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22 FEB 2010

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**House of Representatives Standing
Committee on Aboriginal and Torres
Strait Islander Affairs**

**Inquiry into the high level of
involvement of Indigenous juveniles
and young adults in the criminal
justice system**

**Submission by the Department of Families,
Housing, Community Services and Indigenous
Affairs**

22 February 2010

Introduction

Current levels of contact between Indigenous young people and the justice system, including incarceration are a major cause of concern. In addition to the direct impact on young lives, if there is no effective early intervention, this may lead to longer periods of imprisonment later in life. The impact extends to families and to communities who are deprived of so many people, particularly males through their incarceration.

This submission provides a brief overview of the current situation related to young people's involvement in the justice system. It then discusses the Australian Government's overall approach to addressing the underlying causes of high rates of Indigenous juvenile offending. The final section contains details of FaHCSIA programs relevant to Indigenous juvenile offending.

Background

Context

Approximately five per cent of all young Australians are Indigenous. However, 40 per cent of all young Australians that were under supervision (in detention or on community-based supervision) during 2007-2008 on an average day were Indigenous (not including NSW as data was not available). An Indigenous Australian aged between 10 and 17 years was nearly 15 times as likely to be under community-based supervision and 30 times as likely to be in detention as a non-Indigenous young Australian.¹

This section aims to present a broad overview of what is currently known about Indigenous juvenile offending. It should be noted that information on the characteristics of Indigenous young offenders (and by implication possible causes of the high rates of contact with the justice system) comes mainly from surveys and analysis focussed on one State or Territory. While it seems likely that many of the findings are typical beyond the locality studied, it is not possible to be absolutely certain of this. There are also many types of interaction with the justice system, such as being charged, cautioned or detained, each with its own patterns of Indigenous over- and under-representation. This section concentrates on the broad picture of contact in general and incarceration.

It is important to note that the over-representation does *not* mean that young Indigenous people in general are involved in crime. In 2007-08 four per cent of young Indigenous people aged between 10 and 17 years were under the supervision of a justice system at some time during the year. On an average day just 2.2 per cent were under supervision².

¹ AIHW (2009), *Juvenile Justice in Australia 2007-2008*, pp. vii

² AIHW (2009), p 27

The following part of the section discusses factors that increase the risk of offending. However, they do not explain why some individuals in these situations will offend and others will not. They also do not directly cover individual and psychological factors that increase the risk of offending.

Possible causes of over-representation in the justice system

It is likely that much of the over-representation of young Indigenous people in the justice system reflects the fact that disadvantaged groups in general are over-represented and that Indigenous people are over-represented among disadvantaged groups. These include broader social and economic factors such as unemployment, failure to complete school, overcrowded housing, financial and social stress and problems contained within families.

Individual family dysfunction is a known contributor to juvenile offending generally (although not all young people from dysfunctional families offend) and the levels of dysfunction among Indigenous families are also likely to be a factor in the relatively high rates of juvenile offending - particularly in locations where positive social norms have been significantly broken down. These include:

- The extent of alcohol abuse and consequential problems such as family breakdown, family violence, financial and legal problems, child abuse and neglect and psychological distress among family and friends of the drinker. There is a strong link between alcohol consumption and drug misuse and the risk of imprisonment.³ A further consequence of alcohol misuse is an increase in the risk of Foetal Alcohol Spectrum Disorder (FASD), which itself is linked to a range of long term behavioural problems.
- The presence of family violence. This is a strong predictor of child abuse, and partner violence has a damaging effect on children's emotional, behavioural and cognitive development. Family violence is strongly associated with a high risk of clinically significant emotional or behavioural difficulties in Indigenous children. In 2006-07, Indigenous Australians were hospitalised as a result of spouse or partner violence at 33.9 times the rate of non-Indigenous people. Indigenous women were 35 times as likely to be hospitalised as non-Indigenous women.⁴
- Child neglect and abuse. This may lead to delayed intellectual development in young children. Dysfunctional families are also a major determinant of child participation in crime and other costly pathological behaviours.⁵ Neglected or maltreated children are more likely to offend than children who are not

³ NIDAC, Bridges and Barriers – Addressing Indigenous Incarceration and Health, 2009, pp. 6

⁴ Steering Committee for Review of Government Services (2009), *Overcoming Indigenous Disadvantage: Key Indicators 2009 – Report*, 2009, p4.131

⁵ James J. Heckman & Dimitriy V. Masterov, 2007. "The Productivity Argument for Investing in Young Children," NBER Working Papers 13016, National Bureau of Economic Research, Inc.

neglected or maltreated,⁶ with many children moving from the child protection system into the juvenile justice system. Indigenous children were more than six times as likely as non-Indigenous children to be the subject of a substantiation of abuse or neglect in 2007-08.⁷ 41.0 out of every 1000 Indigenous children were on care and protection orders, compared to 5.3 per 1000 non-Indigenous children at 30 June 2008.⁸

- Thirty-two per cent of Indigenous juvenile offenders in one study had previously been in care.⁹

An analysis of data from the 2002 National Aboriginal and Torres Strait Islander Survey (NATSIS) relevant to risk of contact with the justice system indicated that unemployment, substance abuse and not completing Year 12, being or living with a member of the Stolen Generation, and living in a remote area increased the possibility of an Indigenous person having contact with the justice system. Unemployment and substance abuse appeared to have the most significant impact on the probability of imprisonment. Not completing Year 12 also significantly increased the probability of being charged with an offence¹⁰.

The study also indicated that for Indigenous people, living in a city or regional area significantly reduced the risk of imprisonment; and living in a remote area significantly increased the risk. Living in a city significantly reduced the risk of being charged with an offence. Residents of regional areas also faced a lower risk of being charged than those in remote areas but the difference was not as great.¹¹

The available national data does not provide information specifically on juveniles. However, one detailed comparison of NSW juvenile offenders from Indigenous and non-Indigenous backgrounds found that Indigenous offenders showed much higher rates of parents being separated or divorced; a history of parental imprisonment; and parent currently in prison. Indigenous young offenders also reported significantly more Conduct Disorder than other groups¹².

⁶ Stewart A, Dennison S & Hurren E 2005. *Juvenile offending trajectories: pathways from child maltreatment to juvenile offending and police cautioning in Queensland*. Canberra: Criminology Research Council

⁷ Ibid, p 4.115

⁸ Steering Committee for Review of Government Services (2009), p 4.115

⁹ Kenny DT and Lennings CJ (2007) 'Cultural Group Differences in Social Disadvantage, Offence Characteristics and Experience of Childhood Trauma and Psychopathology in Incarcerated Juvenile Offenders in NSW, Australia: Implications for Service Delivery' *Psychiatry, Psychology and the Law* 14:2, p298

¹⁰ Weatherburn D, Snowball L & Hunter B (2006) *The economic and social factors underpinning Indigenous contact with the justice system: Results from the 2002 NATSISS survey*, Crime and Justice Bulletin ,no 104 October 2006 p11

¹¹ Weatherburn D, Snowball L & Hunter B (2006) pp 9-10

¹² Kenny DT and Lennings CJ (2007) 'Cultural Group Differences in Social Disadvantage, Offence Characteristics and Experience of Childhood Trauma and Psychopathology in Incarcerated Juvenile

A factor suggested anecdotally but not covered in research is the link between alienation and offending. Crime may be a source of asserting identity and “pay back” for young people who feel that they are looked down upon by the rest of the community and do not feel a part of that community on an equal and respected basis with non-Indigenous citizens.

Possible causes of under-representation in diversion programs

When they do have contact with the justice system, young Indigenous people are significantly more likely to be taken to court rather than cautioned, more likely to be kept in detention than their non-Indigenous peers and less likely to be offered a place in a diversion program. As previously discussed, in 2007-08, over half of those in detention on an average day were Indigenous. 60 per cent of young Australians in detention who were unsentenced were Indigenous. An Indigenous Australian aged between 10 and 17 years was nearly 15 times as likely to be under community-based supervision, and 30 times as likely to be in detention as a non-Indigenous young Australian.¹³

This gap is partly due to the fact that young Indigenous offenders, compared with their non-Indigenous counterparts, are (based on data from New South Wales, South Australia and Western Australia) much more likely to have had their first contact with the criminal justice system at a young age, much more likely to have had multiple prior contacts, and much more likely to have previously been in custody. Multiple contacts and previous custody greatly reduced the likelihood of diversion.¹⁴ This indicates the importance of reducing re-offending in addressing the problem of Indigenous over-representation.

However, the three-State survey showed that, while controlling for age, sex, characteristics of the current case and prior criminal history, reduced the gap, it still remained statistically significant. The study noted that the laws give police wide discretion in choice of action and ‘it is impossible to say whether the residual differences are symptomatic of racial bias on the part of police (or courts) or reflective of other factors that are unable to be measured in the present study (if at all)’.¹⁵

It is possible that part of the unaccounted gap may be due to a shortfall in diversion programs in regional and remote areas. It is also possible that Indigenous young offenders and their families may not understand the system sufficiently to provide the types of responses to police after arrest, which may make it more likely that they will

Offenders in NSW, Australian: Implications for Service Delivery’ Psychiatry, Psychology and the Law 14:2, 294-305

¹³ AIHW (2009), pp. vii

¹⁴ Snowball Lucy (2008) *Juvenile Diversion and Indigenous Offenders* Criminology Research Council pp 19-20

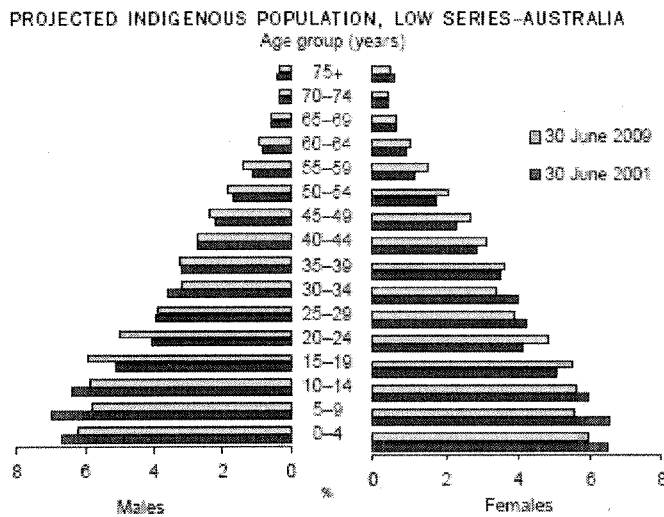
¹⁵ Snowball Lucy (2008) p19

not be referred to court. For example, a caution is usually only issued after a person has acknowledged guilt.

The disadvantage of young people from dysfunctional families is compounded by the fact that many alternatives to incarceration require strong family support and involvement in keeping the offenders away from further trouble. One State-wide study found that less than one-in-five young Indigenous offenders lived with both parents. A survey of NSW young Indigenous juvenile offenders found that 70 per cent had a parent who had been imprisoned. Twenty one per cent of the group had a parent who was in prison at the time of the survey. For English-speaking background offenders, the proportions were 29 per cent and 6 per cent respectively¹⁶.

Population trends

Early intervention with Indigenous children and young people will be particularly integral to improving Indigenous family and community safety in the coming years. Indigenous children and youth are the majority of the current and projected Indigenous population¹⁷. By 2010, a large youthful Indigenous cohort will begin moving into their twenties.



Criminal offending is most prevalent in adolescence and early adulthood, particularly among young men, and incarceration begins its peak in the 20-24 year old age bracket. If offending patterns continue, the young Indigenous population will increasingly impact, not just on the justice systems but also other sectors such as health and community. This growth may continue for a generation if efforts are not taken to reduce levels of violence and other offending behaviour within this cohort, and in turn the current generation of Indigenous children.

¹⁶ Kenny DT and Lennings CJ (2007), p298

¹⁷ In the 2006 Census, 55,568 Indigenous children aged 0 – 4 were identified, compared with 52,861 children in the 2001 Census. Source: Australian Bureau of Statistics 2006 Census (Count of Persons)

Government Programs

Although criminal justice policy and administration is primarily a State and Territory responsibility, a wide range of Australian Government programs have the potential to assist young offenders. The Australian Government has an important role to play, particularly in addressing underlying causes. At the broadest level, the Closing the Gap strategies are addressing the areas of disadvantage that are the underlying cause of much Indigenous offending.

The Council of Australian Governments has agreed on a program of generational change, with six targets. These are:

- closing the life expectancy gap within a generation;
- halving the gap in mortality rates for Indigenous children under five within a decade;
- ensuring all Indigenous four years olds in remote communities have access to early childhood education within five years;
- halving the gap for Indigenous students in reading, writing and numeracy within a decade;
- halving the gap for Indigenous students in Year 12 attainment or equivalent attainment rates by 2020; and
- halving the gap in employment outcomes between Indigenous and non-Indigenous Australians within a decade.

This agenda is important in both addressing the underlying causes of much Indigenous juvenile offending and incarceration and also reducing re-offending and improving life prospects after initial contact with the justice system.

Governments have agreed that achieving these targets will require a long-term, generational commitment with the major effort directed at a range of strategic platforms or 'Building Blocks'. The Building Blocks endorsed by COAG are:

- Early Childhood
- Schooling
- Health
- Economic Participation
- Healthy Homes
- Safe Communities
- Governance and Leadership.

To coordinate and focus activity in these areas, governments have agreed to a series of national partnership agreements and national frameworks and strategies. Some of

these are specifically targeted at Indigenous people; others have a whole of community focus on the disadvantaged.

The main thrusts of this strategy relevant to juvenile offending are through:

- Giving children a better start in life through early childhood education and better schools and better housing. On average, Indigenous juvenile offenders commit their first crimes at an earlier age, from ten onwards, than non-Indigenous juveniles, reflecting disengagement from other options. This earlier start translates over time into a longer criminal career which leads to a much greater possibility of incarceration. Reducing overcrowding in housing, which often creates high levels of stress and inability to cope with school or other pressures, is a major element of Closing the Gap.
- Creating opportunities for parents through improved employment opportunities and better health outcomes. The consequences of current life expectancy in Indigenous communities is illustrated by one study that showed that just under twelve per cent of Indigenous offenders had a parent deceased.¹⁸ Parents debilitated by chronic disease or having substance abuse issues are also poorly placed to guide and manage teenage behaviours.
- Improving delivery of services to Indigenous people that may help reduce the risk of offending by young people. There is general recognition that Indigenous people frequently access various services at a lower level than their needs justify. This can be because of geographic isolation or cultural or trust issues. COAG is committed to improving access through the Remote Service Delivery National Partnership Agreement and the agreed Urban Regional Service Delivery Strategy.

The following Indigenous specific National Partnership agreements (NPs) have been agreed by COAG:

- Indigenous Early Childhood Development
- Remote Service Delivery
- Indigenous Economic Participation;
- Remote Indigenous Housing;
- Closing the Gap in Indigenous Health Outcomes; and
- Remote Indigenous Public Internet Access.

In July 2009, COAG agreed a National Urban and Regional Service Delivery Strategy for Indigenous Australians. Governments have also agreed a National Indigenous Law and Justice Framework, which aims to eliminate Indigenous disadvantage in law and justice. Its aims are to:

¹⁸ Kenny D & Lennings C (2007) p 298

- improve all Australian justice systems so that they comprehensively deliver on the justice needs of Aboriginal and Torres Strait Islander peoples in a fair and equitable manner;
- reduce over-representation of Aboriginal and Torres Strait Islander offenders, defendants and victims in the criminal justice system;
- ensure that Aboriginal and Torres Strait Islander peoples feel safe and are safe within their communities;
- increase safety and reduce offending within Indigenous communities by addressing alcohol and substance abuse; and
- strengthen Indigenous communities through working in partnership with government and other stakeholders to achieve sustained improvements in justice and community safety.

On 6 November 2009, the Australian Government hosted a roundtable on Indigenous community safety attended by State and Territory Attorneys-General, Indigenous Affairs Ministers, Police Ministers, Police Commissioners and Indigenous innovators in this area. Ministers agreed that further proposals would be developed around law enforcement; alcohol related violence and crime, information sharing and integrated service delivery and victim support services. Proposals are currently being developed in preparation for their review by ministers at a later date.

A range of other NPs and National Frameworks also address underlying causes of Indigenous juvenile offending through their focus on disadvantaged groups in the community generally.

The relevant agreements include the:

- National Framework for Protecting Australia's Children
- NP on Low Socio-economic School Communities
- NP on Literacy and Numeracy
- NP on Improving Teacher Quality
- NP on Youth Attainment and Transition
- NP on Productivity Places Program
- Nation Building and Jobs Plan - Building the Education Revolution
- Nation Building and Jobs Plan – Economic Stimulus – Social Housing Initiative
- NP on Preventive Health
- NP on Hospital and Health Reform

- NP on Early Childhood Education
- National Agreement for Skills and Workforce Development
- National Education Agreement
- National Affordable Housing Agreement
- NP on Social Housing
- NP on Homelessness

A National Strategy to Reduce Violence Against Women and Children is currently under discussion and expected to be finalised in the near future.

FaHCSIA Role

FaHCSIA responsibilities can impact on the issue of Indigenous juvenile offending in several ways. These are:

- coordination of and support for the Closing the Gap agenda, which aims to address the social and economic conditions that create an environment for high levels of offending (as described above);
- place-based strategies to re-establish positive social norms and improve the coordination and functioning of government services;
- programs that aim to prevent neglect and abuse of children and family violence;
- support for alternative activities for Indigenous young people; and
- programs targeted at young offenders or young people at risk of offending.

Place-based strategies

In some remote communities, behaviours within families that lead to later offending by victims have become sufficiently widespread as to be viewed as normal, particularly by the perpetrators. The behaviours include violence, neglect and sexual and other abuse. In many of these communities local people have been working against these trends and FaHCSIA has provided support to them through several initiatives.

Remote Service Delivery NP

The Remote Service Delivery NP aims to:

- improve the access of Indigenous families to suitable and culturally inclusive services;

- raise the standard and range of services delivered to Indigenous families to be broadly consistent with those provided to other Australian in similar sized and located communities;
- improve the level of governance and leadership within Indigenous communities and Indigenous community organisations;
- provide simpler access and better coordinated government services for Indigenous people in identified communities; and
- increase economic and social participation wherever possible, and promote personal responsibility, engagement and behaviours consistent with positive social norms.

Current priority locations include:

- **Northern Territory:** Angurugu, Galiwinku, Gapuwiyak, Gunbalanya, Hermannsburg, Lajamanu, Maningrida, Milingimbi, Nguiu, Ngukurr, Numbulwar, Umbakumba, Wadeye, Yirrkala and Yuendumu;
- **Queensland:** Hope Vale, Aurukun (together with continuing work in Mossman Gorge and Coen which are also part of the Cape York welfare reform trial), Mornington Island and Doomadgee;
- **South Australia:** Amata and Mimili;
- **New South Wales:** Walgett and Wilcannia;
- **Western Australia:** Fitzroy Crossing and surrounding communities, Halls Creek and surrounding communities, and the Dampier Peninsula (with a focus on Beagle Bay and Ardyaloon).

An important element of the strategy is the development of local implementation plans in each locality. It is expected that many of these will include issues related to community safety and particularly concerns about finding constructive activities for adolescents.

Effective coordination of services needed to support for young offenders and prevent re-offending can be difficult. Prevention of re-offending often will require liaison with a range of service providers such as those involved in alcohol and substance abuse rehabilitation, homelessness or mental health. Providing and sustaining such services in remote communities presents major difficulties. In regional and urban centres, conflicting eligibility criteria may make it hard to address the needs of some juvenile offenders.

Cape York

In the Cape York communities of Aurukun, Coen, Hope Vale, Mossman Gorge and associated outstations, a radical new approach to welfare is being trialed. Cape York Welfare Reform is a partnership between the four communities, the Australian Government, the Queensland Government, and the Cape York Institute for Policy and Leadership. It has led to the creation of a Families Responsibilities Commission.

The reforms, which will run from 1 July 2008 to 31 December 2011, aim to create incentives for individuals to engage in the real economy, reduce passivity and re-establish positive social norms. The overarching goal is social development, because

this underpins the ability of individuals to properly engage in the real economy and make meaningful choices—including choices not to engage in crime. Welfare Reform is premised on the view that in order for there to be social development in communities, four things must occur: rebuilding of norms; reform of incentives particularly around education, employment and housing; normalisation of housing; and a retreat of government from the domain of individual responsibility.

In the Cape York welfare reforms, rebuilding of social norms is occurring by applying incentives and giving force to laws that support the wellbeing of children and supporting self-help. The reforms provide a clear message from Elders and governments that it is unacceptable for an individual to behave in ways contrary to the wellbeing of children. Laws and financial incentives reinforce this message.

The primary purpose of the Family Responsibilities Commission (FRC) is to rebuild positive social norms. Four obligations for all Indigenous and non-Indigenous adults in relation to child wellbeing, school attendance, lawful behaviour and responsible tenancy are now enacted in the FRC legislation as a clear message of what is expected. These obligations target direct neglect of a child, as well as behaviours that indirectly affect children's prospects by lowering community morale. The FRC has the legal power to enforce the obligations and direct that individuals who breach them have their welfare income payments managed. The FRC primarily achieves these objectives by holding conferences with individuals who have breached their obligations. In these conferences, the Commissioner and Local Commissioners sit with the concerned person to talk about the problem and possible solutions. The FRC frequently makes referrals to support services and may enforce income management to ensure that children's expenses are properly catered for, and that there is less cash available for the purchase of alcohol or for gambling.

As at 30 September 2009, the FRC had held 1317 conferences, in response to 2567 agency notifications relating to 764 community members within the Commission's jurisdiction. The FRC is case managing 424 clients which involves monitoring attendance at services such as Family Income Management and Wellbeing Centres. As at 1 January 2010, Centrelink is implementing 110 income management notices from the FRC, of which four are voluntary income management orders.

Supported self-help services are an important part of the Cape York reforms. They help individuals (including parents) to meet their responsibilities and normal behavioural expectations and to resolve dysfunctional behaviours. In the Cape York welfare reforms, there has been a high voluntary take-up of supported self help services, such as Wellbeing Centres and Family Income Management, as well as referrals from the FRC

The National Urban and Regional Service Delivery Strategy to Close the Gap in Indigenous Disadvantage

In July 2009, COAG agreed a strategy to coordinate delivery of services to Indigenous people in urban and regional areas. One of the elements of this is a commitment to local need/place based approaches. Governments have agreed to work together to identify urban and regional locations where there is a need to give priority

in resourcing and innovation in service delivery. Governments are currently developing local implementation plans.

Programs for families, children and young people

FaHCSIA funds four main types of intervention relevant to young offenders. These are:

- programs that support effective parenting and address or prevent child neglect or abuse;
- programs to prevent family violence and support victims of family violence;
- programs that provide constructive opportunities for young people, particularly in remote communities; and
- local programs that work directly with young offenders

Prevention of neglect and abuse

While not all neglected or abused children become young offenders, substantial proportions of young offenders (Indigenous and non-Indigenous) have been subjected to abuse or neglect of various kinds and experienced being taken into care before offending. The recent AIHW report, *Child protection Australia 2008–09*, showed Aboriginal and Torres Strait Islander children continue to be over-represented in the child protection system, with the rate of Indigenous children in out-of-home care over nine times the rate of their non-Indigenous counterparts. Aboriginal and Torres Strait Islander children were more than eight times as likely to be on a care and protection order.

The report noted that ‘the reasons for the over-representation of Aboriginal and Torres Strait Islander children in the child protection system are complex and can involve factors such as the intergenerational effects of previous separations from family and culture and poor socioeconomic status’. While emotional abuse was the most common type of substantiated abuse for all children, neglect was a relatively more significant issue for Indigenous children.

Early intervention with children and families at risk is therefore an important element in creating a sustainable rate of reduction in young offending. Many jurisdictions have introduced family support services as an alternative early intervention response to incidents of concern that may not have been sufficiently serious to have been prioritised by child protection agencies; and FaHCSIA also operates programs in this area.

Communities for Children Plus (CfC Plus) is a new measure under the National Framework for Protecting Australia’s Children that builds on the Communities for Children approach. CfC Plus sites will bring together Australian Government, State and Local governments and the non-government sector to plan and deliver targeted services according to local needs. There will also be a stronger focus on building links

with state government child protection services - as well as services primarily targeted at adults - to tackle known parental risk factors including mental health, family violence, housing and substance abuse (for example, children will be supported as part of an integrated treatment plan for adults with mental illness or substance abuse histories).

CfC Plus will also link early childhood services with other Australian Government services such as Family Relationship Centres, Centrelink and Job Services Australia, as well as with maternal and early-childhood nurses. Known success factors from the current CfC model will be extended and strengthened to ensure that families receive the wrap around services and support they require to ensure the safety and wellbeing of their children.

The Indigenous Children Program targets those especially at risk of abuse or neglect; and aims to prevent children from entering the child protection system by supporting the child and their family to manage and protect themselves from crisis situations within their families or circle of friends. The objectives are that:

- children have improved well being and resilience;
- parents have improved confidence in their knowledge of early childhood development and parenting skills; and
- parents have increased connections with social networks.

It seeks to support the well being of children, build culturally strong parenting skills and build stronger and more sustainable; improved personal capacity; self esteem and resilience; and improved social connections, support and educational outcomes. Funding recipients are required to identify the needs of their target group.

It aims to increase access to services and assistance that help families adapt to changing economic and social circumstances, focussing on early intervention and prevention for Indigenous children, families, and communities, to build resilience and support networks.

Services are needs-based and range from out-reach, centre-based and home visiting approaches. They include playgroups, the parents as teachers program, anger management training, Indigenous culture, parenting programs, early childhood scholarships, counselling, substance abuse education, family mediation, men's and women's workshops, camps and community events.

Early intervention and appropriate support measures require good information sharing between service providers. Several key reports point to the poor record of interagency collaboration in tackling family violence and child abuse, particularly in rural and remote areas and highlight the need for improved coordination at all levels of service delivery. The need for improved interagency collaboration is also one of the key outcomes in *Time for Action: The National Council's Plan for Australia to Reduce Violence against Women and their Children, 2009-2021*, *Protecting Children is Everyone's Business: National Framework for Protection Australia's Children 2009-2021*; and the *National Indigenous Law and Justice Framework*.

Protocols for the sharing of information relating to child abuse, violence and neglect, between health, welfare and justice services exist in different forms in all jurisdictions, and information sharing protocols are supported by legislation in all jurisdictions except New South Wales and South Australia. Australian Government and State and Territory Governments have also recently established a protocol for the sharing of information between Medicare and Centrelink and child protection agencies as part of the National Child Protection Framework. This will help locate families when there are concerns about a child's welfare, especially when they move within and across states and territories and their whereabouts are unknown.

Information sharing can also play an important role in providing a more complete picture of the situation of young offenders prior to sentencing and in developing an appropriate release strategy less likely to lead to re-offending.

Northern Territory Emergency Response (NTER)

FaHCSIA has a coordinating role in relation to the NTER. A wide range of programs have been implemented in the Northern Territory to support parents. These include Mothers and Babies Services to provide advice, health checks and immunization, new accommodation for visiting mothers, a home visiting service in Central Australia, fifteen Indigenous Parenting Support Services, expansion of the Playgroups for Indigenous Families Program, crèches in remote communities, child care services and the Home Interaction Program for Parents and Youngsters.

Family Violence Programs

FaHCSIA also implements a number of programs addressed at family violence, including two specifically targeted at Indigenous families. This has a direct link to juvenile offending as being a victim of violence has been found to be the best single predictor of juvenile violent behaviours in both boys and girls¹⁹.

The Family Violence Partnership Program builds on the Australian Government's commitment to tackling family violence and child abuse. The program provides funding for partnerships with State and Territory Governments to jointly fund initiatives that address family violence. Funding can be provided for projects and initiatives that aim to develop a sustainable reduction in, and prevention of, Indigenous family violence and child abuse through the enhancement of existing services, or the establishment of new initiatives.

Family Violence Partnership Program (FVPP)

The FVPP aims to:

- leverage greater action and commitment on the part of states and territories;

¹⁹ Blum J, Ireland M, & Blum RW (2003) Gender differences in juvenile violence: A report from Add Health. *Journal of Adolescent Health*, 32, 234-240. Cited in Bryant C & Willis M (2008) *Risk factors in Indigenous violent victimisation*. Technical and Background Paper 30. Canberra: Australian Institute of Criminology p60

- build on the Australian Government's commitment to tackling family violence in Indigenous communities;
- develop local solutions to issues that contribute to violence, such as alcohol and drug use;
- address causal factors to family violence, to effect sustainable change; and
- provide safe places and support for victims of family violence and child abuse.

In 2008-09 FaHCSIA funded 47 projects under the FVPP.

Family Violence Regional Activities Program (FVRAP)

The FVRAP aims to provide practical and flexible support for grassroots projects that have been identified by Indigenous communities as a local priority to address family violence, sexual assault and child abuse.

FVRAP seeks to assist community-based organisations to achieve the following outcomes:

- reduce and prevent family violence, sexual assault and child abuse within Indigenous communities contributing to safer communities;
- raise awareness of family violence issues in Indigenous communities and contribute to positive changes in community attitudes and behaviour regarding family violence;
- increase access to services by providing culturally appropriate support services to those who are vulnerable to family violence, sexual assault, and child abuse;
- increase skills of community members in understanding, preventing and responding appropriately to family violence and breaking the cycle of violence; and
- increase the rate of reporting of incidences of family violence, sexual assault and child abuse in Indigenous communities.

In 2008-09 FaHCSIA funded 32 projects under the Family Violence Regional Activities Program.

The Cape York Kids Living Safer Lives project

The *Kids Living Safer Lives* project is currently funded by FaHCSIA in partnership with the Queensland Government through the FVPP. *Kids Living Safer Lives* has been designed and managed collaboratively by the Cairns Indigenous Coordination Centre (ICC), Queensland Police Service, Crime Stoppers and AFL Cape York Ltd.

It is estimated that more than 60 percent of Cape York's population is Indigenous. The Indigenous age profile is distinctly younger than non-Indigenous people living in this region. The Indigenous population also has much higher fertility and mortality rates.

The Queensland government identified the region as a priority area for alcohol management and other programs to reduce the high incidence of family violence and

child abuse. The extremely high incidence of child abuse and family violence in the region is well documented and publicised. Indigenous women are 45 times more likely to experience violence in their communities than non-Indigenous women and 10 times more likely to die as a result.

Queensland Police Service statistical analysis for the period 2000-2005 indicated that children aged 0-4 years are the greatest victims of the most serious assault offences of murder, attempted murder and manslaughter. From 2004 to 2007, more than 600 children aged less than four years were assaulted, ill-treated, or neglected in this region.

The *Kids Living Safer Lives* project aims to prevent and reduce domestic and family violence in Cape York's Indigenous communities through a range of activities that engage children and young people. Beginning in July 2008, the project coordinates police programs such as *Be Strong Be Heard*, *Violence No Way* with the AFL's *Kickstart* lifestyle program and other self-esteem building activities. The project has been shown to reduce violence and the fear of violence in the Indigenous communities of Aurukun, Coen, Hope Vale, Kowanyama, Lockhart River, Mossman Gorge and Pormpuraaw.

The *Kids Living Safer Lives* concept uses a range of methods including increased intervention of perpetrators, strengthening of families, community capacity building through community education and a co-ordinated service delivery approach.

The primary focus of the project is on preventative measures to combat violence, unreported crime, and misconduct against children and families as well as providing positive role models in Indigenous communities. This reflects the Government's priorities of protecting children and making communities safe.

Place based project officers provide valuable assistance through their knowledge of local communities and understanding of the dynamics that contribute towards family violence. Sports personalities and performing artists are engaged to work with children to provide positive role models and promote the message that family violence is unacceptable and unlawful.

Kids Living Safer Lives resulted in a decrease in juvenile crime in Aurukun in January 2009, compared to previous years. Police reports indicating a reduction in anti-social behaviour are just one outcome from the successful programs conducted during the school holiday period. The *Kids Living Safer Lives* project won the awards for the most exceptional innovative Indigenous project at the 2009 Queensland Domestic and Family Violence Awards.

Supporting activities for young people

The Australian Government supports a range of sport, recreation and educational services for young people in remote communities where options for young people are otherwise very limited. These programs are intended in part to reduce anti-social behaviour, including substance abuse, such as petrol sniffing,

In general, youth programs are funded by the Attorney-General's Department (AGD) and educational activities by the Department of Education, Employment and Workplace Relations (DEEWR) and the Department of Environment, Water, Heritage and the Arts. However, the central Australian Integrated Youth Services project,

incorporating the Northern Territory communities of Imanpa, Mutitjulu, Finke (Apatula) and Docker River (Kaltukatjara) is jointly funded by FaHCSIA, AGD and DEEWR.

In 2008-09 a total of \$8.8 million was spent on the NTER Youth Alcohol Diversion measure, building on the progress achieved under this measure in 2007-08. Funded projects engaged young people aged primarily 12-18 in a range of cultural, age and gender appropriate social and recreational activities to protect their physical, mental and social health and counterbalance the adverse influences that can lead to substance abuse and other at-risk behaviours. This measure comprised two components – continuation of the Northern Territory Youth Development Network and infrastructure and youth programs in Central Australia.

Continuation of the Northern Territory Youth Development Network

This component aims to develop sustainable youth services by improving the quantity, quality and cohesion of youth activities. Approximately \$2.3 million was spent on 46 projects in the northern region of the Northern Territory over 2008-09, many through the continuation of the Youth Development Network in the Victoria/Daly and West Arnhem Shires.

This network provided 35 locally driven initiatives in 13 Indigenous communities and was coordinated by the Australian Red Cross (ARC). Progress over the reporting period included the continued roll out of projects and monitoring of service providers. Volunteer local coordinators in the 13 communities assisted service providers with program implementation and evaluation.

A significant outcome has been the development of community engagement and enthusiasm between communities and the ARC in creating collaborative activities for young people. Through their engagement with targeted remote communities, ARC was able to enhance its understanding of the needs of youth and develop a Community Information and Notification pack. This pack identifies key contacts and procedures for entering and conducting programs within Indigenous communities.

Projects delivered under the Youth Development Network include sport, arts, music, dance, education and training and other youth development activities. ARC also assisted and supported local community events including the Merrepen Festival, Timber Creek Festival and Maningrida Youth Festival.

In addition to the Youth Development Network, progress over the reporting period included the planning and implementation of eleven additional projects managed by the FaHCSIA Northern Territory State Office and totalling approximately \$220,000. These included Indigenous hip hop workshops, traditional dance workshops, youth camps, youth housing forums, scoping projects, residency art programs and infrastructure projects.

Infrastructure and Youth Programs in Central Australia

This component aims to provide learning and recreational activities and infrastructure to support young people, while building community capacity through training and employment opportunities. Approximately \$6.5 million was spent on 15 projects across communities in the Northern Territory over 2008-09.

Three of these 15 projects were based in Arnhem Land and the remainder were in central Australia. All projects under this component were managed by the Central

Australian Petrol Sniffing Strategy Unit, which is based in Alice Springs and has expertise in working with a wide range of substance abuse issues.

Progress over the reporting period included delivery of activities such as blue light discos; holiday programs over the January, April and June/July school holiday periods; Learning Support programs which used music to improve school attendance across eight communities; and a cultural horse work camp for users of volatile or other substances.

Infrastructure projects included the purchase of sporting equipment, construction of seven BMX tracks and large scale refurbishment works to support the Mt Theo Substance Misuse Program. In addition, funding was provided for a visit by East Arnhem Traditional Owners and Elders to the Mt Theo Outstation to learn about this rehabilitation model and build support networks.

Overall expenditure for this component was slightly below what was previously forecast due to a reallocation of funds to support projects under Component One.

FaHCSIA is currently managing the following NT based AFL/FaHCSIA sports partnership programs. These programs are being managed under the one partnership agreement between FaHCSIA and AFL, where both organisations are contributing \$1.2m annually over three years. Funding for the programs ends in November 2010:

- **AFL Club Fostership Program** – Five participating AFL clubs have established links under this program with selected Indigenous communities, primarily in the NT, to deliver football-related activities, promote health active lifestyles and encourage increased school attendance.
- **AFL Ambassadors for Life Mentoring Program** – More than 100 Indigenous youth from around Australia are being mentored under this program by 36 listed Indigenous Australian Rules players, who have undergone mentoring training. This program aims to build capacity and leadership skills, targeting young Indigenous males (13-14 years of age), at risk of substance abuse and other harmful behaviours.
- **Wadeye Development Officer** –FaHCSIA is also funding \$130,000 a year under this partnership agreement over three years, to support Australian Rules activities in Wadeye, NT. This program is managed by NT State Office, with the funding to conclude at 30 June 2010. The funds are being used to appoint a development officer and support local AFL competitions in Wadeye. Advice to date is that the program has had a significant impact on anti-social behaviour in the community.
- **Groote Eylandt Regional Manager** – \$70,000 was also earmarked under the partnership agreement in 2008/09 to support the employment of an AFL Regional Manager on Groote Eylandt. This Manager is responsible for establishing junior and local AFL competitions on Groote, as well as providing support for the Fostership program (Groote Eylandt is one of the target communities under this program).

Programs for young offenders

Programs directly targeted at young offenders are primarily the responsibility of State and Territory governments and justice agencies. However, FaHCSIA, on a local basis, has occasionally funded interventions with young offenders as part of a broadly-based community approach to the problems.

FaHCSIA part-funds the Tasmanian *meenah mienne* ('my dream') project under an agreement between two tiers of government and the Tasmanian Aboriginal community. This stemmed from a proposal from a group of Tasmanian Aboriginal artists and Elders, including Aunty Phyllis Pitchford, Vicki West, Alan Mansell, and Ruth Langford, identified the need for a community-led project which would offer at-risk Aboriginal young people opportunities to:

- Reconnect with their culture and community
- Develop significant relationships with role-models in their community
- Engage in pro-social activities that would enable creative and relevant self-expression and
- Discover alternative pathways into education and employment.

Meenah mienne focuses on developing safe and supportive mentoring relationships. The relationships are based on meaningful arts and cultural activities that meet a foundational need for positive cultural connection, effective means of self-expression and positive self-identity, and which can relieve boredom, improve skills, and provide alternative pathways to education and employment.

Demand is high and exceeding capacity with one third of the 26 referrals to date received from youth justice workers, one third from schools, and one third from the community (either self-referral or referral of siblings and family members).

The impact on the community is realised in a number of ways.

- The participating mentors benefit by becoming better skilled, more knowledgeable about history and culture, more able to work with young people, and more confident to become leaders both within the Aboriginal community and within the wider Tasmanian community.
- The disadvantaged young people they work with receive better quality mentoring and support, and therefore achieve better outcomes in terms of connection with community, culture, and family, and in managing supported pathways back into education and employment.
- The Aboriginal community benefits through the emergence of more supported and skilled leaders, the development of stronger and more supportive intergenerational connections, as well as through more positive representations of Aboriginal culture and identity to the wider community.

The Tasmanian community benefits through the provision of diversionary and rehabilitative activities which will contribute to a lowering of crime rates. An external evaluator will be engaged by July 2012 and volunteers and seconded students from the arts and social science faculties of the University of Tasmania will be engaged each year to observe and document the project.

A second project, which has had some involvement with young offenders, has been the domestic violence Pro-Active Support service in Wagga Wagga. This is a partnership between Wagga Wagga Local Area Command (NSW Police) and local support agencies to provide support for the victims of family violence especially in the period between police intervention and court appearance. It has improved the links between Police, other government agencies, service providers and the Aboriginal community. One aspect of the project has been to focus on the young offender's family situation rather than the issues of the young offender in isolation. Where young offenders have been identified by police for their involvement in incidents of property damage, it has been possible, to work with the families to help prevent re-offending and make alternatives to incarceration more feasible.

Conclusion

The Australian Government has a major role to play with State and Territory governments in addressing the problems of disadvantage that are a key factor in current rates of offending. While sustained effort will be required, evidence on drivers of offending suggest that improvements in housing, education retention, early interventions for children, substance abuse prevention, rebuilding social norms in troubled communities, and other similar programs, will have a positive impact on juvenile offending.

While direct responsibility for programs for young offenders rests primarily with States and Governments, the Australian Government aims to substantially improve coordination between government programs, including through the Remote Indigenous Service Delivery National Partnership, the National Urban and Regional Strategy for Indigenous Australians and other inter-governmental agreements over the next twelve months. Community safety issues, including juvenile offending, will be the subject of consideration by governments during 2010. The Department of Families, Community Services, Housing and Indigenous Affairs welcomes the Committee's work in this area and will be pleased to offer further assistance as required.