice reinvestment that brings together a combination of theoretical perspectives and research activities to address how the ACT can achieve zero prison population growth by 2020 for Aboriginal and Torres Strait Islander and non-Indigenous males and females.

Additionally the ACT Government has committed to the development of a Justice Reform Strategy over a two year period, with funding provided in the 2014-15 budget. The first stage will focus on the introduction of legislation to repeal periodic detention as a sentencing option in the Territory and the consideration of alternative sentencing measures, such as intensive corrections orders. The second stage will involve consideration of broader sentencing-related issues. Both stages will involve consultation with justice stakeholders and the wider community together with research activities to ensure reforms are evidence-based.
The Actions under Objective 1 (Reducing recidivism and increasing access to diversionary programs) have been developed in recognition that Aboriginal and Torres Strait Islander offenders across Australia are more likely than non-Indigenous offenders to have additional contact, have higher rates or more frequent levels of contact, and for shorter periods of time to elapse before that additional contact with the justice system. The Actions seek to support offenders’ transition from custody, provide specific Aboriginal and Torres Strait Islander adult custody based programs, create and improve supports to aid compliance with bail and community based orders, increase the use of diversionary options, and support the achievement of the outcomes related to Aboriginal and Torres Strait Islander youth in the Blueprint for Youth Justice in the ACT 2012-22.

1. REDUCING RECIDIVISM AND INCREASING ACCESS TO DIVERSIONARY PROGRAMS

**Target**
Reduce the daily average Aboriginal and Torres Strait Islander detainee population in the Alexander Maconochie Centre, as a percentage of the total prison population, to 10%.

Reduce the over-representation of Aboriginal and Torres Strait Islander young people in the youth detention system by 20% over the life of the Agreement, from a 2012 baseline figure.

Increase the number of Aboriginal and Torres Strait Islander adults and young people being referred to and accessing diversionary criminal justice system programs, from a 2013 baseline.

### ACTION | MEASURE | LEAD AGENCY
--- | --- | ---
1.1 | Support Aboriginal and Torres Strait Islander adult offenders transitioning out of custody back into the community. | Justice and Community Safety Directorate - ACT Corrective Services
1.1.1 | 90% or more of Aboriginal and Torres Strait Islander sentenced offenders released from the Alexander Maconochie Centre entering the Throughcare program by 2017. | Justice and Community Safety Directorate - ACT Corrective Services
2014-2015: 80%
2015-2016: 85%
2016-2017: 90%
1.2 | Development of specific programs for Aboriginal and Torres Strait Islander adult offenders under ACT Corrective Services supervision. | Justice and Community Safety Directorate - ACT Corrective Services
1.2.1 | Implement specific programs and services that address the needs of Aboriginal and Torres Strait Islander offenders in custody and in the community | Justice and Community Safety Directorate - ACT Corrective Services
1.3 | Create community reporting centres for Aboriginal and Torres Strait Islander offenders and provide outreach support to aid compliance with community based orders and reduce barriers | Justice and Community Safety Directorate - ACT Corrective Services
1.3.1 | Provide outreach support to Aboriginal and Torres Strait Islander adult offenders on Community Based Orders. | Justice and Community Safety Directorate - ACT Corrective Services
1.4 | Assist and support Aboriginal and Torres Strait Islander young people to comply with their bail conditions and court imposed orders by providing access to suitable community-based options | Community Services Directorate – Youth Justice
1.4.1 | Increase Aboriginal and Torres Strait Islander young people supported by a community organisation by 20% over the life of the Agreement | Community Services Directorate – Youth Justice
1.4.2 | Increase after hours bail support for Aboriginal and Torres Strait Islander young people by 40% over the life of the Partnership. | Community Services Directorate – Youth Justice
1.4.3 | Establish a formal agreement between Youth Justice and other community organisations to support case management outreach and other services for Aboriginal and Torres Strait Islander young people. | Community Services Directorate – Youth Justice
1.4.4 | Implement the Youth Justice Support and Intervention Framework to guide single case management | Community Services Directorate – Youth Justice
1.5 | Assist Aboriginal and Torres Strait Islander adult offenders to comply with Court orders | Justice and Community Safety Directorate - ACT Corrective Services in collaboration with the ACT Aboriginal and Torres Strait Islander Elected Body
1.5.1 | Review policies and practices in relation to the management of Aboriginal and Torres Strait Islander clients to reduce barriers to accessing support services. | Justice and Community Safety Directorate - ACT Corrective Services
1.5.2 | Provide support for Aboriginal and Torres Strait Islander people engaged with the Galambany Court. | Justice and Community Safety Directorate - ACT Corrective Services
1.6 | Reduce the custody rates of Aboriginal and Torres Strait Islander people through the improved use of the 'Front Up' program | Justice and Community Safety Directorate - ACT Corrective Services in collaboration with the ACT Aboriginal and Torres Strait Islander Elected Body
1.6.1 | Support Aboriginal and Torres Strait Islander people to use the ‘Front Up’ program. | Justice and Community Safety Directorate - ACT Corrective Services
Year 1: 10 people
Year 2: 15 people
Year 3: 20 people

**ACT Aboriginal and Torres Strait Islander Partnership 2015-18 • Action Plan**
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<thead>
<tr>
<th>ACTION</th>
<th>MEASURE</th>
<th>LEAD AGENCY</th>
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<tr>
<td>1.7 Achieve the Aboriginal and Torres Strait Islander related outcomes in the Blueprint for Youth Justice in the ACT 2012-22</td>
<td>1.7.1 Deliver the action items under the Blueprint for Youth Justice in the ACT 2012-22, specifically those action items related to Aboriginal and Torres Strait Islander young people.</td>
<td>Community Services Directorate – Youth Justice in collaboration with the ACT Aboriginal and Torres Strait Islander Elected Body</td>
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<td>1.7.2 Refer all eligible Aboriginal and Torres Strait Islander young people and their families to the CYFSP (Child Youth and Family Support Program Gateway).</td>
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<td>1.7.3 Ensure all eligible Aboriginal and Torres Strait Islander young people under youth justice orders have a case plan that includes cultural care planning.</td>
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<td>1.7.4 Refer all eligible Aboriginal and Torres Strait Islander young people who consent to a community organisation prior to a Youth Justice Order expiring for case management responsibility as part of Extended Throughcare.</td>
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<td></td>
<td>1.7.5 Progress development of culturally appropriate services and programs for Aboriginal and Torres Strait Islander youth involved in or at risk of involvement with the youth justice system via the Aboriginal and Torres Strait Islander Programs and Services Coordination Committee.</td>
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<tr>
<td>1.8 Maximise the use of diversion options for Aboriginal and Torres Strait Islander adult and young offenders</td>
<td>1.8.1 Refer eligible Aboriginal and Torres Strait Islander people to diversionary options as outlined in the Annual Police Purchase Agreement.</td>
<td>ACT Policing and ACT Health</td>
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<tr>
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<td>Drug Diversions</td>
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<td>Alcohol Diversions</td>
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<td>Simple Cannabis Offence Notice’s</td>
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<td>Restorative Justice</td>
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<td>1.9 Provide ongoing support to Aboriginal and Torres Strait Islander clients in Legal Aid ACT</td>
<td>1.9.1 Establish and maintain one Aboriginal and Torres Strait Islander Client Support Officer position.</td>
<td>Legal Aid ACT</td>
</tr>
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<td>1.10 Continue to develop and implement intervention and engagement strategies with the Aboriginal and Torres Strait Islander community</td>
<td>1.10.1 Reduce the number of Aboriginal and Torres Strait Islander people arrested using police discretion</td>
<td>ACT Policing in collaboration with the ACT Aboriginal and Torres Strait Islander Elected Body</td>
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<td>1.10.2 Increase in the use of cautions for Aboriginal and Torres Strait Islander people using police discretion</td>
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<td>1.10.3 Ensure the use of alternative options to custody for intoxicated Aboriginal and Torres Strait Islander people using police discretion</td>
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<td>1.11 Provide coordinated services to support Aboriginal and Torres Strait Islander people in the criminal justice system</td>
<td>1.11.1 Develop and implement a sustainable model for the delivery of coordinated support services for Aboriginal and Torres Strait Islander people in the criminal justice system.</td>
<td>Justice and Community Safety Directorate – Legislation, Policy and Programs Branch In collaboration with the ACT Aboriginal and Torres Strait Islander Elected Body</td>
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</table>
The Actions under Objective 2 (Improve access to justice related services for Aboriginal and Torres Strait Islander people) have been developed in recognition that Aboriginal and Torres Strait Islander legal services and community-led preventative, early intervention, diversionary and rehabilitative programs struggle to keep up with demand. The Actions seek to support improving access to justice related services through the provision of increased resourcing for Aboriginal and Torres Strait Islander Legal Services in the ACT, ensuring funding agreements strategically aligned to this Partnership to provide maximum benefit, the provision of culturally appropriate services and engaging with the community on the effectiveness of projects and initiatives.

## 2. IMPROVE ACCESS TO JUSTICE RELATED SERVICES FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE

**Target**

Manage and support stakeholders to deliver effective justice related services

<table>
<thead>
<tr>
<th>ACTION</th>
<th>MEASURE</th>
<th>LEAD AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1</strong> Increase resources for Aboriginal and Torres Strait Islander Legal Services in the ACT.</td>
<td>2.1.1 Provide additional funding for Aboriginal Legal Services in the ACT</td>
<td>Justice and Community Safety Directorate – Legislation, Policy and Programs Branch</td>
</tr>
<tr>
<td><strong>2.2</strong> Ensure the outputs of Service Funding Agreements for the delivery of justice related services to Aboriginal and Torres Strait Islander adults and young people are strategically aligned to provide maximum benefit.</td>
<td>2.2.1 Review Service Funding Agreements for community organisations funded to provide justice related services and supports in the ACT and revise outputs in relation to current gaps and priorities</td>
<td>Justice and Community Safety Directorate – Legislation, Policy and Programs Branch Community Services Directorate ACT Health in collaboration with the ACT Aboriginal and Torres Strait Islander Elected Body</td>
</tr>
<tr>
<td><strong>2.3</strong> Increase the number of referrals of Aboriginal and Torres Strait Islander adults and young people to culturally appropriate victims/offender services.</td>
<td>2.3.1 Develop and implement an access to services plan based on the recommendations from the It's All About Trust report (2011).</td>
<td>Justice and Community Safety Directorate – Victims Support ACT</td>
</tr>
<tr>
<td><strong>2.4</strong> Providing local culturally appropriate alcohol and other drugs rehabilitation programs/services.</td>
<td>2.4.1 Develop culturally appropriate alcohol and other drugs rehabilitation programs and services</td>
<td>Mental Health, Justice Health and Alcohol &amp; Drug Services in collaboration with the ACT Aboriginal and Torres Strait Islander Elected Body</td>
</tr>
<tr>
<td><strong>2.5</strong></td>
<td>2.4.2 Provide culturally appropriate alcohol and other drugs services, including mental health, through the development of an information sharing protocol</td>
<td>Mental Health, Justice Health and Alcohol &amp; Drug Services</td>
</tr>
<tr>
<td><strong>2.6</strong></td>
<td>2.4.3 Provide ongoing health services to Aboriginal and Torres Strait Islander adults and young people both in custody and through community outreach</td>
<td></td>
</tr>
</tbody>
</table>

*ACT Aboriginal and Torres Strait Islander Partnership 2015-18 • Action Plan 14*
The Actions under Objective 3 (Improve data collection and reporting) have been developed in recognition that the development of a robust, comprehensive, Aboriginal and Torres Strait Islander whole of justice system data set would provide the capacity to document and analyse not only the types and varying levels of crime in the ACT, but the response to crimes by different parts of the criminal justice system. The Actions seek to improve the collection, provision and reporting of Aboriginal and Torres Strait Islander data across the justice system.

### 3. IMPROVE DATA COLLECTION AND REPORTING

**Target**

Improve the collection and reporting of Aboriginal and Torres Strait Islander data by criminal justice agencies by:

- implementing data systems that are capable of collecting Aboriginal and Torres Strait Islander data; and
- regularly making publically available better Aboriginal and Torres Strait Islander data via both formal and informal mechanisms.

<table>
<thead>
<tr>
<th>ACTION</th>
<th>MEASURE</th>
<th>LEAD AGENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>Commence collecting and reporting on Aboriginal and Torres Strait Islander court related data</td>
<td>Justice and Community Safety Directorate – ACT Law Courts and Tribunal</td>
</tr>
<tr>
<td>3.1.1</td>
<td>Implement an integrated case management system that is capable of capturing and reporting on Aboriginal and Torres Strait Islander data related to matters before the Courts.</td>
<td>Justice and Community Safety Directorate – ACT Law Courts and Tribunal</td>
</tr>
<tr>
<td>3.2</td>
<td>Provide Aboriginal and Torres Strait Islander information and data to Judges, Magistrates and the legal profession on Aboriginal and Torres Strait Islander matters before the Courts.</td>
<td>Justice and Community Safety Directorate – ACT Law Courts and Tribunal</td>
</tr>
<tr>
<td>3.2.1</td>
<td>Implement a sentencing database for use by Judges, Magistrates and the legal profession which is capable of capturing and reporting on Aboriginal and Torres Strait Islander data related to matters before the Courts.</td>
<td>Justice and Community Safety Directorate – ACT Law Courts and Tribunal</td>
</tr>
<tr>
<td>3.3</td>
<td>Identify data to be captured to allow comprehensive reporting on Aboriginal and Torres Strait Islander people in the justice system.</td>
<td>Community Services Directorate Youth Justice, Justice and Community Safety Directorate – Law Courts and Tribunal, ACT Corrective Services, Legal Aid ACT, Aboriginal Legal Services (NSW/ACT), ACT Policing</td>
</tr>
<tr>
<td>3.3.1</td>
<td>Review current available Aboriginal and Torres Strait Islander data and identify gaps which limit reporting.</td>
<td>Community Services Directorate Youth Justice, Justice and Community Safety Directorate – Law Courts and Tribunal, ACT Corrective Services, Legal Aid ACT, Aboriginal Legal Services (NSW/ACT), ACT Policing</td>
</tr>
<tr>
<td>3.3.2</td>
<td>Establish data capture mechanisms where data gaps exist</td>
<td>Community Services Directorate Youth Justice, Justice and Community Safety Directorate – Law Courts and Tribunal, ACT Corrective Services, Legal Aid ACT, Aboriginal Legal Services (NSW/ACT), ACT Policing</td>
</tr>
<tr>
<td>3.3.3</td>
<td>Commence public reporting on improved data</td>
<td>Community Services Directorate Youth Justice, Justice and Community Safety Directorate – Law Courts and Tribunal, ACT Corrective Services, Legal Aid ACT, Aboriginal Legal Services (NSW/ACT), ACT Policing</td>
</tr>
</tbody>
</table>
Over the last two decades Aboriginal and Torres Strait Islander Justice Agreements and related strategic frameworks have been progressively introduced across Australian States and Territories. This has been done in the hope of addressing consistently high incarceration rates for Aboriginal and Torres Strait Islander people and improving justice service delivery to Aboriginal and Torres Strait Islander people.\textsuperscript{16} While these Agreements vary in some respects, they all attempt to address the issue of Aboriginal and Torres Strait Islander over-representation in the justice system. This is primarily done through one or more overarching goals, a set of key principles or the identification of specific strategic areas. Initiatives to achieve outcomes within each strategic sphere also generally form part of the Agreements.\textsuperscript{17}

The ACT's first Aboriginal and Torres Strait Islander Justice Agreement (2010-13),\textsuperscript{18} was developed as a result of a report prepared by the ACT Council of Social Services and the Aboriginal Justice Centre in 2008.\textsuperscript{19} The report contained a series of recommendations including the need to develop an Aboriginal and Torres Strait Islander Justice Agreement in the ACT. The resulting Aboriginal and Torres Strait Islander Justice Agreement 2010-13 was the first formal partnership between the ACT Government and the Aboriginal and Torres Strait Islander Elected Body on behalf of the local Aboriginal and Torres Strait Islander community. This second Agreement is a continuation of that partnership and both the Elected Body's and ACT Government's commitment to deliver practical solutions to address the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system.

The Aboriginal and Torres Strait Islander Justice Agreement 2010-13 provided a framework for representatives of the local community and the ACT Government to work collaboratively to develop initiatives to address the high level of incarceration of Aboriginal and Torres Strait Islander people in the ACT. This has provided a solid foundation for the development of this second Agreement/Partnership, which builds on the previous work by taking a more targeted approach to addressing the partnership over representation of Aboriginal and Torres Strait Islander people in the ACT justice system.

**DEMOGRAPHICS AND IMPRISONMENT RATES**

According to the 2011 census, 548,370 people in Australia identified as being of Aboriginal or Torres Strait Islander origin, or both. This made up 2.5% of the entire Australian population of 21,507,717 people.

Of the 548,370 people who identified as being of Aboriginal or Torres Strait Islander origin, or both, 0.9% (5,184) reside in the ACT (see table 1). While this is a small percentage of the overall Aboriginal and Torres Strait Islander population, it is an increase of 1,312 people (33.9%) from the 2006 census in which 3,873 people in the ACT identified as being of Aboriginal or Torres Strait Islander origin, or both.

\textsuperscript{16} Indigenous Justice Clearinghouse, Current Initiatives Paper 4, June 2013
\textsuperscript{17} Indigenous Justice Clearinghouse, Current Initiatives Paper 4, June 2013
\textsuperscript{18} ACT Aboriginal and Torres Strait Islander Justice Agreement 2010-13
\textsuperscript{19} ACTCOSS and the Aboriginal Justice Centre, Circles of Support: Towards Indigenous Justice – Prevention, Diversion and Rehabilitation, July 2008
Table 1: Australian Aboriginal and Torres Strait Islander population as at 2011

<table>
<thead>
<tr>
<th>STATE/TERRITORY</th>
<th>ABORIGINAL AND TORRES STRAIT ISLANDER POPULATION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NO:</td>
</tr>
<tr>
<td>New South Wales</td>
<td>172,624</td>
</tr>
<tr>
<td>Queensland</td>
<td>155,825</td>
</tr>
<tr>
<td>Western Australian</td>
<td>69,665</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>56,779</td>
</tr>
<tr>
<td>Victoria</td>
<td>37,991</td>
</tr>
<tr>
<td>South Australia</td>
<td>30,431</td>
</tr>
<tr>
<td>Tasmania</td>
<td>19,625</td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>5,184</td>
</tr>
<tr>
<td>Total*</td>
<td>548,370</td>
</tr>
</tbody>
</table>

Source: ABS *includes populations of Keeling, Cocos and Christmas Islands

According to the June 2012 prison census, the overall adult prisoner population in Australia was 29,381.20 Aboriginal and Torres Strait Islander prisoners accounted for 27% of that adult prisoner population.

Figure 2: Imprisonment Trend by Aboriginal and Torres Strait Islander Status
- Australia 1993-2011

The national average daily Aboriginal and Torres Strait Islander imprisonment rate in the March quarter 2013 was 2,344 per 100,000 adult Aboriginal and Torres Strait Islander population, an increase of 4% from the March quarter 2012.

Based on daily averages, the ACT Aboriginal and Torres Strait Islander adult imprisonment rate for the March quarter 2013 was 1,339 prisoners per 100,000 population.21 This is an increase of 93.5 prisoners per 100,000 population or 7.5% from March 2012.

Aboriginal and Torres Strait Islander detainees made up 16.1 % (36.8 of 228) of the daily average population at the Alexander Maconochie Centre in 2010-11. This figure dropped slightly to 15.4 % (39.45 of 255.2) of the daily average population in 2011-12. In 2012-13 the Aboriginal and Torres Strait Islander detainees made up 17.5 % of the daily average population at the Alexander Maconochie Centre – a rise of 2.1% from the previous year.

Nationally, rates of over-representation are higher in juvenile detention across Australia, with a 10-17 year old Aboriginal and Torres Strait Islander young person being around 24 times more likely to be in detention than a non-Indigenous person of the same age.22 Data also suggests that in an average night, over half (53%) of young people in detention are Aboriginal and Torres Strait Islander (AIHW 2012)23

ACT Data snapshot for the September 2013 – December 2013 quarter

In the 12 month period from December 2012 to December 2013 there were increases in:

- police apprehensions of Aboriginal and Torres Strait Islander people (up 20%);
- arrests of Aboriginal and Torres Strait Islander people (up 11%). Arrests of non-Aboriginal and Torres Strait Islander people decreased (down 0.9%);
- admissions to the Bimberi Youth Detention Centre for Aboriginal and Torres Strait Islander young people (up 27%);
- admissions to the Alexander Maconochie Centre for the whole population (up 15%), but much more so for Aboriginal and Torres Strait Islander people (up 44%);
- the number of Aboriginal and Torres Strait Islander people receiving a police caution increased (up 11%). In contrast, the number of non-Aboriginal and Torres Strait Islander people receiving a police caution decreased (down 5%); and
- the daily average Aboriginal and Torres Strait Islander detainee population in the Alexander Maconochie Centre in 2013-14 (up to Dec 2013) was 60.0 out of a daily total average of 328.6 detainees – 18.2% of the total prison population;

A total of 112 Aboriginal and Torres Strait Islanders were admitted to the Alexander Maconochie Centre in the 12 months compared to 78 in the previous 12 months to December 2012, representing a 44% increase. Compared to a 15% overall increase in admission for the same period.

There was a 27% increase in Aboriginal and Torres Strait Islander remands and committals to Bimberi in the 12 months to December 2013 compared to the 12 months to December 2012.

20 Australian Indigenous Health Reviews No.12 June 2013, Review of Indigenous Offender Health, p1

21 Australian Bureau of Statistics, Corrective Services, Australia, March Quarter 2013, Summary of Findings
23 Australian Institute of Health and Welfare, Diverting Indigenous Offenders from the Criminal Justice System 2013
Total Apprehensions

In the 12 months to December 2013 there were 650 apprehensions of Aboriginal and Torres Strait Islander people in the ACT. This compares to a total of 544 apprehensions in the 12 months to December 2012, translating to 106 more apprehensions in the 12 month period.

Trends in Aboriginal and Torres Strait Islander apprehensions have declined over the last five years with an overall reduction of 13% since 2009. Apprehensions of non-Aboriginal and Torres Strait Islander people have increased only slightly (up 1.9%) during the same period. (see Tables 3 and 4).

Table 3: Total apprehensions - Aboriginal and Torres Strait Islander people
5 years of data to December 2013

Table 4: Arrests and Cautions
Aboriginal and Torres Strait Islander people
5 years to December 2013

Victim Data

In addition to being over-represented within the prison population, Aboriginal and Torres Strait Islander people experience contact with the criminal justice system as victims at much higher rates than non-Indigenous Australians. Rates of violent victimisation among Aboriginal and Torres Strait Islander people are two to three times higher than rates among non-Indigenous Australians and this rises to four to six times higher in the case of family violence.24

KEY STRATEGIES THAT LINK WITH THE AGREEMENT (NATIONAL AND LOCAL)

NATIONAL INDIGENOUS LAW AND JUSTICE FRAMEWORK

This Partnership has been developed with reference to the National Indigenous Law and Justice Framework. The Framework was developed by the former Standing Committee of Attorney General (now the Law, Crime and Community Safety Council) to address the serious and complex issues that mark the interaction between Aboriginal and Torres Strait Islander people and the justice system in Australia. It is a fluid document aimed at informing policy-makers as to innovative approaches to curb Aboriginal and Torres Strait Islander over-representation in the criminal justice system. It does not set out to prescribe strategies or actions to be adopted by governments or service providers. Rather, it articulates an agreed good practice approach, based on available evidence, which provides government agencies and service providers with a framework from which to identify the most appropriate responses to specific issues at the local, regional, state or territory level.

The broad aims and objectives of the Framework intend to address a number of important areas of law and justice that have a significant impact on Aboriginal and Torres Strait Islander people. These include:

- Improving all Australian justice systems so that they comprehensively deliver on the justice needs of Aboriginal and Torres Strait Islander people in a fair and equitable manner;
- Reducing over-representation of Aboriginal and Torres Strait Islander offenders, defendants and victims in the criminal justice system;
- Ensuring that Aboriginal and Torres Strait Islander people feel safe and are safe within their communities;
- Increasing safety and reduce offending within Aboriginal and Torres Strait Islander communities; and
- Strengthening Aboriginal and Torres Strait Islander communities through working in partnership with governments and other stakeholders to achieve sustained improvement in justice and community safety.

The Framework is intended to support the Council Of Australian Governments’ agenda to close the gap in Aboriginal and Torres Strait Islander disadvantage, particularly in relation to community safety. It provides an opportunity for governments, non-government and community organisations, and Aboriginal and Torres Strait Islander people to build on existing partnerships and agreements to identify and develop the most appropriate response to law and justice issues adversely affecting Aboriginal and Torres Strait Islander people.

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OVERCOMING INDIGENOUS DISADVANTAGE REPORT 2012

In April 2002, the Council of Australian Governments commissioned the Steering Committee to produce a regular report against key indicators of Indigenous disadvantage. The Steering Committee is advised by a working group made up of representatives from all Australian governments, the National Congress of Australia’s First Peoples, the Australian Bureau of Statistics and the Australian Institute of Health and Welfare.

The Overcoming Indigenous Disadvantage report measures the wellbeing of Australia’s Indigenous people. The report provides information about outcomes across a range of strategic areas such as early child development, education and training, healthy lives, economic participation, home environment, and safe and supportive communities. The report examines whether policies and programs are achieving positive outcomes for Indigenous Australians.

NATIONAL PLAN TO REDUCE VIOLENCE AGAINST WOMEN AND THEIR CHILDREN 2010 – 2022

The Commonwealth, state and territory governments worked with the community to develop a 12-year National Plan to Reduce Violence against Women and their Children 2010-2022 (the National Plan). Released in 2011, the National Plan explains what we are doing to reduce violence against women and their children. The National Plan focuses on the two main types of violent crimes that have a major impact on women in Australia—domestic and family violence and sexual assault. Research shows there is a strong link between violence against women and their children and how people view the roles of women and men. The National Plan focuses on stopping violence before it happens in the first place, supporting women who have experienced violence, stopping men from committing violence, and building the evidence base so that we learn more about ‘what works’ in reducing domestic and family violence and sexual assault.

According to the Productivity Commission’s Overcoming Indigenous Disadvantage report, Indigenous women and girls are 31 times more likely to be hospitalised due to family violence related assaults than other Australian women and girls.

The National Aboriginal and Torres Strait Islander Social Survey reported that:

- an estimated 25 per cent of Aboriginal and Torres Strait Islander women had experienced one or more incidents of physical violence in the previous 12 months; and
- 94 per cent of these women knew the perpetrator of their most recent incident.

The Second Action Plan of the National Plan to Reduce Violence against Women and their Children 2010-2022 (the National Plan) was launched on Friday 27 June 2014. The Second Action Plan contains five National Priorities and 26 actions, which are joint areas of work that all governments agree are critical to moving ahead in reducing violence against women and their children. These are:

- National Priority One: Driving whole of community action to prevent violence;
- National Priority Two: Understanding diverse experiences of violence;
- National Priority Three: Supporting innovative services and integrated systems;
- National Priority Four: Improving perpetrator interventions; and
- National Priority Five: Continuing to build the evidence base.

The Second Action Plan helps Aboriginal and Torres Islander women and their children by:

- working with all governments to make sure that remote Indigenous communities are safer for women and their children, including through establishing a permanent police presence in some communities;
- building local initiatives to improve community safety, including safety planning, infrastructure, and behavioural and attitudinal change within Indigenous communities;
- working with the Northern Territory and the foundation to prevent violence against women and their children to strengthen primary prevention work in Indigenous communities;
- strengthening and expanding the work of the line to reach young Indigenous people. Consulting with Indigenous women and communities including through the National Aboriginal and Torres Strait Islander Women’s Alliance and the Prime Minister’s Indigenous Advisory Council;
- funding Australia’s national research organisation for women’s safety to research ‘what works’ for Indigenous communities and for Indigenous women and their children experiencing domestic and family violence and/or sexual assault;
- developing a communications strategy to improve access to information and resources for Indigenous women and communities and to show what opportunities there are for participation and leadership; and
- providing additional funding for White Ribbon campaign to increase engagement in both culturally and linguistically diverse (CALD) and Indigenous communities.

30 Australian Bureau of Statistics, 2009, National Aboriginal and Torres Strait Islander Social Survey, Cat. No. 4714.0, Canberra.
ACT PREVENTION OF VIOLENCE AGAINST WOMEN AND CHILDREN STRATEGY 2011–2017

The ACT Strategy was developed in the context of the ACT Government’s commitment to the National Plan. Given the significant consultation which was undertaken at the national level in the development of the National Plan, consultation in the development of the ACT Strategy was targeted, involving key stakeholders from across government and the community sector. Three key groups were consulted:

- a roundtable involving representatives from community organisations and government agencies including representatives from the ACT Ministerial Council on Women and the Domestic Violence Prevention Council;
- a community reference group made up of experts in the field which provided strategic and more focused advice following the roundtable; and
- an operational group of senior ACT Government Officials to ensure multiple cross portfolio engagement.

Consultation at the local level indicated:

- a separate focus area for Aboriginal and Torres Strait Islander issues should be included;
- responses should be flexible, meaning a continuum of service provision which is flexible and holistic across a whole suite of services; and
- that we must recognise there is a perpetrator continuum—men who are at risk but not yet using violence, men who use violence who are not formally engaged with the criminal justice system and men who use violence who are engaged with the criminal justice system.

This informed the development of the ACT Strategy’s four primary objectives:

- women and children are safe because an anti-violence culture exists in the ACT;
- Aboriginal and Torres Strait Islander women and children are supported and safe in their communities;
- women and children’s needs are met through joined up services and systems; and
- men who use violence are held accountable and supported to change their behaviour.

ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY

The recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC)\(^{31}\) have been an important driver in the development of Aboriginal and Torres Strait Islander strategic policy over the last two decades.\(^{32}\)

The RCIADIC found the over-representation of Aboriginal people in the custody of police, prisons and juvenile detention centres resulted in the high number of Aboriginal deaths. It also found disturbingly common patterns in the lives of those whose deaths were investigated. These people had consistently high levels of unemployment, poor education, poor health, alcohol abuse and long histories of contact with the criminal justice system.\(^{33}\)

Driven for the most part by recommendations of the Royal Commission into Aboriginal deaths in custody, Australian states and territories over the last two decades have introduced Aboriginal and Torres Strait Islander Justice Agreements and related strategic frameworks in the hope of addressing consistently high rates of Indigenous incarceration and improving justice service delivery to Indigenous people.\(^{34}\)

ACT WHOLE OF GOVERNMENT ABORIGINAL AND TORRES STRAIT ISLANDER AGREEMENT

The ACT Government is currently developing the Whole of Government Agreement with the Elected Body, to ensure policies and programs across all government Directorates are able to deliver improved outcomes to the Aboriginal and Torres Strait Islander community.

The Whole of Government Agreement is intended to cover the broader social justice aspects of the relationship between the Elected Body and the ACT Government. Other portfolio-specific agreements are also being developed.

BLUEPRINT FOR YOUTH JUSTICE

The strategic direction for youth justice is set out in the Blueprint for Youth Justice in the ACT 2012–22.\(^{35}\) The Blueprint has a focus on early intervention, prevention and diversion with custody used as a measure of last resort.

The vision that guides the Blueprint focuses on:

- keeping children and young people safe from harm;
- building their resilience;
- strengthening their connections with their families; and
- Encouraging their participation in the wider community.

These outcomes will be realised when the goals below in relation to children and young people in the youth justice system are achieved:

- Youth offending and re-offending is reduced;
- The over-representation of Aboriginal and Torres Strait Islander children and young people in the youth justice system is reduced;
- Children and young people are diverted from the formal youth justice system;
- Detention rates are reduced;
- Children, young people and their families are helped early and provided with the supports and services they need; and
- Children and young people are given every possible chance to be successfully reintegrated into the community upon leaving detention.

\(^{32}\) Indigenous Justice Clearinghouse, Current Initiatives Paper 4, June 2013 Indigenous Justice Agreements  
\(^{33}\) Victorian Aboriginal Justice Agreement.pdf  
\(^{34}\) Allison and Cunneen, The role of Indigenous justice agreements in improving legal and social outcomes for Indigenous people, Abstract  
The Blueprint is supported by a three-year action plan. The ACT Government has committed $5.5 million over four years to support the implementation of initiatives under the Blueprint.

The specific goals related to Aboriginal and Torres Strait Islander young people and their families identified within the Blueprint for Youth Justice in the ACT 2012-2022 are complemented by the Partnerships action plan which was developed in consultation with the Community Services Directorate to target the key areas of need which include: early intervention; prevention; diversionary options; and, development of culturally appropriate programs and services.

OUT OF HOME CARE STRATEGY

The Community Services Directorate is currently developing a five year Out of Home Care Strategy to guide the delivery of out of home care services from July 2015 – June 2020.

The strategy proposes a therapeutically oriented service system that provides a trauma related response to vulnerable children and young people. The key policy directions proposed represent a major departure from current practice.

The proposed Strategy is designed to focus on family preservation and reunification where this is in the best interests of the child; improve outcomes for children and young people in care; and, wherever possible, exit children and young people from care into permanent alternative families on a timely basis.

ACT ABORIGINAL AND TORRES STRAIT ISLANDER HEALTH PLAN

ACT Health is currently developing a health plan and will be consulting with the local Aboriginal and Torres Strait Islander communities. The ACT Aboriginal and Torres Strait Islander Health Plan (ACT Health Plan) will be a key document for identifying challenges and opportunities in relation to the health needs of the community. Once developed, the ACT Health Plan will replace the previous health plan A New Way: The ACT Aboriginal and Torres Strait Islander Health and Family Wellbeing Plan 2006-2011 (A New Way). A New Way was reviewed in 2012-2013 which identified strategies that were successfully implemented and strategies which could be considered for inclusion in a new ACT Health Plan.

CIRCLES OF SUPPORT

The ACT’s first Aboriginal and Torres Strait Islander Justice Agreement (2010-13), was developed as a result of a report prepared by the ACT Council of Social Services and the Aboriginal Justice Centre in 2008. The report contained a series of recommendations including the need to develop an Aboriginal and Torres Strait Islander Justice Agreement in the ACT. The resulting Aboriginal and Torres Strait Islander Justice Agreement 2010-13 was the first formal partnership between the ACT Government and the Aboriginal and Torres Strait Islander Elected Body on behalf of the local Aboriginal and Torres Strait Islander community. This second Agreement is a continuation of that partnership and both the Elected Body’s and ACT Government’s commitment to deliver practical solutions to address the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system.

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36 ACT Aboriginal and Torres Strait Islander Justice Agreement 2010-13
37 ACTCOSS and the Aboriginal Justice Centre, Circles of Support: Towards Indigenous Justice – Prevention, Diversion and Rehabilitation, July 2008
CONSULTATION PROCESS AND OUTCOMES

A government and community consultation process was undertaken in the development of this Partnership. The Elected Body and the former Aboriginal Justice Centre (AJC) played a central role in leading the community consultation process, by conducting a number of forums specifically to discuss the proposed Agreement (now Partnership). The consultations for the redevelopment of the proposed Agreement (Partnership) were undertaken in two separate formats:

- the community consultations, carried out by the Elected Body and the AJC as a conduit between the community and the Government; and
- Government representative consultations, carried out by the ACT Justice and Community Safety Directorate.

To ensure that the community was given the opportunity to provide input into the development of the proposed Agreement (Partnership), the Elected Body conducted three community forums: one at Gugan Gulwan Aboriginal Youth Corporation on 7th June 2013; one at the Gungahlin Child and Family Centre on 14th June 2013; and, the third at Boomanulla Oval on 12th December 2014.

Further to the three community forums, AJC staff also conducted a number of outreach consultations, on behalf of the Elected Body, with individuals and organisations in the ACT who have had involvement or a keen interest in the justice system. When engaging with these individuals, a semi-structured questionnaire was used as to guide discussions, however participants were encouraged to provide a narrative about their own experience and their knowledge and understanding of the Agreement (Partnership).

The consultation process also allowed for a number of sentenced detainees from the Alexander Maconochie Centre to provide input and raise issues that they felt needed to be improved in the ACT justice system. It was considered critical that the views of detainees were captured to obtain ‘first hand’ information on the ACT justice system.

The outcome of the consultations provided overwhelming support for the reduction in action items from the 105 in the 2010-13 Agreement to a significantly smaller number of approximately 20.

Throughout the consultation process, participants identified the significance of culture in the development and subsequent delivery of programs. Many participants expressed concerns about the lack of culturally appropriate programs currently available to Aboriginal and Torres Strait Islander people in a custodial setting including the community and that the current system was not adequately responding to the needs of Aboriginal and Torres Strait Islander detainees integrating back into the community.

The common themes from the community consultation included the:

- importance of culture in the development of policy and programs for the community;
- need to establish a coordinated approach between Government and community providers who support individuals and families in contact with the justice system;
- need to place more emphasis on early intervention and prevention including the development of programs and supports that help maintain engagement of students in the formal education system;
- need for programs and supports to be more accessible to community members irrespective of their geographical location;
- need to make reporting conditions and processes for bail and good behaviour orders more appropriate and achievable for adults and young people in the community;
- need to provide outcome based programs supported by a strong research, monitoring and evaluation framework; and
- need for local rehabilitative options for individuals and families.

Feedback in relation to the 2010-13 Agreement indicated that the Action Plan would benefit from being more targeted and simplified. The inclusion of only action items that are specific and measurable was also a strong focal point for many stakeholders. The reporting framework was widely viewed as not meeting the needs of Aboriginal and Torres Strait Islander community. It was suggested that adjustments be made to ensure a stronger focus on accountability by agencies during the term of this Partnership.

The consultation process also confirmed the community’s view that Aboriginal and Torres Strait Islander people find it difficult to access services in the ACT for:

- legal advice;
- victim support advice;
- diversionary options; and
- post-release support.

Organisations providing these services were encouraged to increase the level of awareness in the local Aboriginal and Torres Strait Islander community about the services they offer and also to spend time in the community building and maintaining relationships with people. In general, Aboriginal and Torres Strait Islander people are reluctant to access mainstream services, partly because of a lack of awareness in the community about the services that can be provided. Developing an effective ‘outreach’ program is one way to address this issue.

Access to services is vital for Aboriginal and Torres Strait Islander people across all areas of government and non-government programs. However, at times, Aboriginal and Torres Strait Islander people choose not to access mainstream services due to a perception of a lack of understanding of the many cultural issues that can affect an individual or family.

Collection of reliable data on Aboriginal and Torres Strait Islander people in the ACT justice system has been a concern for a number of years. The method of data collection does not meet strict Australian Bureau of Statistics guidelines; therefore it remains difficult to obtain meaningful data on Aboriginal and Torres Strait Islander people in an ACT justice context. This situation is made more difficult by the small Aboriginal and Torres Strait Islander population in the ACT. The collection and reporting of Aboriginal and Torres Strait Islander criminal justice data was viewed as key to being able to make evidence based policy and implement appropriate programs for Aboriginal and Torres Strait Islander people.
This Partnership and its actions will be monitored quarterly by the Elected Body and the Aboriginal and Torres Strait Islander Sub-Committee to the ACT Public Service Strategic Board. The Strategic Board was established in 2011 to ensure greater coordination and alignment of effort across the ‘one government’ model comprising all Directors-General.

A small working group comprising relevant stakeholders and agencies responsible for delivery of action items, led by JACS, will be established to meet on a quarterly basis to oversee progress of the Action Plan and to report to the Elected Body and Aboriginal and Torres Strait Islander Sub-Committee to the Strategic Board. The working group will include representatives from agencies responsible for key actions under this Partnership.

To assist in the monitoring process of the Action Items related to program development and access to services, the Elected Body will hold annual community forums seeking feedback from the community on the effectiveness of services on outcomes for Aboriginal and Torres Strait Islander people.

The Elected Body will also monitor and report through current processes including:

- the Elected Body Hearings;
- Director General Meetings;
- Strategic Oversight Group of Aboriginal Justice Agreement; and
- Community Services Directorate Aboriginal and Torres Strait Islander Affairs Subcommittee.

Annual progress reports will be provided to the Attorney-General on the progress in achieving action items and achievements against agreed targets. These reports will be released publicly on the JACS website. The first of these reports will be provided at the conclusion of the 2014-15 year.

JACS will continue reporting progress on the Partnership action items as part of the Elected Body Hearings and via the JACS Annual Report.

JACS will also monitor the performance of relevant agencies to ensure recommendations from the Royal Commission into Aboriginal Deaths in Custody have been implemented or are complying with their original intent.

Aboriginal and Torres Strait Islander data within the Criminal Justice Statistical Profile has been expanded to capture key data.

38 The ACT Criminal Justice Statistical Profile is available on the JACS website at http://www.justice.act.gov.au/criminal_and_civil_justice/criminal_justice_statistical_profiles
This data will be used to monitor progress made against key targets in this Partnership. The following tables in the Criminal Justice Statistical Profile are relevant to monitoring of progress against this Partnership:

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