



Australian Government

**Government Response
to the House of Representatives Standing
Committee on Aboriginal and Torres Strait
Islander Affairs report:**

*Doing Time – Time for Doing: Indigenous Youth in
the Criminal Justice System*

NOVEMBER 2011

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FOREWORD

2011 marked the 20th Anniversary of the release of the Report of the Royal Commission into Aboriginal Deaths in Custody, yet the *Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System* Report, released in June 2011, notes that “Indigenous juveniles and young adults are more likely to be incarcerated today than at any other time since the release of the *Royal Commission into Aboriginal Deaths in Custody* final report in 1991”. Indigenous adults were incarcerated at 14.2 times the rate for non-Indigenous people in 2010. Indigenous juveniles were detained at 22.7 times the rate of non-Indigenous juveniles in 2009¹.

The *Doing Time* Report correctly identifies the level of overrepresentation of Indigenous young people in the criminal justice system as a national crisis, which the Commonwealth, State and Territory Governments together need to address.

In November 2009 the Minister for Families, Housing Community Services and Indigenous Affairs, the Hon Jenny Macklin MP, requested the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs inquire and report into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system. The Minister re-referred the inquiry for completion on 8 November 2010, following the Federal election on 21 August 2010.

The *Doing Time* Report highlights that the causes of the high level of incarceration for Indigenous young people are varied and include both the levels of disadvantage experienced by Indigenous young people and aspects of the justice system. What is clear is that there are no simple answers. Reducing the rates of offending and incarceration will require continued and concerted effort from all levels of government, in partnership with Indigenous communities, to make improvements in a range of areas.

The commitment of all governments to addressing Indigenous disadvantage is set out in the Council of Australian Government’s (COAG) Closing the Gap framework agreed to in 2008. COAG agreed to specific timeframes for achieving six ‘Closing the Gap’ targets:

- To close the life-expectancy gap within a generation
- To halve the gap in mortality rates for Indigenous children under five within a decade
- To ensure access to early childhood education for all Indigenous four years olds in remote communities within five years
- To halve the gap in reading, writing and numeracy achievements for children within a decade

¹ Steering Committee for the Review of Government Service Provision 2011, *Overcoming Indigenous Disadvantage: Key Indicators 2011*, Productivity Commission, Canberra. (at 4.130).

- To halve the gap for Indigenous students in Year 12 (or equivalent) attainment rates by 2020, and
- To halve the gap in employment outcomes between Indigenous and non-Indigenous Australians within a decade.

While disadvantage is a key contributor to interaction with the justice system, failing to make improvements in reducing offending and incarceration will also limit the ability to make improvements against the COAG Targets. It has been argued that excessive imprisonment rates may actually cause more crime in the long term². As such, targeted approaches to reducing the high rates of offending and reoffending, and the corresponding high rates of incarceration, are vitally important to addressing Indigenous disadvantage.

Indigenous people are significantly more likely to be victims of physical or threatened violence than non-Indigenous people. Hospitalisation rates for injuries caused by assault were seven times higher for Indigenous men and 31 times higher for Indigenous women than for other Australian men and women³. Reducing offending and in particular reoffending will necessarily reduce the high rates of victimisation. While prison is in many cases an appropriate response to offending behaviour, particularly for violent crimes, time spent in prison must be seen as an opportunity to break this cycle of reoffending and victimisation.

The State and Territory Governments have a crucial role in reducing Indigenous over representation in the justice system as they are responsible for key elements including police, courts, corrective services and juvenile justice. The Australian Government provides many of the services which need to work with the justice system to improve outcomes including Centrelink support, employment assistance, training, mental health services and others. It is clear that all levels of Government must work together.

The Commonwealth Attorney-General wrote to State and Territory Justice Ministers providing a copy of the *Doing Time Report* and preliminary discussions on addressing the Report's recommendations have already occurred, through the Standing Council on Law and Justice (formerly the Standing Council of Attorneys-General). The Communiqué from the July 2011 meeting records the commitment of all jurisdictions to significantly reduce the gap in Indigenous offending and victimisation, and to refer to COAG for consideration the possible adoption of justice specific Indigenous closing the gap targets⁴.

The *Doing Time Report* provides a useful summary of many of the factors contributing to the overrepresentation of Indigenous youth in the justice system. In responding to the report

² Emeritus Professor David Brown, 'The Limited Benefit of Prison in Controlling Crime' *Current Issues in Criminal Justice*, 22(1), July 2010, p. 142.

³ Steering Committee for the Review of Government Service Provision 2011, *Overcoming Indigenous Disadvantage: Key Indicators 2011*, Productivity Commission, Canberra. (at 4.11)

⁴ [http://www.scag.gov.au/lawlink/SCAG/ll_scag.nsf/vwFiles/SCAG_Communique_21-22_July_2011_FINAL.pdf/\\$file/SCAG_Communique_21-22_July_2011_FINAL.pdf](http://www.scag.gov.au/lawlink/SCAG/ll_scag.nsf/vwFiles/SCAG_Communique_21-22_July_2011_FINAL.pdf/$file/SCAG_Communique_21-22_July_2011_FINAL.pdf)

the Australian Government has accepted (in whole, in part or in principle) all of the Report's recommendations. The Government's response sets out where action has already been taken against specific recommendations and provides an indication of how the Government will take action to pursue others.

All Australian governments must recognise that Indigenous incarceration is both a symptom and a cause of disadvantage and commit to making changes that respond accordingly. The Australian Government will work constructively with State and Territory Governments, and Aboriginal and Torres Strait Islander representatives and communities, to further investigate a range of recommendations in the report and to work together at reducing the over-representation of Indigenous juveniles and young people in the justice system.

RECOMMENDATIONS

RECOMMENDATION 1 – NATIONAL PARTNERSHIP AGREEMENT

The Committee recommends that the Commonwealth Government develop a National Partnership Agreement dedicated to the Safe Communities Building Block and present this to the Council of Australian Governments by December 2011 for inclusion in the Closing the Gap Strategy.

Accept in principle

The Australian Government is working towards a National Indigenous Safe Communities Strategy, which will be negotiated with State and Territory Governments. The Strategy will build on existing frameworks, through specific actions to increase community safety and reduced offending and victimisation within Indigenous communities.

Subject to agreement by the Council of Australian Governments (COAG), the Strategy will constitute an addendum to the National Indigenous Reform Agreement. The National Indigenous Reform Agreement provides that family and community safety will be addressed including through agreed measures developed under the *National Framework for Protecting Australia's Children*, under the response to *Time for Action: the National Council's Plan for Australia to Reduce Violence against Women and their Children*, or measures under the *National Indigenous Law and Justice Framework*.

Once the Strategy is in place, COAG will closely monitor its implementation and effectiveness. Based on this ongoing review, COAG will consider what additional action may be required, including consideration of whether a National Partnership Agreement might be necessary in the future.

RECOMMENDATION 2 – JUSTICE TARGETS

The Committee recommends that the Commonwealth Government endorse justice targets developed by the Standing Committee of Attorneys-General for inclusion in the Council of Australian Governments' Closing the Gap strategy. These targets should then be monitored and reported against.

Accept in principle

The Australian Government agrees that closely monitoring progress (including in diversion and rehabilitation initiatives) is necessary to support improvements in justice and

community safety outcomes. We will work in partnership with the States and Territories to ensure this occurs.

The Government notes that at the July 2011 meeting of the Standing Council on Law and Justice, Ministers agreed to significantly reduce the gap in Indigenous offending and victimisation and to ask First Ministers to refer to COAG the possible adoption of justice specific Closing the Gap targets⁵.

The Chair of the Standing Council on Law and Justice has written to the Prime Minister, as Chair of COAG, seeking COAG's consideration of possible justice specific *Closing the Gap* targets.

RECOMMENDATION 3 – POSITIVE SOCIAL NORMS

The Committee recommends the Commonwealth Government continue to fund holistic, intergovernmental services to Indigenous youth and their families and communities, such as Communities for Children Plus, and evaluate their effectiveness in strengthening positive social norms in communities and preventing Indigenous youth engagement with the criminal justice system.

Accept

The Australian Government agrees there is merit in funding holistic, intergovernmental services and will continue to work on a comprehensive program of reforms and co-ordination to ensure effective service delivery to Indigenous youth, their families and communities.

The Government is investing more than \$5.75 billion dollars over the next three years to build on reforms and investments already in place to boost education, health, family services and opportunities for economic participation and employment for Aboriginal and Torres Strait Islander peoples.

The simplified and strengthened Family Support Program which provides funding of \$490 million for Family and Children's services over three years from 2011-12 to 2013-14 aims to provide support for families, improve child wellbeing and safety and build more resilient communities. The Communities for Children component of this program is focused on prevention and early intervention services in disadvantaged communities including remote Indigenous communities in the West Pilbara and Katherine regions and regional communities such as Kempsey and Taree.

⁵ A copy of the Communiqué is available from the Standing Council website, www.scag.gov.au

Additionally, under the National Partnership on Youth Attainment and Transitions, the Government has committed \$286.8 million over four years to deliver Youth Connections, which provides individualised, case management support to young people at risk of disengaging from education. While a mainstream initiative, Youth Connections is active in geographical locations with high populations of Aboriginal and Torres Strait Islander young people and providers are required to deliver a percentage of Indigenous outcomes. Of the 113 Youth Connections service regions, 77 have a high population of Aboriginal and Torres Strait Islander peoples.

RECOMMENDATION 4 - MENTORS

The Committee recommends the Commonwealth Government support a national program to develop and provide local mentors for Indigenous youth at risk before, during and after custody.

Accept in principle

The Australian Government will continue to work with States and Territories to provide mentoring programs that support this recommendation.

The Australian Government notes the potential impact an effective national mentoring program could have on reducing the risk of Indigenous youth coming into adverse contact with the criminal justice system. The Government will work with States and Territories to identify what mentoring programs are already available and continue to support community driven approaches. Additionally, the Australian Government will consider the elements of successful mentoring programs and promote adoption of these elements in new and existing programs. These elements include recruitment and training of mentors (such as the Certificate IV in Mentoring Diverse Cultures run by the Tribal Warriors Association) and how the mentor's role is incorporated into broader programs.

Mentoring services are currently provided as an element of a range of existing programs, including support for the Clontarf Foundation through the Indigenous Justice Program, development of mentoring skills in past participants of the Indigenous Leadership Program, and a flexible peer mentoring program which runs for six to eight weeks with youth/mentor contact occurring two to three times a week is part of the Youth in Communities measure.

RECOMMENDATION 5 – SPORT AND RECREATION

The Committee recommends the Commonwealth Government:

- work with State and Territory Governments to support more sporting, music and other recreational activities for Indigenous children and youth outside of school hours, particularly in remote and regional areas
- encourage sporting bodies and sporting celebrities to become more involved in organising sporting engagement for Indigenous children and youth
- ensure continued funding for sports partnership programs and the provision of infrastructure and services to ensure sports participation by Indigenous youth, and
- investigate and address impediments to sports participation for Indigenous young men and women.

Accept in Principle

The Australian Government is continuing to work with State and Territory Governments on Indigenous sport and recreation programs to ensure they are meeting the sports and recreation needs of Indigenous communities.

The Government continues to support sports partnership programs aimed at Indigenous youth where it is considered that communities benefit from such arrangements and where there is value for the invested funding. Action in this area includes:

- funding for sport based programs that address crime prevention targets, through the Safer Suburbs Program
- grants through the Community Investment Program
- grants through the Indigenous Sport and Recreation Program
- grants through the Job Creation Program – Sport and Recreation
- funding together with State and Territory Governments to support a network of 50 Indigenous sport development officers across Australia
- funding for a Sports Demonstration Project which, in partnership with the Northern Territory Government, supports the coordinated delivery of five community-based sport projects in the Northern Territory
- projects developed through sports, where state and territory sporting organisations and local clubs work with Indigenous communities to provide sporting and development activities for young Indigenous people

- activities within the Youth in Communities program, which received funding of \$28.4 million over 2009-2012, and
- the Active After-school Communities Program, which provides free access to sport and structured physical activities to primary school aged children.

The Government believes sporting celebrities can play an important role as role models supporting participation in sport activities as well as reinforcing broader policy messages around education and healthy lifestyles. The Government's *Learn. Earn. Legend!* initiative, for example, encourages and supports young Indigenous Australians to stay at school, get that job and be a legend for themselves, their family and their community. There are currently five *Learn. Earn. Legend!* Ambassadors from a variety of sporting backgrounds. As part of the Ambassador role they help to engage young Indigenous Australians with education and employment by attending and speaking at career expos and youth leadership summits, participating in school to work transition programs such as the Titans for Tomorrow Year 12 Mentoring Program and the *Learn. Earn. Legend!* Work Experience with Government program, and actively promoting the benefits of staying at school, getting a job and being a leader.

The Government also held a Captains Forum recently, in partnership with the Sport Australia Hall of Fame and national sporting organisations. Captains and leading players from more than 30 sports gathered to consider their role as leaders and highlight how leadership on and off the field can be a key factor in making sport inclusive for all Australians, in particular Indigenous Australians. A particular focus of the forum was discussion of the *Learn. Earn. Legend!* Program which uses sporting role models to encourage Indigenous children to stay in school and work hard so they can go on to good jobs or further study.

Impediments to sport participation for young Indigenous men and women are currently addressed through a number of programs and initiatives including the Indigenous Sport and Recreation Program, the Active After-school Communities Program and the Elite Travel and Accommodation Assistance Program. These programs support community participation in sport and physical activity and provide opportunities for young Indigenous people, in particular, to enjoy the benefits from taking part in sport.

RECOMMENDATION 6 – IDENTIFICATION DOCUMENTS

The Committee recommends the Commonwealth Government:

- investigate options to make the birth registration process more culturally appropriate and accessible in Indigenous communities
- investigate how to raise awareness of the utility and value of the birth certificate document in Indigenous communities

- address reasons for the low rate of birth registrations in Indigenous communities and ensure that Indigenous health services and youth workers are actively working to ensure that births are registered and that all Indigenous children have a birth certificate, and
- liaise with State and Territory Governments to coordinate assistance to all youth to ensure they have access to their birth certificate and that this is not an impediment to them fully participating in community, travel, education, or employment opportunities.

Accept in principle

The Australian Government acknowledges the importance of all Australians having appropriate and accurate identification documentation. This issue is primarily the responsibility of States and Territories, through their relevant State and Territory Registries of Births Deaths and Marriages.

As a first step, the Attorney-General has written to relevant authorities to raise the matters of increased accessibility and awareness to address issues around identity documentation. The Government, through the Australian Bureau of Statistics (ABS), will continue to work directly with Registrars through regular meetings to discuss initiatives aimed at increasing Indigenous birth and death registrations, and possible improvements to the national collection of Indigenous births and deaths data.

This recommendation will also be pursued in alignment with the COAG National Indigenous Reform Agreement (NIRA) Data Quality Improvement measures (Schedule F of the NIRA). As part of these measures, ABS undertook a data quality assessment of Aboriginal and Torres Strait Islander birth registrations data and will work with Registrars to develop an implementation plan for the relevant recommendations. This work will begin at an ABS workshop with Registrars, scheduled for early 2012, and may have funding implications which the ABS would pursue through the NIRA.

RECOMMENDATION 7 - ACCOMMODATION

The Committee recommends that the Commonwealth Government commit to ensuring that there exists within all states and territories an expanded number and range of safe and gender-appropriate accommodation options for Indigenous children and youth. These options should include access to coordinated and holistic intensive care services. A housing or accommodation plan needs to have been identified for every youth leaving detention.

The Committee suggests that the range of appropriate accommodation options should include extended family houses, identified safe houses, hostel and school accommodation, foster and respite care, and emergency refuge accommodation.

Accept

The Government agrees that having safe, appropriate accommodation options for Indigenous youth at risk is essential in preventing them from coming into contact with the criminal justice system.

The Australian Government administers the Indigenous Youth Mobility Program which specifically supports Indigenous young people who wish to move away from home to gain the qualifications they need to have a greater chance of obtaining sustainable employment. This Program has supported many Indigenous trainees studying for careers in community services and the police force. The Government also funds a number of mainstream programs which reach Aboriginal and Torres Strait Islander peoples, including the Reconnect Program, the Home Program, and the National Homelessness Strategy Projects.

The Government also provides funding for boarding facilities in the Northern Territory as part of a model to improve educational engagement and completion in remote communities. Construction for 40 bed boarding facilities in Garrthalala in East Arnhem and the Wadeye Regional Boarding Facility are also well underway, with the Wadeye construction due for completion in December 2011.

The Government acknowledges the importance of care for young people transitioning to independence, including when exiting detention or the juvenile justice system. The National Standards for Out-of-Home Care is an initiative of the Australian Government and State and Territory Governments – and is one of 12 priority projects as part of the National Framework for Protecting Australia's Children 2009–2020. The National Standards will ensure that children and young people in out of home care receive appropriate, consistent, best practice care. Additionally, the Government administers the Transition to Independent Living Allowance Program which provides funding of up to \$1,500 to young people leaving care to assist with transitioning to independent living.

The Government will progress discussions with State and Territory Governments and the non-government sector to ensure Out of Home Care Standard 13 (Transition Care Plans), together with the implementation of the Aboriginal Child Placement Principle (ACPP), is met for youth exiting detention. A transition from care plan would include details of support to access affordable housing, health services, education and training, and employment and income support. This recommendation will also be pursued in the context of the Homelessness Action Plan.

Aboriginal Hostels Limited (AHL) provides services to Indigenous people seeking more permanent accommodation and at risk of, or already experiencing, homelessness. The Government will progress discussions with AHL about the enabling role that AHL accommodation might perform in supporting Indigenous young people being released from prison, including facilitating services that could help prevent offending or re-offending. State and Territory Governments have an important role in the design of any strategies where temporary accommodation is part of the intervention and will also be consulted.

The response to Recommendation 27 on accommodation options for young people held on remand contains further detail.

RECOMMENDATION 8 – ALCOHOL AND SUBSTANCE ABUSE

The Committee recommends that, in collaboration with State and Territory Governments, the Commonwealth Government increase funding for locally based alcohol, anti-smoking and substance abuse programs.

Accept in part

The Australian Government is committed to closing the gap in Indigenous health outcomes, including in relation to alcohol and drug misuse. In 2011-12 the Government is providing more than \$75 million to deliver and support Indigenous drug and alcohol treatment services across Australia under the Substance Misuse Service Delivery Grants Fund.

The majority of organisations funded by the Government provide direct service delivery across the spectrum of care from detoxification and sobering-up, to counselling and residential rehabilitation, through to transitional aftercare to support sustained recovery.

The Government has also made significant investment in enhancing the infrastructure of the drug and alcohol treatment sector in each jurisdiction. The capital works projects have included transitional aftercare facilities, new residential rehabilitation services, sobering up shelters, wellbeing centres and drug and alcohol day centres. The capital works projects are at various stages of development and consequently, communities are yet to experience the full impact of this investment.

In addition, the Government has committed \$20 million over three years towards Breaking the Cycle of Alcohol and Drug Abuse in Indigenous Communities. This funding will:

- assist Indigenous communities to work with government and non-government organisations to develop and implement alcohol and substance abuse management plans
- support community groups and non-profit organisations work at a local level in order to drive the alcohol and substance abuse management plans and support the community, and
- provide prevention programs to tackle youth substance abuse.

A number of other additional measures are in place through existing programs which aim to address alcohol and drug abuse in Indigenous communities, including through the Family Safety Agenda, the Petrol Sniffing Strategy, the Youth in Communities program, and the Kids in Focus – Family Drug Support initiative under the Family Support Program. Further, the Youth Connections program and Reducing Substance Abuse (petrol sniffing) programs are working together to support pilot programs, with funding provided by the Reducing Substance Abuse program.

As part of its \$25.2 million investment over three years under the Northern Territory Emergency Response (NTER), the Australian Government continues to work with the Northern Territory Government and the non-government sector on a range of strategies to reduce alcohol abuse and alcohol related harms, including through the development of alcohol management plans.

As part of the extensive community consultations on the *Stronger Futures in the Northern Territory* discussion paper, the Government has received a number of further proposals to reduce alcohol related harm. The Government is analysing the feedback provided along with other available evidence and expert advice, and is considering appropriate policy approaches for the future.

The Government is committed to reducing smoking rates amongst Aboriginal and Torres Strait Islander people and is delivering significant initiatives to do so. Tobacco smoking is responsible for one-fifth of the deaths of Aboriginal and Torres Strait Islander people and almost half of Aboriginal and Torres Strait Islander people smoke.

Under the COAG National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes, the Australian Government committed \$805.5 million over four years from 2009-10 for an Indigenous Chronic Disease Package. This package includes \$100.6 million over four years for a significant Tackling Smoking measure. This includes the rollout of Regional Tackling Smoking and Healthy Lifestyle Teams across 57 regions nationally, enhancements to Quitlines, training for health and community workers and the development of role models and champions. The Tackling Smoking workforce, which will consist of up to 175 health promotion workers working on tobacco control by June 2013, will work with communities to develop regional and local approaches to reducing smoking rates, including social marketing campaigns and community events and health information sessions to promote quitting among smokers and prevent the uptake of smoking among young people.

In a separate \$37.5 million companion measure under the National Partnership, two Healthy Lifestyle Workers will be employed in each of the same 57 regions, in teams with tobacco workers, to help improve lifestyles, targeting nutrition and physical activity in Indigenous communities.

In March 2008, the Government launched the \$14.5 million Indigenous Tobacco Control Initiative. A total of 18 organisations around Australia are trialling innovative approaches to smoking prevention and cessation among Aboriginal and Torres Strait Islander communities. Evaluations of these projects will further build the evidence base for the Tackling Smoking measure of the COAG Indigenous Health National Partnership Agreement.

RECOMMENDATION 9 – FOETAL ALCOHOL SPECTRUM DISORDER

The Committee recommends that the Commonwealth Government urgently addresses the high incidence of Foetal Alcohol Spectrum Disorder in Indigenous communities by:

- developing and implementing Foetal Alcohol Spectrum Disorder diagnostic tools and therapies, with a focus on working in partnership with Indigenous health organisations in remote and regional Australia where there is a recognised prevalence of the disorders, and
- recognising Foetal Alcohol Spectrum Disorder as a registered disability and as a condition eligible for support services in the health and education systems.

The Committee further considers that a comprehensive inquiry into Foetal Alcohol Spectrum Disorder prevalence, diagnosis, intervention and prevention is required and recommends that the Minister for Health and Ageing refer the inquiry to the House of Representatives Standing Committee on Social Policy and Legal Affairs.

Accept in part

The Australian Government is committed to addressing Foetal Alcohol Spectrum Disorder (FASD) in Aboriginal and Torres Strait Islander communities, through both whole of population and targeted approaches. Since 2010, the Government has made new investments of \$3.2 million in this area, including the following targeted investments:

- \$1.7 million for the first study of FASD in an Aboriginal and Torres Strait Islander community. *Marulu: The Lililwan Project* was initiated by the Fitzroy Valley community in the Kimberley region and is a collaboration between the George Institute for Global Health, the University of Sydney Medical School, the Nindilingarri Cultural Health Service and the Marninwarntikura Women's Resource Centre. The Project will determine the prevalence of FASD in children (born 2002-2003) in the Fitzroy Valley and facilitate treatment for those diagnosed with FASD. Screening, diagnosis and management strategies may be used more widely by other communities and governments, and
- \$698,956 for the National Drug Research Institute to develop culturally appropriate communication resources on FASD. These resources will assist health professionals in Aboriginal and Torres Strait health care settings, and the alcohol and other drug workforce, to address the issues of alcohol, pregnancy and FASD with Aboriginal and Torres Strait Islander women. It is expected that they will provide a platform for further development of targeted FASD materials for specific at risk communities.

New investments also include: the development and dissemination of brochures and posters highlighting the 2009 Australian Alcohol Guidelines (National Health and Medical Research Council) message that for women who are pregnant or breastfeeding, not drinking is the safest option; the development of screening tools for alcohol use during pregnancy; the development of a FASD diagnostic instrument to assist clinicians; and an Australian Institute of Health and Welfare scoping study on ways to improve FASD related data collection and reporting.

In addition, the Government has invited the House of Representatives Standing Committee on Social Policy and Legal Affairs to develop terms of reference for an inquiry into FASD, noting the importance of a whole of population approach.

The Government does not currently propose to recognise FASD as a registered disability. Access to specialist disability services is currently based on functional needs rather than diagnosis. However, many sufferers of FASD would meet the criteria for eligibility for support services on the basis of functional needs. Support for people with FASD, and their carers, is available through a range of specialist disability services, which are provided by State and Territory Governments under the National Disability Agreement. From 2009-2015, the Government is providing approximately \$7.6 billion to State and Territory Governments for increased and improved specialist disability services under the Agreement. People with FASD who require ongoing self care, mobility or communication support may be eligible for support from these specialist disability support services. Carers of people with FASD may be eligible for financial assistance through Carer Allowance or Carer Payment.

Moreover, in December 2010 all Australian governments agreed to trial a national model for identifying school students with disability who are provided with additional educational support. This will enable transparent and nationally comparable data to be collected about students with disability, including learning disabilities, to inform future planning. Recommendations will be made to education ministers on options for future implementation following the trial.

RECOMMENDATION 10 – MENTAL HEALTH

The Committee recommends the Commonwealth Government recognise mental health as a significant issue affecting Indigenous youth and collaborate with the states and territories to direct funding where possible to successful Indigenous (community developed and led programs with a focus on healing, culture, emotional wellbeing and reconnection with family.

Accept

The Australian Government remains concerned that the burden of mental illness and suicide rates continues to be higher in Aboriginal and Torres Strait Islander Communities than in the general community.

The Government has made mental health a priority and outlined a vision for mental health reform, with investment totalling \$2.2 billion over the next five years – including \$1.5 billion in new measures. The reforms will be focused on improving the lives of thousands of Australians including Aboriginal and Torres Strait Islanders affected by mental illness. At the August 2011 meeting of the Council of Australian Governments (COAG), all governments

“agreed to commence work on a Ten Year Roadmap for Mental Health Reform (the Roadmap) that will set out the vision, priorities, and main steps in achieving this vision”. The Commonwealth is working closely with states and territories on the development of the Roadmap, for consideration by COAG before the end of 2011.

As part of the mental health reforms, the 2011 Budget provided \$205.9 million over five years to double the capacity of the Access to Psychological Services (ATAPS) program to reach hard-to-reach population groups. This will support an additional 184,000 people, including around 18,000 additional Indigenous Australians.

In the Government’s 2010 response to the Senate Inquiry Report *The Hidden Toll: Suicide in Australia*, it committed to developing Australia’s first Indigenous specific suicide prevention strategy and work has commenced on this. An Indigenous Suicide Prevention Advisory Group has been established to guide the development of the strategy and to inform future Government investment in Indigenous suicide prevention activities, including the \$6 million allocated through the Taking Action to Tackle Suicide package, to support new community based projects specifically targeted at those Aboriginal and Torres Strait Islander peoples who are at high risk of suicide.

In addition, through the Commonwealth, State and Territory National Suicide Prevention Working Group, the Commonwealth is working with State and Territory Governments to improve the national alignment of suicide prevention priorities and activities for Indigenous communities, as well as for the population as a whole.

Underpinning much of the activity in suicide prevention is the Living Is For Everyone (LIFE) Framework, which was endorsed by the Australian Health Ministers Conference as an agreed national framework for suicide prevention. The LIFE framework includes a set of binding principles, actions and goals. This is an important step in aligning efforts in suicide prevention. The six action areas cover a continuum of activities from universal intervention to selective and indicated intervention, and from symptom identification, early intervention through to ongoing care and support.

The *Mental Health Services in Rural and Remote Areas* (MHSRRA) Program provides funding for allied and nursing mental health professionals where access to Medicare Benefits Schedule subsidised mental health services is low in rural and remote Australia. Under the MHSRRA Program, in the first three and a half years of service delivery (1 July 2007 to 31 December 2010), more than 140,000 services have been provided to more than 40,000 clients by over 114 Full Time Equivalent allied and nursing mental health professionals such as social workers, psychologists, occupational therapists, mental health nurses, Aboriginal health workers and Aboriginal mental health workers.

The Social and Emotional Wellbeing Program announced in the 2011 Budget consolidates existing counselling, family tracing and reunion support in a flexible package of service delivery supplemented by national coordination and support. Ongoing support, counselling, family tracing and reunion services will be provided to members of the Stolen Generations,

through the existing network of Link Up services and Social and Emotional Wellbeing services across Australia.

An Indigenous Mental Health Advisory Group is currently being established to advise the Department of Health and Ageing on strategic and practical ways to improve the mental health and social and emotional wellbeing of Aboriginal and Torres Strait Islander peoples, in the context of the Government's mental health reform agenda.

A number of programs in place focus on healing strategies for Indigenous Australians, some of which are run or supported by Indigenous organisations. These include the National Suicide Prevention Program, the Improving Access to Primary Mental Health Care Services measure, the *Mental Health: Taking Action to Tackle Suicide* package, the StandBy Bereavement Response Service and the Wesley Mission Community Networks project. Work is also being undertaken through the National Youth Affairs Research Scheme, the Butterfly Foundation and a series of educational resources to promote positive body image among young people, including Indigenous young people.

In addition, the Australian Youth Forum has conducted a number of discussions related directly to this recommendation on mental health, cyber safety, disability care and support, violence, binge drinking, body image, bullying and human rights, gambling, job relocation and marriage equality.

RECOMMENDATION 11 – HEARING TESTS

The Committee recommends that the Commonwealth Government provide all Indigenous children starting pre-school with comprehensive hearing tests with appropriate follow-up support when required.

The Committee further recommends that all Indigenous children between kindergarten and Year 2 be tested as an urgent priority due to the high incidence and impacts of hearing impairments amongst Indigenous children, particularly in rural and remote areas.

Accept in part

The Australian Government recognises that hearing loss is a significant issue for young Indigenous Australians. The matter of hearing screening services is primarily a responsibility of State and Territory Governments. The Government is working with States and Territories to identify further opportunities for national collaboration that will assist jurisdictions to improve identification and remediation of hearing loss.

The Australian Government also contributes to hearing assessment for two items on the Medical Benefits Schedule. These are:

- the Health Assessment for Aboriginal and Torres Strait Islander People which is available annually for all Indigenous people, and
- the Healthy Kids Check which is available to children over the age of 3 and under 5 years of age.

A similar recommendation was made in the Senate Inquiry Report, *Hear Us: Inquiry into Hearing Health in Australia*. The Government's response to the Senate Inquiry outlined a range of existing initiatives that the Australian Government contributes to, to assist States and Territories to develop appropriate hearing screening services in their jurisdictions. The response can be accessed at www.health.gov.au/internet/main/publishing.nsf/Content/health-hear-senateinquiry.

The Government has commenced work to progress the outcomes from the Report with States and Territories, which will contribute to the achievement of this recommendation.

The ear health component of the 2009 *Improving Eye and Ear Health Services for Indigenous Australians for Better Education and Employment Outcomes* measure is further building the capacity of the primary health care system, including Aboriginal Medical Services, to provide screening audiometry through the delivery of equipment and accredited ear and hearing training.

Additionally, the Government is considering issues around hearing health through the Ministerial Council for Education, Early Childhood Development and Youth Affairs. A cross-portfolio and cross jurisdictional focus on Otitis Media (hearing issues) is being developed in that context, under the Aboriginal and Torres Strait Islander Education Action Plan 2010-2014.

For all children who have been identified as hearing impaired through screening, free comprehensive hearing assessments (to identify the type and nature of the hearing loss), hearing rehabilitation services and the fitting of hearing devices (where indicated) are available from Australian Hearing (the Australian Government service provider). The Department of Health and Ageing funds Australian Hearing to provide free services to all children and young people up to 21 years old (up to 26 years old from 1 January 2012) under the Australian Government Hearing Services Program.

RECOMMENDATION 12 – SOUND AMPLIFICATION SYSTEMS

The Committee recommends that the Commonwealth Government allocate funding for sound amplification systems in schools with high Indigenous enrolments throughout Australia, with urgent attention to schools in remote areas.

Accept in principle

The Australian Government recognises the need for sound amplification systems as a key response to assisting individuals who experience hearing loss.

As noted in the Government response to a similar recommendation in the Senate Committee Inquiry Report *Hear Us: Inquiry into Hearing Health in Australia*, the primary responsibility for supplying and maintaining field amplification systems in schools rests with States and Territories and the relevant education providers. The Government response outlines a range of initiatives that the Commonwealth currently supports to assist States and Territories in implementing sound amplification systems. The response can be accessed at www.health.gov.au/internet/main/publishing.nsf/Content/health-hear-senateinquiry.

The Government will also pursue this issue through the Ministerial Council for Education, Early Childhood Development and Youth Affairs (MCEECDYA). Officials supporting MCEECDYA, Health Ministers and Community and Disability Services Ministers are developing a cross-portfolio and cross jurisdictional focus on Otitis Media (hearing issues) under the Aboriginal and Torres Strait Islander Education Action Plan 2010-2014. Aboriginal and Torres Strait Islander stakeholders are being consulted in the development of implementation strategies.

RECOMMENDATION 13 – POLICE TRAINING TO IDENTIFY HEARING LOSS

The Committee recommends that the Attorney-General take to the Ministerial Council for Police and Emergency Management – Police (MCPEMP) at its second meeting in 2011, a proposed program of training for police to better identify and respond to individuals with hearing loss, particularly in Indigenous communities.

Accept

The Australian Government considers that training of police to identify hearing loss should be incorporated as part of a suite of training for all police officers and particularly officers working with Indigenous people. The Australian Government will work on initiatives to improve police training through the Standing Council of Police and Emergency Management. Australian Government action with respect to police training is considered further under the response to Recommendation 23.

RECOMMENDATION 14 – PRE-NATAL AND ANTE-NATAL SUPPORT

The Committee recommends the Commonwealth Government work with State and Territory Governments to coordinate greater capacity for Indigenous health services to provide further programs to support:

- sexual and reproductive health counselling and services
- pre and ante-natal care and advice for teenage parents
- parenting skills information and assistance
- alcohol risk awareness during pregnancy, and
- support for pregnant women with alcohol dependency or other substance abuse.

Accept

The Australian Government is building greater capacity in Indigenous health services to provide pre-natal and ante-natal support services to Indigenous Australians. The Government is already working with State and Territory Governments under the COAG Indigenous Early Childhood Development National Partnership through which the Commonwealth has allocated \$564 million over six years.

The Australian Government is also working closely with State and Territory Governments to implement the National Maternity Services Plan, which was endorsed by all Health Ministers on 12 November 2010. The Plan commits all governments to maintaining Australia's high standard of safety and quality in maternity care, while seeking to improve access to services and choice in models of care. While not specifically directed at Indigenous Australians, the Plan pays particular attention to meeting the needs of women and their families living in rural and remote areas as well as improving birth outcomes for Aboriginal and Torres Strait Islander people across the ante-natal, intra-partum and six-week post-natal periods. State and Territory Governments will report to their Health Ministers on their progress in implementing the Plan over the next five years. The Plan can be accessed at www.health.gov.au/internet/main/publishing.nsf/Content/maternityservicesplan.

In addition, alcohol risk awareness during pregnancy is addressed by Government initiatives which aim to prevent foetal alcohol spectrum disorders, outlined in the response to Recommendation 9.

RECOMMENDATION 15 - HEALTH

The Committee recommends that the Commonwealth Government, in collaboration with State and Territory Governments, ensure all Indigenous youth who enter the criminal justice system are provided with:

- comprehensive health screening, including for Foetal Alcohol Spectrum Disorders
- access to intensive holistic intervention programs which involve family, mentors and Indigenous leaders and include support for mental health, hearing loss and drug and alcohol reform, and

- access to wellbeing programs which involve families and Indigenous leaders, address underlying issues of trauma, low self-esteem and build resilience and the capacity for positive social and workplace engagement.

The Committee recommends that emotional, social and cultural programs should span the length of a youth's time in detention, and continue after release.

Accept in principle

The Australian Government supports the development of wellbeing programs that involve young people and their communities in addressing underlying health and wellbeing issues and building resilience and greater positive engagement with community. The recommended actions are primarily the responsibility of State and Territory Governments. As State and Territory Governments are responsible for the provision of primary health care for people in the criminal justice system, the Australian Government will work with relevant State and Territory agencies to improve the linkages between Commonwealth funded programs and State and Territory initiatives that will complement each other in achieving improved health outcomes.

The Australian Government administers a number of programs that support health and wellbeing, including through building self confidence, building of resilience and healing of trauma. The programs include Indigenous Leadership Programs, programs which support Aboriginal and Torres Strait Islander arts, culture and language, and the Indigenous Employment Initiative. The Government also provides funding for the Aboriginal and Torres Strait Islander Healing Foundation to support community based healing initiatives.

RECOMMENDATION 16 – SCHOOL AND COMMUNITY RELATIONSHIPS

The Committee recommends that the Minister for Education work through the Ministerial Council on Education, Employment, Training and Youth Affairs assist schools throughout Australia to deliver better education outcomes for Indigenous students and to foster more connected and positive relationships with their local Indigenous community. The Committee considers that as a minimum schools should be incorporating a range of the following activities within the school:

- hang or fly an Aboriginal Flag and the Torres Strait Islander flag alongside the Australian flag within the school grounds
- learn about Indigenous sites of significance in the local area
- incorporate an acknowledgment of country at the start of significant events as well as at school assemblies
- commission local Indigenous artists to paint a mural, or build or create sculptures within the school grounds

- use local Indigenous languages names for school classrooms or sporting houses/teams
- build an Indigenous garden and invite those with bush tucker knowledge to be involved
- celebrate Mabo day, NAIDOC week, Reconciliation week and Harmony day
- engage Indigenous school mentors for schools with high Indigenous populations, and/or
- engage the local Indigenous community to teach language and culture afterschool and provide extra curricula activities.

Accept in principle

The Australian Government recognises the central importance of building better linkages between schools and communities. The Government has close to doubled the amount of funding provided for school education to \$65.6 billion over the current funding period. State and Territory governments and non-government education authorities have significant flexibility under funding arrangements to determine how funds are used, including the implementation of agreed reform directions to support schools working with their local community.

Through the *Aboriginal and Torres Strait Islander Education Action Plan*, all governments have committed to apply available funding to improve the outcomes of Aboriginal and Torres Strait Islander students through six agreed priority domains. School and community relationships are a critical activity in the Engagement and Connections domain.

The Australian Government's *Parental and Community Engagement* program funds community-initiated projects to encourage and empower parents to play an active role in their child's education. Approximately \$20 million in funding is budgeted annually for such projects.

Existing Australian Government programs which provide supplementary targeted funding to schools, such as the Smarter Schools National Partnerships and recently announced \$30 million Next Steps initiative, emphasise the importance of schools working with their local communities to jointly agree on priorities for new funding.

Additionally, under the National Partnership on Youth Attainment and Transitions, the Government has committed \$182.9 million over four years to deliver the Schools Business Community Partnership Brokers (Partnership Brokers) Program. Based on the whole-of-community principle that better education outcomes for young people are a collective responsibility, Partnership Brokers build partnerships between schools and training organisations, community organisations, business and industry and parents and families. While this is a mainstream initiative with no Indigenous-specific requirements, as at April 2011 about 1 in 6 of approximately 2,000 partnerships have an Indigenous focus.

RECOMMENDATION 17 – SCHOOL ATTENDANCE DATA

The Committee recommends that the Minister of Education immediately conduct a review into how daily school attendance and retention rates are measured to ensure that data collected can accurately inform strategies to increase attendance and retention rates and monitor progress in these areas.

Accept

The Australian Government is leading work in reviewing the measurement of school attendance and retention rates with the aim of improving rates of retention and attendance.

The Australian Government is working with States and Territories and all school sectors to review and improve the quality and consistency of data on school attendance and retention through the Australian Curriculum, Assessment and Reporting Authority (ACARA) led School Attendance Data Working Group. Much work has been done on comparing methodology, scope and definitions and clarifying which of the points of difference are material (in that they render the data genuinely incomparable) and which are immaterial (in that all members agree they do not affect the data comparability at the levels of current reporting). Ways to resolve differences are under discussion and timelines for remediation are being developed.

There are a number of limitations in assessing and measuring data nationally. The Government will continue the valuable work currently underway to address these limitations and ensure usefulness, comparability and quality of data collected.

RECOMMENDATION 18 – SCHOOL ATTENDANCE INCENTIVE PROGRAMS

The Committee recommends that the Commonwealth Government commit to the provision of funds and administrative assistance to establish and expand across Indigenous communities the number of school attendance incentive programs (such as breakfast and lunch programs, and sporting and cultural activities during and after school).

Accept in principle

The Australian Government recognises that it is critical to improve the school attendance of Indigenous students in order to address entrenched Indigenous disadvantage.

While the implementation of local incentive programs is at the discretion of State and Territory education providers and schools, the Australian Government funds a number of school attendance incentive initiatives. Under the Low Socio-economic Status School Communities National Partnership, \$1.5 billion (over seven years from 2008-09 to 2014-15)

has been provided to States and Territories to support student learning needs and engagement, including attendance. While not specific to Indigenous communities, the types of activities supported include breakfast clubs, cultural activities, attendance and mobility officers, sporting activities, community engagement, flexible school hours and homework centres.

The Parental and Community Engagement (PaCE) Program is a similar community driven program for parents and carers of Aboriginal and Torres Strait Islander children and young people that assists in engaging families and communities in their children's education. The *Sporting Chance* and *Learn. Earn. Legend! Programs* are other initiatives that use sport and recreation as a vehicle to increase the level of engagement of Aboriginal and Torres Strait Islander students in their schooling to improve their education, training and employment opportunities. The Next Steps initiative provides resources to support the improvement of attendance, engagement and achievement in approximately 100 participating Focus Schools. These programs have been implemented with providers working together with schools, education authorities, sporting bodies, businesses and community groups.

Further, funding of up to \$450,000 has been committed from the Ministerial Council for Education, Early Childhood Development and Youth Affairs National Project Funds to support the development of an evidence base of effective attendance strategies for Aboriginal and Torres Strait Islander students.

The Australian Government also recently announced, in October 2011, an extension of the trial of the Improving School Enrolment and Attendance through Welfare Reform Measure (SEAM) currently being conducted in six Northern Territory communities and in selected Queensland locations. The SEAM trial is part of the broader Welfare Payments Reform initiative rolled out nationally.

RECOMMENDATION 19 – TEACHER DEVELOPMENT

The Committee recommends that the Minister for Education work with the Ministerial Council on Education, Employment, Training and Youth Affairs develop a comprehensive and mandatory teachers' professional development program that:

- provides specialist training on teaching Indigenous children, and where necessary the teaching of English as a second language (ESL)
- recognises poor English language skills and health and hearing issues which may impact on learning
- gives teachers a competency in cultural knowledge and sensitivity to assist in working with Indigenous communities and families
- can be adapted to reflect local Indigenous community needs and culture, and
- trains the teachers to set and achieve high expectations for Indigenous students.

The Committee also recommends that a portion of the 2011-12 Budget funds allocated to reward top performing teachers is directed towards the formal recognition of outstanding

performance in the teaching of Indigenous students, where real outcomes in progress can be demonstrated.

Accept

The Australian Government is pursuing a comprehensive national teacher training approach through the Aboriginal and Torres Strait Islander Education Action Plan 2010-14⁶. The Plan identifies national, systemic and local level action in six priority domains that evidence shows will contribute to improved outcomes in Aboriginal and Torres Strait Islander education. One of the six domains targets action in Leadership, Quality Teaching and Workforce Development. Actions in this domain include better pre-service and in-service training for teachers on successful strategies for the teaching of Aboriginal and Torres Strait Islander students. The domain also includes specific requirements in National Professional Standards for Teachers and the development of a National Aboriginal and Torres Strait Islander Educator Workforce Strategy.

A number of initiatives are in place under the Plan to support ongoing training and development of teachers of Aboriginal and Torres Strait Islander students. In June 2011, \$5 million was announced for Teach Remote, a collaborative initiative between the Australian Government and the National Alliance for Remote Indigenous Schools (NARIS) which has an overall aim to build a high status, high quality, committed and competent workforce in remote Indigenous communities across Australia. This is the first time that a partnership of this nature dedicated to improving the education and life outcomes of students in remote locations in Australia has been formed. Funding has also been provided to complement the Plan through the More Aboriginal and Torres Strait Islander Teachers initiative, as well as a measure to ensure teachers receive training on strategies that support the learning of Aboriginal and Torres Strait Islander students as set out in new National Professional Standards for Teachers. Through a separate suite of school improvement measures, the Australian Government is supporting the Rewards for Great Teachers program.

RECOMMENDATION 20 - APPRENTICESHIPS

The Committee recommends that the Department of Education, Employment and Workplace Relations provide greater assistance and incentives to increase the uptake of Indigenous apprentices through:

- providing specific financial incentives for employers to take on Indigenous apprentices

⁶ A copy of the Plan is available at http://www.mceecdya.edu.au/verve/_resources/A10-0945_IEAP_web_version_final2.pdf

- including Indigeneity as one of the eligibility criteria for the Australian Apprenticeship Access Program, and
- ensuring that the Australian Apprenticeship Access Program contract providers are able to demonstrate the ability to provide culturally appropriate support and successful outcomes for Indigenous job seekers.

Accept in principle

The Australian Government supports increased assistance and incentives to assist Aboriginal and Torres Strait Islander peoples to take up apprenticeships.

In its recent report, the *Apprenticeships for the 21st Century* Expert Panel recommended that additional support be provided to apprentices who face challenges to participation. As part of the Government's initial response to the Panel's recommendations, an Apprenticeship Reform Package was announced which included a commitment of \$101 million for an Australian Apprenticeships Mentoring Package to provide targeted mentoring and assistance to Australian Apprentices, including Indigenous Australians. A formal Government response to the Expert Panel's recommendations is expected by the end of 2011.

As part of the Apprenticeship Reform Package, the Government has received submissions and undertaken broad consultations with stakeholders on future reform options for the Australian Apprenticeships system. The Australian Youth Forum consulted with approximately 230 young people, of which approximately 3 percent identified as Aboriginal and Torres Strait Islander people, on the Australian Apprenticeship Reform discussion paper. The Australian Youth Forum has provided a submission to the Government which will be considered in any further work in this area.

A number of additional initiatives are in place to provide support and assistance to apprentices. Currently, eligible Indigenous clients can participate in the Australian Apprenticeship Access Program, which provides vulnerable job seekers who experience barriers to entering skilled employment with nationally recognised pre-vocational training, tailored support and assistance. The Aboriginal and Torres Strait Islander Education Action Plan further commits secondary schools to provide pathways and improved access to school-based accredited training, including traineeships and apprenticeships, for Aboriginal and Torres Strait Islander students in Years 10-12. The Indigenous Youth Career Pathways Program will support 6400 Indigenous school-based traineeships over four years, starting in 2012, including mentoring and case management of students from year 7 onwards to help them move into a traineeship or other employment opportunities. The Indigenous Youth Mobility Program provides accommodation and other support for young people from remote and regional areas to access apprenticeships in any of 16 major centres nationally.

RECOMMENDATION 21 – DRIVER LICENCES

The Committee recommends that the Minister for Infrastructure and Transport, in partnership with relevant State and Territory Governments, establish:

- specific learner driver resources in multiple media formats that appropriately meet language and literacy needs of local Indigenous communities, and
- a remote and regional learner driver licensing scheme to assist people in remote and regional areas to obtain learner and provisional licences.

Accept in principle

Primary responsibility for actions addressing Indigenous needs in the areas of driver licensing, development and education rests with State and Territory Governments. The Australian Government is working with all jurisdictions through the National Road Safety Strategy 2011-2020 (NRSS), released in May 2011, to improve road safety and policy more generally.

The NRSS includes an action item for the first three years that seeks to implement programs addressing the road safety needs of Indigenous communities and disadvantaged groups. Action under the NRSS includes aspects similar to those proposed in the recommendation including:

- implementing programs to increase opportunities for driving practice for disadvantaged learner drivers, particularly in Indigenous communities, and
- implementing locally relevant, and culturally and linguistically appropriate, Indigenous community education campaigns that promote key road safety messages.

The NRSS provides a mechanism for facilitating cooperative arrangements to achieve agreed national objectives, and the Australian Government has a role in encouraging such cooperation.

RECOMMENDATION 22 – DEFENCE FORCE RECRUITMENT

The Committee recommends that the Australian Defence Force:

- include in its training material an acknowledgement of the important contribution Indigenous people have made to the Australian Defence Force in past wars. All staff currently employed by the Australian Defence Force should be made aware of this contribution

- review its recruitment material to ensure it provides strong encouragement for Indigenous people to join, with particular reference to existing role models, for example NorForce
- consider new and innovative strategies for raising its profile with Indigenous people and for recruiting both reserves and permanent members from remote, regional and metropolitan Indigenous communities
- offer work experience for older students in the defence force, and
- increase the provision of school based apprenticeships throughout Australia and target apprenticeships to Indigenous youth in regional and remote areas.

Accept in part

The Australian Government is committed to increasing the number of Indigenous Australians who enquire about and enlist in Australian Defence Force (ADF) careers through the Defence White Paper 2009.

The ADF has already undertaken significant work to increase Indigenous employment. Some of the key ways in which this is being undertaken include initiatives which aim to foster Indigenous participation and potential in Defence and observe the contributions of Indigenous Australians to the ADF, such as the Defence Reconciliation Action Plan 2010-14 and the Indigenous microsite available on the Defence Force Recruiting website.

A number of employment and development strategies are also in place, including:

- specific recruitment for NORFORCE and development opportunities which support NORFORCE members in becoming role models
- the ADF Indigenous Employment Strategy which includes ADF Indigenous Community Engagement and Indigenous Recruiting Officers
- development and pre-recruitment courses for Indigenous Australians from remote, regional and metropolitan areas
- the Defence Indigenous Development Program, and
- the Indigenous Pre-Recruitment Course.

A range of programs not specifically targeted towards Indigenous Australians also go some way towards encouraging Indigenous involvement in the Australian Defence Force, such as the Defence Work Experience Program, the Defence Experience Tours and Defence 2020, which are available to the ADF's primary recruiting pool of 17-26 year olds, the Army Reserve Training Apprenticeship Scheme, and the Defence Technical Scholarship Program. Defence Apprenticeship schemes are not suited to the structure of school based apprenticeship programs.

The ADF has a scheme of training programs ranging from mandatory annual training to physical training of new recruits. Defence will include reference to the contribution Indigenous people have made to the ADF in the past where appropriate. This is currently done as a matter of routine through public statements and media releases in relation to Defence's Indigenous programs. Defence recognises Indigenous participation in the ADF annually through a memorial service conducted in NAIDOC week. The Australian Government strongly supports a greater acknowledgement of the important contribution Indigenous people have made to the Australian Defence Force in past wars. In this context, the Minister for Defence in September this year approved a grant of \$300,000 to the National Centre for Indigenous Studies to support a research project into the contribution Indigenous Australians have made to the Military. This research aims to capture and document, amongst other things, the oral and family history not recorded elsewhere. The products of this research funding will be made widely available to ensure that Defence members and all Australians have a valuable documented resource to call on to further their understanding and acknowledgement of the contribution that Indigenous people have made to the ADF.

RECOMMENDATION 23 – POLICE TRAINING AND INDIGENOUS EMPLOYMENT

The Committee recommends that the Commonwealth Government work with the Ministerial Council for the Administration of Justice to address the following priorities at its next meeting:

- The development of a national framework for the provision of comprehensive Indigenous cultural awareness training for all police employees that:
 - Promotes better understanding and relations between police and Indigenous communities
 - Addresses the specific circumstances of Indigenous youth over-representation in police contact, and
 - Outlines the diversionary options that are available, and the positive impact that diversion can have.
- An expanded national network of Indigenous Liaison Officers, with facilities to share information and knowledge across jurisdictions, and
- Incentives to increase the employment of Indigenous police men and women and opportunities for mentoring and police work experience for Indigenous students.

Accept

The Australian Government will work with State and Territory Governments, which have primary responsibility for the training and recruiting of police, through the Standing Committee of Police and Emergency Management to ensure that police receive an

appropriate suite of training for working with Aboriginal and Torres Strait Islander people covering:

- general cultural awareness and capability, including use of interpreters when needed
- local cultural awareness for officers deployed to locations with significant Indigenous populations
- working with people with hearing loss, and
- working with people with cognitive impairment and mental health issues.

The Australian Government will also pursue with State and Territory Governments ways to increase the recruitment and retention of Indigenous Australians in the police force as both sworn officers and non sworn police staff, noting that many States and Territories already have significant Indigenous police recruitment initiatives in place.

These actions will be informed by work already undertaken and underway, including the Community Policing Model (Indigenous Communities) produced by the Australia New Zealand Police Advisory Agency, changes implemented in the Northern Territory in response to the *Independent Review of Policing in Remote Indigenous Communities in the Northern Territory* such as the trial of Sworn Community Engagement Police Officers currently in place in eight Indigenous communities in the NT, funded by the Australian Government and the Indigenous Police Recruitment Our Way (IPROWD) Program, which is run in partnership with NSW Police. This year IPROWD will train and prepare 180 Indigenous Australians across NSW to become Police or Aboriginal Community Liaison Officers.

RECOMMENDATION 24 – COURT INTERPRETER SERVICE AND HEARING ASSISTANCE

The Committee recommends that the Attorney-General present to the Standing Committee of Attorneys-General a revision of criminal justice guidelines to include formal recognition of the requirement to ascertain the need for an interpreter service or hearing assistance when dealing with Indigenous Australians.

Accept

The development and implementation of guidelines and protocols governing the operation of various aspects of the criminal justice system (including police, courts and corrections) is the responsibility of each jurisdiction.

The Australian Government has included the *Doing Time* report as an agenda item at the November 2011 meeting of the Standing Council on Law and Justice. This recommendation will be raised under that agenda item and the Australian Government will suggest that jurisdictions agree to include formal recognition of the requirement to ascertain the need for an interpreter service or hearing assistance in existing guidelines.

This recommendation is addressed in part for corrections through the *Standard Guidelines for Corrections in Australia* which includes the provision that prisoners should be appropriately managed according to their individual needs in regard to health, any intellectual disability, cultural or linguistic issues. The *Standard Guidelines for Corrections in Australia* provides outcomes or goals to be achieved by correctional services, rather than a set of absolute standards or laws to be enforced. State and Territory Governments need to ensure that any guidelines specific to their jurisdiction meet the provisions of the Standard Guidelines.

The Government notes that formal recognition of the need for interpreters in courts and tribunals should occur for all Australians, including Indigenous Australians, speakers of multicultural languages and people with a hearing disability.

RECOMMENDATION 25 – NATIONAL INTERPRETER SERVICE

The Committee recommends that the Commonwealth Attorney-General's Department, in partnership with State and Territory Governments, establish and fund a national Indigenous interpreter service that includes a dedicated criminal justice resource and is suitably resourced to service remote areas.

The Committee recommends that initial services are introduced in targeted areas of need by 2012 with full services nationwide by 2015.

Accept in principle

The Australian Government recognises that Indigenous people who require assistance communicating in English with service providers, the police and courts should have access to an interpreter so they can understand and be understood. State and Territory Governments are responsible for key elements of the justice system including police, courts, corrective services and juvenile justice, as well as many other areas of service delivery including parts of the health system. State and Territory Governments have responsibility for ensuring interpreting services are available to clients of their services. The need for, and current state of development of, Indigenous interpreting services varies significantly across States and Territories.

COAG has agreed under the National Partnership Agreement on Remote Service Delivery that the Commonwealth should develop a national framework, working with the States and the Northern Territory, for the effective supply and use of Indigenous language interpreters. Work is continuing on the development of the National Framework. A coordinated and long term approach will be needed to improve Indigenous interpreting in Australia.

Through the National Partnership Agreement on Remote Service Delivery the Commonwealth and State and Territory governments have committed \$38.6 million for Indigenous interpreting and translation services. The Australian Government has also

provided significant levels of funding for some years to build the capacity of the Northern Territory Aboriginal Interpreting Services, including in court interpreting. Australian Government agencies also pay for Indigenous interpreting services on a fee for service basis.

RECOMMENDATION 26 – LEGAL SERVICES FUNDING

The Committee recommends that the Commonwealth Government increase funding for Aboriginal and Torres Strait Islander Legal Services to achieve parity per case load with Legal Aid Commission funding in the 2012-13 Federal Budget, with appropriate loadings to cover additional costs in service delivery to regional and remote areas.

Accept in Principle

In 2010-14, the Australian Government is providing funding of \$349 million to Indigenous specific legal services. In 2010, an overall increase of 14.5 percent was announced for Indigenous legal assistance services. Weightings are currently applied when Commonwealth Indigenous legal assistance funding is allocated to regional, rural and remote locations. However, parity per case load with the State and Territory Legal Aid Commissions is not possible as the purpose of funding these respective services differs. Commonwealth funding of Indigenous legal assistance services is supplementary to that of mainstream funding.

There are a number of factors that limit the ability to conduct a comparative analysis of Indigenous and mainstream legal aid funding. Namely:

- Legal Aid Commissions receive Commonwealth funding primarily for Commonwealth law matters and predominantly family law, with the exception of early intervention and preventative services. Legal aid commissions receive State and Territory funding for State and Territory criminal law matters
- Aboriginal and Torres Strait Islander Legal Services do not receive State and Territory funding for State and Territory criminal law matters, despite the fact that these matters constitute 85 percent of their work
- The Aboriginal and Torres Strait Islander Legal Services' client population differs to that of mainstream legal services, with over 40 percent aged 25 and under, and
- Inconsistent data definitions prevent comparative assessments from being undertaken. A working group of legal stakeholders has been established to develop nationally consistent data definitions and is expected to provide a report and recommendations for improvement in late 2012.

There are some ongoing research projects that may assist with identifying Indigenous legal need, and therefore assist in better targeting legal assistance funding. These projects

include an Australian Research Council partnership with James Cook University to identify civil and family law needs of Indigenous clients (with the expected completion date of 2014), a Legal Needs Survey by the National Legal Aid (expected to be completed in 2012) and a case load study of Aboriginal and Torres Strait Islander Legal Services by Professor Chris Cunneen (with a report expected by late 2011).

A review of the National Partnership Agreement on Legal Assistance Services (with the expected completion date of June 2013) will assess the progress of parties under the Agreement and establish a robust evidence base for legal assistance services, policy development and program implementation.

RECOMMENDATION 27 – POST-RELEASE ACCOMMODATION

The Committee recommends that the Attorney-General take to the Standing Committee of Attorneys-General the proposal to increase funding for appropriate accommodation options for youth who are granted bail, in order to prevent the unnecessary detention of Indigenous youth.

Accept

The Australian Government is concerned about the increasing rate of Indigenous young people being held on remand. The *Doing Time* Report notes that about half of Indigenous young people in detention on an average day were on remand.

The Australian Government, through the Standing Council on Law and Justice, will ask State and Territory Governments to consider ways of reducing the incidence of young people being held on remand. In particular, the Government will propose that jurisdictions seek to understand and reduce the drivers of remand including any unintended consequences of legislation, the appropriateness of bail conditions, the role of police and community services agencies in bail and remand outcomes and increasing the availability of appropriate accommodation options for youth who are granted bail.

The Australian Government will also work with non-government organisations to identify opportunities to increase the number of bail accommodation places for young people.

Australian Government support for accommodation for young people is discussed in the Government's response to Recommendation 7.

RECOMMENDATION 28 – STUDY ON SENTENCING OPTIONS

The Committee recommends that the Australian Institute of Criminology undertake an analysis of sentencing options and outcomes for Indigenous youth and young adults and the use of available diversionary options to determine whether alternative sentencing options are fully utilised before resorting to incarceration.

Accept in principle

The Australian Institute of Criminology (AIC) undertook a review of diversion programs in 2008 as part of a project examining responses to substance abuse and offending in Indigenous communities. The review found there were numerous diversionary programs operating at different points of the criminal justice system aimed at the diversion of juvenile and adult offenders. However, the review also found that Indigenous persons often failed to meet the eligibility criteria. The study found there were few Indigenous-specific diversion options, but that some mainstream programs had almost exclusively Indigenous participants. Where evaluations were available, Indigenous people were less likely to be referred and accepted to programs than non-Indigenous people.

The Australian Government is investigating how research on alternative sentencing options may be undertaken within available resources, including consideration of research priorities within current research funding and identifying research groups which may be able to undertake the study.

Any study on sentencing options would need to have as its focus, among other matters, persons with complex needs and recidivists.

RECOMMENDATION 29 – ALTERNATIVE SENTENCING OPTIONS

The Committee recommends that the Attorney-General evaluate outcomes for alternative sentencing options, such as reduced recidivism and improved positive and independent living, and from this research develop a proposal for a range of Indigenous alternative sentencing options and present it to the Standing Committee of Attorneys-General for inclusion in the National Indigenous Law and Justice Framework.

Accept in part

The Australian Government recognises the importance of evaluating the outcomes of alternative sentencing options and is currently funding a cross jurisdictional project to evaluate a number of Aboriginal Sentencing Courts and Conferencing programs under the National Indigenous Law and Justice Framework. A broad range of impacts, including

impacts on recidivism, will be assessed as part of the evaluation which is due to be finalised in December 2012.

The Attorney-General will raise the outcomes of these evaluations with the Standing Council on Law and Justice and intends to make the final report of the evaluation project publicly available so that the findings can be used by government and non-government organisations to inform future program and policy development.

RECOMMENDATION 30 – PRE-COURT CONFERENCING

The Committee recommends that the Attorney-General takes to the Standing Committee of Attorneys-General the proposal for a nationwide program that begins the rehabilitation process of young Indigenous offenders from the point at which they are charged with an offence. The Committee recommends that such a program should include:

- Assigning a community services case worker to an individual immediately after they have been charged to organise a family conference
- A victim contact meeting where the offender hears the consequences and impacts of their unlawful actions on the victim
- Ascertaining, through family conferencing, any underlying problems that are influencing offending behaviour and setting out a plan for behavioural change with clear targets to be achieved prior to attending court. Pre-court plans for the youth could include:
 - Regular attendance at drug and alcohol counselling and medical treatment as required
 - Regular meetings or counselling sessions with a court approved community or family mentor or elder
 - A genuine apology to the victim(s)
 - The development of clear goals and aspirations for living a more productive and independent life
 - Where appropriate, more regular and constructive family engagement
 - A renewed commitment from significant family members to engage with the offender and involve them positively in family life
 - Improvement in school attendance or retention in school, and
 - Improvement in apprenticeship or training outcomes.

Sentencing of individuals who have engaged with this program should take into account any genuine progress towards meeting these targets for behavioural modification.

Accept in principle

The Australian Government supports early intervention for young people at risk of offending and the diversion and rehabilitation of young offenders.

Whilst we agree with the tenor of the recommendation, the Government does not support the specific suggestion contained in the Committee's recommendation as the program as proposed seeks to commence prior to a plea or finding of guilt which is in contrast to the presumption of innocence which underpins the criminal justice system. At a minimum consent to participate would be required which raises additional concerns in relation to young people. In addition, the relationship with sentencing may be problematic. There would need to be a balance between maintaining a magistrate's discretion in sentencing and providing sufficient incentive to participate in the program with the likelihood of a reduced sentence. The level of intensity of the program may be an issue as it is likely to be significantly more intense than the sentence which is likely for a given offence, which would provide a disincentive to participate.

However, the Government acknowledges the Committee's concern about the significant amount of time that elapses between a young person being charged by the police and their appearance in court, and will raise this issue with the Standing Council for Law and Justice. The Australian Government will ask the Standing Council to evaluate and monitor the outcomes of current diversion initiatives, with a view to promoting the expansion, and the adoption across jurisdictions, of programs that are proven to be successful in reducing reoffending among young people.

RECOMMENDATION 31 – INDIGENOUS OFFENDER PROGRAMS

The Committee recommends that the Commonwealth Government establish a new pool of adequate and long term funding for young Indigenous offender programs. Organisations and community groups should be able to apply for funding for programs that assist young Indigenous offenders with:

- Post-release or diversionary program accommodation
- reintegrating into the community and positive social engagement through volunteering and team involvement
- reconnecting with culture where possible
- drug, alcohol and other substance abuse rehabilitation
- continued education and training or employment, and
- life and work readiness skills, including literacy and numeracy

The Committee recommends that this fund is geared towards small-scale community-based groups, operating in local areas, and includes a specific stream for programs that address

the needs of young Indigenous female offenders. Local employers would be encouraged to mentor and train with a view to employment.

Accept in principle

The Australian Government funds various support programs directed at Indigenous Australians which go some way to meeting this recommendation. These programs are specifically directed at offenders and aim to address the drivers of offending behaviour and recidivism.

The Indigenous Justice Program, administered by the Attorney-General's Department, focuses on providing funding to throughcare programs, offender support and reintegration initiatives. The Government also administers a number of programs and initiatives to assist in community reintegration and support the needs of employers, Indigenous Australians and their communities. These include:

- the Reconnect Program
- the Commonwealth Financial Counselling and Money Management service
- Indigenous Leadership Programs, which address some of the life and work readiness factors identified in this recommendation
- work with Aboriginal Hostels Limited to provide support for youth during drug and alcohol rehabilitation
- projects which provide pre-employment training and employment placement, supported by mentoring, to young Indigenous Australians at risk of offending
- projects which provide pre-release prisoners with vocational training , mentoring, language literacy and numeracy training and work experience leading to post-release employment placement, and
- Centrelink Prison Servicing, through which the Government currently sees approximately 45% of prisoners prior to release.

This recommendation will also be pursued through the Indigenous Safe Communities Strategy, to be developed with State and Territory Governments, which will contain a focus on reducing offending and reoffending. A justice reinvestment approach, as proposed under Recommendation 40, has the potential to significantly improve rates of offending behaviour and victimisation in the long term and is likely to be examined in the context of the Safe Communities Strategy. Place based approaches to address offending and reoffending, diversion and early intervention are an opportunity to identify where significant outcomes may be achieved through redirecting resources across a broader range of activities.

The Australian Government will also consider options for targeted training, employment and mentoring projects that connect at-risk youth and pre-release prisoners with local employment.

RECOMMENDATION 32 – EVALUATE INDIGENOUS JUSTICE PROGRAMS

The Committee recommends that the Commonwealth Government commit further resources to evaluate the effectiveness of Indigenous youth justice and diversion programs and that the findings be published on the Indigenous Justice Clearinghouse and the Closing the Gap Clearinghouse websites.

Accept

The Australian Government is committed to conducting evaluations which assess the impact of Indigenous justice initiatives.

In 2009, the Government provided \$2 million to evaluate Indigenous Justice Programs under the National Indigenous Law and Justice Framework (the Framework). A total of 26 Indigenous justice programs will be evaluated as part of this project, with a focus primarily on assessing the effectiveness of the programs in achieving the aim of the Framework, which is to reduce the over-representation of Indigenous Australians within Australian justice systems.

The Government is partnering with Griffith University and the NT Department of Justice to develop an Australian Research Council Linkage Grant proposal which will develop and apply a scientific approach for assessing the impact of community-based programs which target high-risk offenders. The project will also include a rigorous analysis of the cost-benefits of these initiatives.

The Government intends to publish the findings of both of these projects on the Indigenous Justice Clearinghouse and the Closing the Gap Clearinghouse websites to add to the existing evidence base.

RECOMMENDATION 33 – MAPPING OFFENDING

The Committee recommends that the Commonwealth Government invest in mapping research to identify areas of concentrated youth offending, types of offending and gaps in services, with a focus on Indigenous disadvantage and need.

Accept in principle

A Working Group has been established under the National Justice Chief Executive Officers Group (NJCEOs) to specifically consider justice reinvestment, or criminal justice approaches which focus on addressing the causes of crime in particular locations. This work will enable the identification of gaps in services and gaps in the necessary data to better target programs and strategies.

In addition, some States and Territories already undertake mapping work, however this is focused on the location of offence rather than the residential location of the offender. The location of the offender is more important when considering gaps in services and the needs of the individual.

RECOMMENDATION 34 – EXPANDING DATA COLLECTIONS

The Committee recommends that the Australian Bureau of Statistics expand its collection of data to include:

- offender data disaggregated by all jurisdictions and all categories of offence, including traffic and vehicle related offences
- court appearance data, disaggregated by all jurisdictions by Indigenous status, sex, offence and sentence
- prisoner reception data disaggregated by all jurisdictions, according to Indigenous status, sex, offence, age, sentence length and episodes of prior offending by category of offence, and
- data on the rates of which Indigenous people are victims of crime, disaggregated by all jurisdictions and all categories of offence.

The Committee recommends that the Australian Institute of Health and Welfare expands its collection of data to include:

- detainee receptions and census data disaggregated by jurisdiction, Indigenous status, sex, offence, age, sentence duration and periods of prior offending by category of offence.

The Committee recommends that these expanded data sets are made available by no later than June 2012. This data and any trends it shows should then be annually evaluated and reported on and used to inform future policy or program changes.

Accept in principle

Significant amounts of data are already collected that go some way towards addressing this recommendation. The Australian Bureau of Statistics (ABS) collects a range of the data about prisoners requested in the recommendation with significant time series, but can produce this data only at a point in time and cannot show the flow of prisoners at this level

of detail. The Australian Institute of Health and Welfare also already collects some of the data items specified in the recommendation. However, a number of limitations exist which prevent the collection of further data that are not already collected. While these limitations are mainly around the quality of data, there may be funding implications which the ABS would pursue separately if required.

The ABS is currently working with State and Territory Police and Courts to improve current levels of data collection. Currently, offender, victim and court defendant information is only available for some States and Territories across Australia. There are additional limitations around coverage and quality of Indigenous Status data collection by State and Territory policing agencies for both offenders and victims. Fundamental coverage barriers also exist for the collection of Indigenous Status for offenders dealt with for various regulatory traffic and vehicle-related offences due to use of summons as it is not possible to collect Indigenous Status without direct interaction. Further, dedicated crime victimisation surveys cannot produce reliable Indigenous victim estimates due to sample size and collection limitations issues. Dedicated Indigenous surveys cannot produce the full range of victimisation by various offences due to topic size constraints.

A number of the data items specified in the recommendation are already available through the Juvenile Justice National Minimum Data Set (JJ NMDS) administered by the Australian Institute of Health and Welfare. However, these data items are subject to significant limitations, particularly around unsupervised orders and offence data.

RECOMMENDATION 35 – STUDY ON THE IMPRISONMENT OF WOMEN

The Committee recommends that the Australian Institute of Criminology undertakes a study of the reasons for the increasing imprisonment of Indigenous women, with a view to informing policymakers on how best to address the key drivers of offending and imprisonment and the consequences of that imprisonment for women, their children (if any) and their community.

Accept in principle

The Australian Government shares the Committee's concern about the increasing rate of imprisonment of Indigenous women.

The Australian Institute of Criminology has undertaken considerable recent research into issues related to the imprisonment of women. This research highlights identified gaps in understanding around the diverse needs of women in prison and young women in juvenile justice facilities. The Aboriginal and Torres Strait Islander Social Justice Commissioner

provided a report on the incarceration of women as part of the 2004 Social Justice Report⁷. This report also suggested there is a gap in understanding around women and incarceration.

A study of rates of recidivism among adult and juvenile female prisoners could provide insights into better practices for their rehabilitation, reintegration and reduced recidivism.

The Australian Government is investigating how this research may be undertaken within available resources, including consideration of research priorities within current research funding and identifying research groups who may be able to undertake the study.

RECOMMENDATION 36 – INDIGENOUS LAW AND JUSTICE ADVISORY BODY

The Committee recommends that the Commonwealth Government propose to the National Congress of Australia's First Peoples the establishment of a subcommittee to focus on Indigenous law and justice matters. If the National Congress of Australia's First Peoples does not proceed with an Indigenous law and justice subcommittee, the Committee recommends that the Commonwealth Government establish an Indigenous law and justice advisory body.

The Committee recommends that the Commonwealth Government:

- seeks the subcommittee's or the advisory committee's advice on law and justice matters affecting Indigenous people
- requests that the subcommittee or advisory committee monitor and report on progress under the National Indigenous Law and Justice Framework, and
- seeks the views of the subcommittee or advisory committee on any suggested amendments to the National Indigenous Law and Justice Framework following each annual review.

Accept

The Attorney-General wrote to the National Congress of Australia's First Peoples about the possibility of an Indigenous Law and Justice sub-committee. The Congress has now established a Justice Working Group to specifically consider law and justice issues. This group will provide an important source of advice for Government on Indigenous justice matters.

The Australian Government notes that the National Congress Report 2011, released following the inaugural National Congress meeting, reports that a Survey of National

⁷ Aboriginal and Torres Strait Islander Social justice Commissioner, *Social Justice Report 2004*, Human Rights and Equal Opportunity Commission, Report No 1/2005

Congress members identified Criminal Justice as the 5th highest priority area for the Congress. The National Congress meeting also included a specific policy forum on Justice.

The National Board Communiqué of August 2011 also noted that the Congress is finalising a policy model by which policy positions of the organisation will be formed.

Officials have commenced discussions with the Policy Director of the National Congress on the issues raised in the *Doing Time* Report.

The Australian Government does not propose establishing a separate body to the National Congress, but will continue to consult with a range of stakeholders on law and justice issues.

RECOMMENDATION 37 – PARLIAMENTARY INDIGENOUS REPRESENTATION

The Committee recommends that the Commonwealth Government establish an Independent Commission to undertake a series of public consultations and investigate options to increase Indigenous representation in the Parliament, for example, quotas or dedicated seats.

Accept in principle

The Government supports investigating options to increase Indigenous representation in the Parliament through existing processes.

Parliamentary representation of Indigenous Australians has previously been researched and considered by the Social Justice Commissioner (in 2008, 2009 and 2010). The findings of this research informed the establishment of a National Indigenous Representative Body, now known as the National Congress of Australia's First Peoples, as an independent voice for Indigenous Australians. The Framework within which the Government intends to engage and work with the National Congress will provide ample opportunity to articulate mechanisms and protocols for political involvement by the National Congress delegates and executives.

Additionally, the Government is currently undertaking broad national consultations on the recognition of Indigenous Australians in the Australian Constitution and what this might entail. A panel set up to conduct the consultations and consider constitutional recognition is expected to report back to the Government on possible options for constitutional change to give effect to Indigenous constitutional recognition by December 2011.

In a June 2011 survey, the National Congress found that delegates regarded the recognition of Indigenous Australians in the Australian Constitution as a very important matter for Congress to pursue. The issue of reserved seats in Parliament ranked seventh in relative importance in a list of ideas proposed around changes to the Constitution.

The Government continues to support and promote the greater democratic involvement of Indigenous Australians. This can be achieved most effectively through existing mechanisms, including the National Congress.

RECOMMENDATION 38 – FUNDING OF THE FAMILY RESPONSIBILITIES COMMISSION

The Committee recommends that the Australian Government in partnership with the Queensland Government and the Cape York Institute for Policy and Leadership extend the funding of the Family Responsibility Commission until December 2013, pending further evaluation.

Accept in principle

In the 2011-12 Queensland and Commonwealth budgets, funding for the Cape York Welfare Reform trial and the Family Responsibilities Commission (FRC) was extended to 31 December 2012. The FRC is the centrepiece of the Cape York Welfare Reform. Cape York Welfare Reform is a partnership between the four communities of Aurukun, Coen, Hope Vale and Mossman Gorge, the Australian Government, the Queensland Government and Cape York Partnerships and regional organisations.

The Queensland Government also passed legislation extending the end date of the operation of the FRC to 31 December 2012. The Australian Government has also passed legislation recognising the FRC and requiring Centrelink to implement income management when ordered to do so by the FRC.

The Cape York Welfare Reform trial, including the FRC is currently being evaluated. Future directions for the FRC will be informed by the findings of the evaluation and further consultation with the Indigenous communities in Queensland and the views of the Queensland Government.

RECOMMENDATION 39 – SUSTAINED FLEXIBLE FUNDING

The Committee recommends that the Commonwealth Government work with State and Territory Governments to coordinate sustained and flexible funding support for a range of youth justice diversion and rehabilitation services which are developed with and supported by local Indigenous communities.

Accept in principle

The Australian and State and Territory Governments currently fund a range of youth justice diversion and rehabilitation programs.

The Indigenous Justice Program, administered by the Australian Government Attorney-General's Department, currently provides funding for diversionary and rehabilitative projects run by community organisations across Australia. Engagement with local Indigenous communities and the adoption of a place-based approach is a necessary part of the services these organisations deliver.

Both the National Partnership Agreement on Remote Service Delivery and the National Urban and Regional Service Delivery Strategy for Indigenous Australians aim to improve the coordination of and access to services for Indigenous communities and to support increased involvement of Indigenous communities in delivering services.

RECOMMENDATION 40 – JUSTICE REINVESTMENT

The Committee supports the principles of justice reinvestment and recommends that governments focus their efforts on early intervention and diversionary programs and that further research be conducted to investigate the justice reinvestment approach in Australia.

Accept

A Working Group specifically considering justice reinvestment has been established under the National Justice Chief Executive Officers (NJCEOs). The Working Group is investigating options and strategies for implementing a justice reinvestment approach and addressing drivers of crime in the Australian context. The Working Group has been asked to document all current relevant activity in this area and to develop options for further work. It is scheduled to report back to NJCEOs in November 2011 with recommendations around a justice reinvestment approach in Australia. In developing options for further work, the Working Group will also consider possible involvement by the private sector and consideration of a Social Impact Bond model.

The primary responsibility for implementation of justice reinvestment strategies will fall to State and Territory Governments. The Australian Government has no independent ability to effect structural change to State and Territory justice systems but will seek to work bilaterally with interested jurisdictions to implement agreed approaches.

Concurrently, the Australian Institute of Criminology is preparing a paper on the application of justice reinvestment in an Australian context. The paper is expected to be released in early 2012. It is expected to present a preliminary assessment of the practicalities that would be involved and possible impacts of implementing a justice reinvestment approach in Australia, to inform consideration about a more comprehensive study.