

Aboriginal Over- representation Strategic Plan

NSW Department of Juvenile Justice

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The Hon. C. Tebbutt MLC

Foreword

I welcome the publication of this strategic plan by the Department of Juvenile Justice. It underpins the pursuit of strategies, partnerships and solutions to the problem of over-representation of indigenous young people in the juvenile justice system.

The publication is in two parts. The key result areas, strategies and outcomes are listed at the beginning. The history of the department's consultation process, the research material, and a profile of Aboriginal young offenders is given in the background material located in the second part of the report.

The strategy is the result of consultations with Aboriginal communities and staff within the department. However, I would like to emphasise that the department and I see this as a dynamic document that can only benefit from constant updating and input from anybody with an interest in this most important area.

Comment can be directed to the Manager, Strategic Policy and Planning, at the Department of Juvenile Justice, Level 5, 24 Campbell Street, Haymarket NSW 2000

Reducing the over-representation of Aboriginal young people in the criminal justice system is a significant challenge facing the Department of Juvenile Justice and, indeed, the broader NSW community. While the Department of Juvenile Justice alone cannot impact on the level of over-representation, this plan provides the basis for coordinated action involving a range of stakeholders. I hope you find this a useful publication.

A handwritten signature in black ink, reading 'Carmel Tebbutt'.

The Hon Carmel Tebbutt, MLC

*Minister for Juvenile Justice
Minister Assisting the Premier on Youth
Minister Assisting the Minister for the Environment*

A. Key result areas, strategies and outcomes

Key result area: Leadership, strategy and community capacity-building

Priority issue 1: Leadership and strategic direction from government.

Project 1: Development, in collaboration with key government agencies, of whole-of-government initiatives for a holistic approach to the provision of services to young people in the juvenile justice system.

Rationale: Chief executive officers of justice, Aboriginal and human service agencies have collaborated to plan for optimum service delivery to Aboriginal communities.

The principles of collaborative work between departments can be difficult to achieve in practice. The department needs to develop and implement a sound working relationship with other government agencies, and participate meaningfully in whole-of-government projects and initiatives, to ensure that the needs of its clients are fully explored and addressed. The department should provide leadership on this issue, and work with CEOs of other key government agencies to do the same.

Strategies

1. The leadership of the department to advocate, at a CEO, central and inter-agency level, for a Statement of Commitment to address over-representation of Aboriginal young people in the juvenile justice system.
2. The CEOs Group on Aboriginal Affairs to be encouraged to develop an action plan to address Aboriginal over-representation, with a particular focus on rural NSW.
3. The Criminal Justice System CEOs Standing Committee on Aboriginal Issues to be encouraged to monitor and address barriers to the effective implementation of existing strategies in this area, and to identify new diversionary options.
4. The department to actively participate in whole-of-government initiatives at all levels, and in both metropolitan and regional areas.
5. Regions to maintain a register of local externally funded programs for Aboriginal and Torres Strait Islander clients provided by government and non-government agencies.

Outcome

A service network for Aboriginal young people that is more accessible, comprehensive and focused, and that recognises the links between the many factors that contribute to over-representation.

Key result area: Leadership, strategy and community capacity-building

Priority issue 2: Empowerment of communities to support the effective reintegration of clients.

Project 1: Development of a comprehensive strategy in collaboration with community stakeholders for capacity-building in communities, particularly Aboriginal communities.

Rationale: Effective reintegration of Aboriginal clients into their communities will be difficult to achieve if communities are unaware of the purpose and basis of the department's interventions and diversionary approaches.

Clients often return to communities which themselves are in crisis. Without some support these communities will be unable to assist clients in choosing positive alternatives to offending behaviour.

Capacity-building is a complex and difficult issue in many Aboriginal communities. It requires a high level of government involvement to ensure that communities are empowered to manage their issues.

Strategies

1. Advocate for the development of a comprehensive strategy for community capacity-building in Aboriginal communities in collaboration with key CEO forums, Aboriginal community agencies, AJAC and relevant government agencies and build on existing collaborative initiatives such as the Purfleet Aboriginal Youth Centre.

Outcome

An increase in communities' understanding of the support needs of Aboriginal young offenders, and in their ability to provide that support.

Key result area: Hot spots

Priority issue 1: To identify and address issues relating to the high numbers of Aboriginal young people entering the criminal justice system.

Project 1: Identification of 'hot spots' across the state.

Rationale: Hot spots are defined here as geographical areas where significant numbers of young people are entering the juvenile justice system. Hot spots are also geographical areas with specific characteristics and profiles that indicate emerging problems and issues requiring a specific response by the department.

Strategies

1. Identify, prioritise and develop a response to address the geographical hot spots in regions.
2. Involve key government agencies in addressing hot spots.
3. Monitor the effectiveness of the department's overall response to hot spots.

Outcome

A reduction in reoffending by Aboriginal young people in hot spots.

Key result area: Data and research

Priority issue 1: The use of data and research to inform effective decisions in the department in relation to Aboriginal clients.

Project 1: Evaluation of the strategic plan.

Rationale: Evaluation and evidence-based research is required to inform the department's overall priorities in addressing Aboriginal over-representation.

Strategies

1. Undertake an evaluation of the Aboriginal Over-representation Strategic Plan.
2. Develop and implement an annual research agenda, and include specific research aimed at reducing Aboriginal over-representation.
3. Develop an appropriate data collection regime that maximises the department's response to Aboriginal over-representation.
4. Review progress of the plan every six months, the review to be carried out by the department's Executive Committee.
5. Support the strategy by operational plans developed by regions and units/branches.

Outcome

Research findings that are evidence-based and can inform policy and program development.

Key result area: Young Offenders Act 1997

Priority issue 1: The low number of referrals of Aboriginal young people to youth justice conferencing and access to other options under the Act.

Project 1: Aboriginal convenors.

Rationale: Before 1998, the courts relied on section 33 of the *Children (Criminal Procedures) Act 1987* to deal with young offenders who appeared before the court on criminal charges. The *Young Offenders Act 1997* was introduced and implemented in 1998 to provide alternative options, such as warnings, cautions and conferencing.

The work of the Youth Justice Conference Directorate in maximising the number of young people referred to conferencing can be improved by appropriate matching of Aboriginal clients and those from other cultural backgrounds with convenors of similar backgrounds. This work will be further enhanced by attracting and maintaining an appropriate number and level of Aboriginal and Torres Strait Islander convenors to ensure that conferences appropriately address the cultural needs of the young people, victims and other key stakeholders.

Strategies

1. Consult with the Youth Justice Conferencing Directorate to ensure that the Youth Justice Conferencing Strategic Plan includes strategies to reduce Aboriginal over-representation.
2. Monitor the outcomes of the Youth Justice Conferencing Strategic Plan in relation to critical factors affecting Aboriginal and Torres Strait Islander young people.
3. Work with relevant criminal justice agencies to encourage appropriate levels of the use of cautions and conferences for Aboriginal young people.
4. Inform juvenile justice officers, particularly intake officers, of the options under the *Young Offenders Act*.
5. Inform Aboriginal young people and communities of the options under the *Young Offenders Act*.
6. Work with Aboriginal communities to develop culturally appropriate conference outcomes and processes.
7. Develop a culturally appropriate recruitment and training package to target Aboriginal and Torres Strait Islander convenors.

Outcome

An increase in the level of police cautions given to Aboriginal young people who offend, and in the level of referrals of Aboriginal young offenders to conferencing.

Key result area: Funded programs and community integration

Priority issue 1: To maximise the use and effectiveness of community funded programs for Aboriginal clients, ensuring culturally appropriate service delivery.

Project 1: Externally funded programs.

Rationale: The department funds external agencies to provide a range of services to clients which complement the work undertaken by the department and which assist clients within their own communities. The ability of funded services to meaningfully assist Aboriginal clients in the most culturally appropriate way varies across services. The ability to impact on Aboriginal over-representation will be inhibited unless funded services and departmental staff using these services develop a joint approach on what constitutes appropriate support.

Strategies

1. Conduct a three year external evaluation of funded programs to determine their effectiveness in meeting the needs of Aboriginal clients.
2. Develop a grant administration training package of materials and guidelines.
3. All funded services to develop an Aboriginal Participation and Outcome Plan.
4. Funded services to give their staff Aboriginal cultural awareness training as a condition of funding.

Outcome

Improved access by Aboriginal clients to the department's funded services, and funded services that are better equipped to work effectively with Aboriginal clients.

Key result area: Funded programs and community integration

Priority issue 2: Community integration of Aboriginal young people released from custody.

Project 1: Integration planning and review.

Rationale: The department's philosophy on the community integration of its clients is anchored in research showing that young people in detention require support through effective case management and programs that extend beyond the department's span of control. Effective planning commences as soon as young people become clients of the department, whether in detention or under community supervision, and includes a continuum of support which involves direct service delivery and external collaboration with agencies and community organisations.

Strategies

1. Develop and implement pre- and post-release programs that are culturally appropriate.
2. Initiate collaborative case planning for Aboriginal clients involving the department, government and non-government agencies.
3. Implement the recommendations of the Case Management Review to take into account issues relating to Aboriginal clients.

4. Review the findings and recommendations of the external evaluation of the Pre-employment Skills Training and Mentor Support Program and its relevance to Aboriginal clients.
5. Review and monitor the take-up rate by magistrates of recommendations from court reports.
6. Assign juvenile justice officers to attend criminal list days at Childrens Courts.

Outcome

A reduction in reoffending by Aboriginal young people leaving custody.

Key result area: Staff/structure

Priority issue 1: To implement the department's commitment to a fully staffed and functioning Aboriginal Unit.

Project 1: A fully functional and operational Aboriginal Unit.

Rationale: Aboriginal and Torres Strait Islander young people currently represent 35% of the total number of young people in custody. This figure has not dropped below 30% in the last three years, and it does not include the high number of Aboriginal clients on community based orders, probation, supervision etc.

To fully address the issue of Aboriginal over-representation and implement the Aboriginal Over-representation Strategic Plan, the Aboriginal Unit must be staffed and fully functional to provide the desired outcomes.

The Aboriginal Unit will monitor implementation and report on the progress of the plan throughout the department. The plan is a departmental priority, and it encourages a coordinated approach to address the issues of the over-representation of Aboriginal and Torres Strait Islander young people within the juvenile justice system.

Strategies

1. The Aboriginal Unit in the Strategic Policy and Planning Branch to develop, monitor and analyse funded Aboriginal-specific programs and data.
2. All Aboriginal programs, both internal and external, to be documented and maintained by regions and overseen by the Aboriginal Unit.
3. Each program and its relevance to Aboriginal clients to meet specific standards.
4. Report on the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

Outcome

Coordination in the planning, implementation, monitoring and evaluation of the plan.

Key result area: Staff/structure

Priority issue 2: Employment of Aboriginal staff in the department.

Project 1: The Aboriginal Employment and Career Development Strategy.

Rationale: Addressing the issue of Aboriginal over-representation requires a range of measures. An organisation whose staffing profile adequately reflects its client base demonstrates its commitment to effective and equitable service delivery.

While the department, currently with 6% Aboriginal staff, has achieved and surpassed the NSW government's target of 2% Aboriginal staff, the continuing high levels of over-representation require more comprehensive action in the area of staffing. Regular reviews of staff numbers and their placement in areas of high over-representation, the overall adequacy of staff numbers, the routine filling of vacant identified positions, and the professionalism and development of staff are factors that will assist in achieving the dual outcomes of improved career development for staff and improved outcomes for clients.

Strategies

1. Develop an Aboriginal Employment and Career Development Strategy, underpinned by fairness, encompassing recruitment, induction, roles, career development, career paths and training opportunities for Aboriginal staff.
2. Establish an Aboriginal Employment and Career Development Officer position in the Human Resources Unit to develop, maintain and coordinate the strategy.
3. Place Aboriginal identified positions in areas of high Aboriginal client population.
4. Immediately recruit to all identified positions when they become vacant or when it is known that they will become vacant and fill with Aboriginal staff.
5. Release all Aboriginal permanent staff on request to attend the Aboriginal Staff Conference, Aboriginal Regional Advisory Committee meetings and Aboriginal Day events.
6. Offer exit interviews to all Aboriginal staff and analyse the reasons for staff leaving the department.

Outcome

Improvement in the effectiveness of the department's interventions with Aboriginal clients, families and communities through better recruitment, retention, development and opportunities for Aboriginal staff.

Key result area: Staff/structure

Priority issue 3: Cultural awareness.

Project 1: Cultural awareness training.

Rationale: A strategy to reduce over-representation cannot be successful if the department does not have a comprehensive understanding of its client base.

The high level of Aboriginal over-representation is a matter of concern for the department at all levels. The involvement of all staff, not only direct care staff, in helping to reduce Aboriginal over-representation makes the plan more inclusive and effective, and demonstrates that the department is serious about tackling this issue.

Cultural awareness involves learning and understanding cultural heritage, values and factors which impact on Aboriginal people and communities, for example issues concerning the family, the stolen generation, racism and the overall cultural diversity within Aboriginal and Torres Strait Islander communities.

Strategies

1. Develop and implement a training package on cultural awareness for all staff, with specific links to the department's aim of reducing Aboriginal over-representation. Where possible link this initiative to the generic whole-of-government cultural awareness training.
2. Create an Aboriginal identified position in the Training and Equity Unit to coordinate the development and design of the training program and, where appropriate, deliver the training.
3. All staff of the department to complete an Aboriginal cultural awareness training course relevant to their area of work.

Outcome

An increase in the competency of departmental staff in planning and delivering services to Aboriginal clients, families and communities, leading to an increase in the effectiveness of the department's intervention with the target group.

Key result area: Staff/structure

Priority issue 4: Coordination of the plan, and linking of the plan with the duties of the Aboriginal Unit and Aboriginal Program Support Officers.

Project 1: Aboriginal Program Support Officers (APSOs).

Rationale: The Aboriginal Over-representation Strategic Plan is a statewide strategy that requires coordination to achieve its objectives. Consequent on the review of Program Support Officer positions in July 1999, the department's Executive Committee approved that the focus of APSOs would be the issue of over-representation. As APSOs have regionwide responsibilities, they are best positioned to deliver this strategy within their regions.

The strategic plan will form the basis of a work plan for APSOs.

Strategies

1. Develop a generic statement of duties and position description to reflect APSO duties in relation to implementation of the plan.
2. Regional Directors to directly supervise APSOs.
3. Regional executive membership to include at least one APSO.
4. Develop a regional Aboriginal over-representation strategic plan.

Outcome

Coordination of the planning, implementation, monitoring and evaluation of the plan, and measures to reduce Aboriginal over-representation at a regional level.

Key result area: Juvenile Justice Community Services

Priority issue 1: The high level of Aboriginal young people in the juvenile justice system, particularly in Juvenile Justice Centres, and access by Aboriginal clients to internal and external diversionary and preventive programs and services.

Project 1: Diversionary options.

Rationale: Increasing options for diversion from custody and diversion from further progression through the juvenile justice system will help to reduce the number of Aboriginal clients in the department's care. The effectiveness of such options will be maximised if they are culturally responsive.

Effective transition and case planning for clients in custody and the strengthening of supports for clients in the community provide a continuum of support to maximise diversion from the system and the department.

Strategies

1. Review and monitor the breach rates for community service orders by Aboriginal clients.
2. Assign Aboriginal young people with community service orders to Aboriginal organisations or services wherever possible.
3. In collaboration with other government agencies (such as the Departments of Community Services and Housing), provide support and accommodation for young people on release from detention.
4. Consider options for alternatives to custody such as bail hostels.
5. Review the referral process of Aboriginal clients from Juvenile Justice Community Services to Intensive Program Units to ensure that referrals take place at the earliest point possible to help prevent entrenched offending.

Outcome

Aboriginal young offenders receiving more community-based orders rather than custodial orders, and increasing the completion rate of their community-based orders.

Key result area: Juvenile Justice Community Services

Priority issue 2: Positive role models for Aboriginal clients.

Project 1: Mentoring for Aboriginal clients.

Rationale: The use of mentors for Aboriginal clients was established as a strategy to reduce over-representation. While the over-representation rate has increased, funding for and usage of the Mentor Program has significantly decreased. Financial and statistical information about the effectiveness of the program has not been analysed. Available literature indicates that mentors and positive role models in a young person's life can lead to positive changes in behaviour, and increase self-esteem and confidence.

Strategies

1. Review the findings and recommendations of the external evaluation of the Mentor Program to determine their relevance to the needs of Aboriginal clients.

Outcome

A mentoring program that is effective in contributing to a reduction in reoffending by Aboriginal clients.

Key result area: Specialist programs and Intensive Programs Unit

Priority issue 1: The access of Aboriginal and Torres Strait Islander clients to specialist services and programs.

Project 1: The development of a specialist services strategy to reduce Aboriginal over-representation.

Rationale: The department's Specialist Services and programs play an important role in helping to reduce the over-representation of Aboriginal clients. However, access by clients to specialist services, including long term counselling and support, is not optimal. This access may be improved by culturally appropriate assessment and consideration of conditional discharge.

Strategies

1. Specialist Services to develop a specific strategy to reduce Aboriginal over-representation which should include, but not be limited to:
 - developing, and training staff in, culturally appropriate assessment procedures
 - inviting Aboriginal elders and other representatives, when available, to be present when Aboriginal young people are being assessed by non-Aboriginal psychologists or counsellors
 - implementing a conditional discharge protocol for Aboriginal clients statewide
 - developing, and training staff in, culturally appropriate programs, for example the 'No More' Program
 - investigating the need for Aboriginal Alcohol and Other Drugs counsellor positions to address the needs of Aboriginal clients with these issues.

Outcome

Improved access by Aboriginal clients to the department's specialist services, and specialist services that are more culturally appropriate.

Key result area: Juvenile justice centres

Priority issue 1: The higher rate of Aboriginal young people re-entering Juvenile Justice Centres.

Project 1: Effective programming and case planning.

Rationale: Aboriginal and Torres Strait Islander young people require supervision that is culturally sensitive. An understanding of their cultural background and self-identity will assist in addressing their feelings of isolation and detachment from families and community. The fostering of Aboriginal community involvement will provide supported, structured case plans to assist the young people to reintegrate into their community.

The lack of specialist services in rural and isolated areas can have a major impact on reintegration. This lack of services needs to be factored into program development. Programs also need to have a cultural focus which enhances the family and traditional beliefs and values.

Strategies

1. Examine the needs of Aboriginal clients to ensure continuity in program provision between centres, and between custodial and community-based services.
2. Pursue and encourage the involvement of Aboriginal communities in Juvenile Justice Centres.
3. Monitor case conferences for Aboriginal clients to ensure appropriate levels of involvement of relevant stakeholders.
4. Examine the statewide implementation of the 'No More' Program by the Program Committee.
5. Offer an Aboriginal support person to clients attending court.

Outcome

Successful community reintegration through effective and culturally appropriate interventions.

Part B. Background to the strategic plan

1. Introduction

In February 2000, consequent on an internal review of Program Support Officer positions, the Executive Committee of the Department of Juvenile Justice commissioned the development of a specific strategy to reduce the over-representation of Aboriginal young people under its supervision. The strategy and its objectives would be the focus of the work for Aboriginal Program Support Officers (APSOs). However, it is recognised that the issue of Aboriginal over-representation should not be viewed as the sole responsibility of APSOs. Addressing Aboriginal over-representation is the responsibility of the whole department.

The Strategic Policy and Planning Branch, through the Aboriginal Unit, is responsible for the development of the strategic plan. In implementing this strategy APSOs will have a specific focus in addressing issues of over-representation on a regional basis.

The executive requested that the overall strategy be developed within current resources and that it be area-specific, practical and linked to other departmental responsibilities, for example youth justice conferencing.

In developing the strategic plan, the department recognised that there already exists a range of internal and external programs, measures and initiatives that aim to address the issue of Aboriginal over-representation. While the strategic plan does outline the blueprint for new measures, a key aspect is *to provide improved coordination and strategic focus to work already being undertaken by the department* to address this issue.

An overview of current departmental initiatives to address Aboriginal over-representation is set out in Attachment 1.

1.1 Key result areas

The key result areas (KRAs) considered under the plan are:

1. Leadership, strategy and community capacity-building
2. Hot spots
3. Data and research
4. The *Young Offenders Act 1997*
5. Funded programs and community integration
6. Staff/structure
7. Juvenile Justice Community Services
8. Specialist programs and Intensive Programs Units
9. Juvenile Justice Centres

2. The planning process

2.1 Strategic planning

The strategic plan was developed using a range of interrelated processes. As a starting point, a series of strategic planning meetings was conducted by the Strategic Policy and Planning Branch with staff of the Aboriginal Unit, APSOs and Program Support Officers from across the state.

A significant amount of time and work was devoted to conducting an initial audit of current departmental initiatives that aim to reduce Aboriginal over-representation, and brainstorming possible strategies (see Attachment 1).

2.2 Executive committee workshop

The question of how the department can more effectively address the issue of Aboriginal over-representation was discussed by members of the Executive Committee at a workshop in October 2000. It identified issues and strategies bearing on both the department's core operations (for example, programming in centres) and measures that involve collaborative work with agencies such as the NSW Police Service, the Department of Education and Training and the magistracy. Recommendations from the workshop have been incorporated into the plan.

2.3 Survey and forums with other departmental staff

Departmental staff in all regions were surveyed to gather their views on over-representation, including:

- what they thought were the factors that contributed to over-representation
- their understanding of current departmental and external initiatives that address over-representation
- what in their opinion worked, and what did not
- suggestions as to how the department can achieve the goal of reducing the numbers of Aboriginal young people in its care.

Forums were also conducted with staff in all regions to discuss these issues. The forums were intended to complement the survey and other processes by enabling active dialogue on the issue of over-representation.

2.4 Aboriginal Staff Conference

The Aboriginal Staff Conference in August 2000 was devoted to the development of the strategic plan. Aboriginal staff at the conference considered the aims, objectives and rationale for the plan, and then proceeded to identify and develop region-based and statewide initiatives under each of the key result areas.

2.5 Survey of Aboriginal community members

APSOs surveyed a number of Aboriginal communities to gather their views in relation to the key questions identified above. Many of the initiatives contained in the plan come from the expertise of staff and community members drawn out through the survey and forums.

2.6 Drawing on key reports

A component in the development of the plan was a review of the findings and recommendations of key reports dealing with the issue of Aboriginal over-representation. These include:

- *Keeping Aboriginal and Torres Strait Islander People out of Custody* (Cunneen, 1996)
- *Strategies to Reduce Indigenous Over-Representation in the New South Wales Juvenile Justice System: Summit outcomes and recommendations* (Cunneen, 1999)
- *Talkin' Up Reconciliation: An overview of the NSW Reconciliation Convention* (NSW Reconciliation Committee, 1999)
- *Report on the Outcomes of the NSW Aboriginal Seniors Yarn Up Conference* (Department of Aboriginal Affairs, 2000)

- *Crime Prevention through Social Support* (Second Report of the Standing Committee on Law and Justice, 2000).

2.7 Understanding the issue: review of departmental data on the extent of Aboriginal over-representation

A review was conducted on the extent to which Aboriginal young people are over-represented in the department's care, to provide a snapshot profile of Aboriginal clients in custody. The review was based on data drawn from the Clients Information Data System on the number of Aboriginal clients under the department's care, and their geographical location, age, gender, offence profile and level of education. Information on the extent of over-representation and a profile of Aboriginal young people in custody is presented in Section 4 of this report.

3. An overview of the underlying factors that contribute to the over-representation of Aboriginal young people

Consideration of the underlying factors that contribute to the over-representation of Aboriginal young people in the juvenile justice system is a key part of developing a strategic plan to address over-representation. Without a clear explanatory framework, it is unreasonable to expect that policies and initiatives to decrease the level of over-representation will have the desired effect.

According to Cunneen (1996), adequate explanations of Aboriginal over-representation need to take into account interlocking issues which include historical and structural conditions of colonisation, social and economic marginalisation and systemic racism, while at the same time considering the impact of specific and localised practices of criminal justice and related agencies.

During the consultation on the strategic plan many departmental staff and Aboriginal community members expressed views similar to those of Cunneen that Aboriginal over-representation must be understood within a context that takes into account a range of interrelated factors.

3.1 Family separation

The Human Rights and Equal Opportunity Commission (HREOC) has identified the effects of many family separations as depression, feelings of worthlessness, alcohol and drug abuse, violence and delinquency. People who had been removed from their families were twice as likely to have been arrested more than once in the last five years as those who had not (*Bringing Them Home: A guide to the findings of the Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*, HREOC, 1997).

The HREOC inquiry also found that the separation had significantly undermined the parenting skills of current generations of Aboriginal families, and that many of their own children were at risk of being removed on the grounds of neglect or abuse.

3.2 Patterns of offending

It may be that the types of offences committed by Aboriginal young people are those which are more likely to attract a custodial sentence. According to Cunneen (1996), Aboriginal young people are more likely than other young people to be

arrested for the commission of more serious break and enter offences, and for a smaller proportion of 'minor other theft', such as larceny.

3.3 Judicial decision-making

Evidence from NSW, Western Australia and South Australia consistently shows that Aboriginal young people receive a greater proportion of custodial sentences than their non-indigenous counterparts (Luke and Cunneen, 1995).

A study by the NSW Law Reform Commission, *Sentencing Disparity and the Ethnicity of Juvenile Offenders* (1998), found that there were statistically significant differences in the penalties received by the Aboriginal and Torres Strait Islander group and their Anglo-Australian counterparts, with the Aboriginal and Torres Strait Islander offenders receiving more community service orders and supervised orders. Both penalties are at the more severe end of the penalty hierarchy.

The authors of the report concluded that a lack of understanding of Aboriginal young people and Aboriginal culture by magistrates may be key factors in their sentencing practices, and recommended that magistrates receive comprehensive cultural awareness training.

The views of the report's authors are mirrored in the views of Aboriginal people consulted by the department who believed that a lack of cultural understanding on the part of magistrates, particularly in some rural areas, was resulting in more severe penalties being imposed on Aboriginal young people appearing before the courts.

3.4 Cultural difference

A common theme arising from the consultation was that the department's services and programs needed to be more appropriate to the needs of Aboriginal young people and their families and communities. Of particular concern was the process used by the department to assess the appropriateness of young people for conditional release under section 24(1)(c) of the *Children (Detention Centres) Act 1987*, and whether cultural factors (or more accurately a lack of consideration given to cultural factors) posed a barrier to access by Aboriginal young people to the program.

It is important for the plan to address the cultural appropriateness of the department's services and related processes, not only in relation to section 24(1)(c) but also in relation to other aspects of the department's operations such as case management, programming and behaviour management systems.

According to Cunneen (1996), cultural differences can be used as an explanation for over-representation in offending.

3.5 Socioeconomic disadvantage and marginalisation

The association between socioeconomic disadvantage, marginalisation and crime is well documented (Cunneen, 1996; Royal Commission into Aboriginal Deaths in Custody Report, 1991). In general, the socioeconomic position of indigenous young people as shown by social indicators such as health, housing, education and unemployment is worse than that of non-Aboriginal young people.

A study by Gale (1990) in South Australia found that of young people who had left school and were apprehended by police, some 91% of Aboriginal young people, compared with 61% of non-Aboriginal young people, were unemployed

(Cunneen, 1996). Similar findings were made by Cunneen and Robb in a study in north-western NSW.

The Royal Commission into Aboriginal Deaths in Custody concluded that the high level of property offences committed by Aboriginal young people is indicative of the high level of poverty among them. In this sense some property offending by Aboriginal young people may be viewed as a survival strategy.

3.6 Other factors

In the consultation undertaken by the department with staff and Aboriginal community members, socioeconomic disadvantage and alienation from education, work and community ties were commonly identified as factors that contribute to offending by Aboriginal young people.

The factors identified as contributing to disadvantage were the history and legacy of ongoing colonisation, dispossession and displacement, poor parenting resulting from the removal of the 'parent generation' from their own parents, institutional racism, the absence of employment opportunities and infrastructure in the rural and regional areas where many Aboriginal communities are located, and a lack of culturally appropriate service provision in welfare, education, training, health and juvenile justice.

Given all these factors, it is imperative that the department's strategic plan addresses the disadvantage faced by Aboriginal clients in access to education, training and employment options. Other issues that need to be examined include access to health, alcohol and other drug, and accommodation services. This will be achieved through the department's commitment to and involvement in whole-of-government initiatives and partnerships with community stakeholders.

A recent NSW summit on Strategies to Reduce Indigenous Over-representation in the New South Wales Juvenile Justice System identified the following as factors underlying the over-representation of Aboriginal young people in the juvenile justice system:

- loss of cultural identity
- socioeconomic status
- welfare dependency
- drug use
- peer pressure
- need for social skills
- poor experience and failure at school
- suspension and expulsion from school
- isolation
- unemployment
- dysfunctional families.

4. Profile of Aboriginal clients in custody

Aboriginal young people make up less than 2% of the general population aged 10 to 18 (Standing Committee on Law and Justice, 2000).

In 1999/2000 the average number of young people in custody on any given day was 355. Of these, 123 (35%) were recorded as being of Aboriginal background (Department of Juvenile Justice Annual Report). These figures highlight a significant over-representation of Aboriginal young people in detention.

4.1 Trend over time

Information from the department's annual reports on the average number of clients in custody, and the number of Aboriginal clients in custody, on any given day for the years 1996/1997 to 1999/2000 indicates that while the general detainee population decreased over the period, the number of Aboriginal young people in detention, and the proportion of Aboriginal young offenders compared to overall numbers, remained high.

Total number of clients in custody and number of Aboriginal clients in custody in the first month of each year from 1996/97 to 1999/2000			
Year	All detainees	Aboriginal detainees	Percentage of Aboriginal detainees
1996/97	451	136	30%
1997/98	394	135	34%
1998/99	388	110	28%
1999/2000	355	123	35%
<i>Source: Department of Juvenile Justice annual reports</i>			

While new diversionary measures such as those in the *Young Offenders Act* have led to a reduction in the total number of young people being formally charged or appearing before the courts, there has been an uneven application of the *Young Offenders Act* to Aboriginal young people.

The Second Report of the Standing Committee on Law and Justice (2000) and *Strategies to Reduce Indigenous Over-Representation in the New South Wales Juvenile Justice System* both suggest that what we are witnessing is an under-representation of Aboriginal young people at the less formal diversionary end of the juvenile justice continuum and an over-representation of that group at the more severe punitive end.

However, *An Evaluation of the NSW Youth Justice Conferencing Scheme* (Bureau of Crime Statistics and Research, 2000) reveals that in the period June 1998 to June 1999 approximately one quarter of conference participants were of Aboriginal background. In the same period, 17% of young people before the courts were Aboriginal. This may indicate that representation at the less formal diversionary end of the juvenile justice continuum, at least in relation to conferencing, is improving.

4.2 Geographical location and group characteristics

The local government areas in each region with the highest number of admissions of Aboriginal young people into custody (by order) are shown in the table below.

Region	Local government areas
Northern	Kempsey, Greater Taree, Lake Macquarie
South-West	Dubbo, Bourke, Orange, Wollongong
Metropolitan	Campbelltown, Liverpool, Blacktown, Penrith, Bankstown, South Sydney, Leichhardt, Randwick

An analysis of data on the characteristics of Aboriginal young people in custody as at 13 October 2000 indicates the following.

- Of the 107 Aboriginal young people in custody, 93 (87%) were male and 14 (13%) were female.
- The average age of the young people at admission was 16.2 years, with 32 (30%) being 15 or less at the time of admission.
- Of the 107 young people, 73 (68%) were on control orders, while 34 (32%) were on remand.
- Taking into account only the most serious offence for any individual, the three most common offences were break and enter, committed by 31 (29%) of the young people, robbery, committed by 29 (27%), and other assault, committed by 14 (13%).
- Of the 107 young people, 93 left high school before year 10, three had completed primary school only, three had completed the higher school certificate, and no information was recorded on eight.
- At the time of admission, one young person was in full-time employment, one was in part-time employment, 37 were receiving social security income support, 37 were in education, 23 registered as 'other', and no information was recorded on eight.

(Source: Department of Juvenile Justice Client Information Data System)

5. Strategies, programs and services to address Aboriginal over-representation

5.1 Greater collaboration with other government agencies

A common theme arising from the consultation process and the review of recommendations from key reports was the need for the department to consult with and work more collaboratively with Aboriginal communities, service networks, and key government agencies such as the Police Service, the courts, the Department of Community Services, the Department of Education and Training, the Attorney General's Department and the Department of Health. Several legal services are also key stakeholders, including the Legal Aid Commission, Children's Legal Services, Aboriginal Legal Services and the NSW Law Society. This issue is critical, given the range of factors and stakeholders that affect the level of Aboriginal over-representation.

The Department of Juvenile Justice alone cannot impact on the level of over-representation. A coordinated effort involving a range of stakeholders is needed.

The importance of working in a collaborative, coordinated and concerted way with key welfare and justice agencies to address over-representation was echoed by the department's Executive Committee at its August 2000 workshop on the issue.

5.2 Collaboration with justice agencies

The factors underlying Aboriginal over-representation mean that the policies and practices of the Police Service, lawyers and courts can have a significant influence on the numbers of indigenous young people entering the department's care. Clearly, it is important for the department to improve cooperative practices with and affecting change in the policies and practices of the Police Service (including police prosecutors) and the courts relating to the treatment of Aboriginal young people.

The introduction of the *Young Offenders Act* has created a strong avenue for the department to impact on the decisions made by the police and the courts in relation to Aboriginal young people and their access to the range of pre-court diversionary measures available under the Act.

The NSW Summit on Strategies to Reduce Indigenous Over-representation in the New South Wales Juvenile Justice System noted that the use of diversionary programs with Aboriginal young people was a critical issue in addressing their over-representation in the formal juvenile justice system (Cunneen, 1999). The summit pointed to a lack of referral of Aboriginal young people to diversionary programs and the need for more consistency in the use of diversion, both between Aboriginal and non-Aboriginal young people, and between different areas.

A lack of access by Aboriginal young people to diversionary options was also identified by the Standing Committee on Law and Justice in its Second Report, *Crime Prevention through Social Support*. The committee's inquiry found that Aboriginal young people do not appear to be diverted by cautioning as frequently as non-Aboriginal young people. Evidence based on a report by the Youth Justice Advisory Committee and submitted by Professor Cunneen to the inquiry indicates that:

- the proportion of Aboriginal and Torres Strait Islander young offenders being diverted from the courts was lower than that of other young offenders
- 12% of processes involving Aboriginal and Torres Strait Islander young offenders resulted in a caution, compared to 18.7% for the total population
- the percentage of processes involving Aboriginal and Torres Strait Islander young offenders going to court was higher than the percentage of processes involving other young offenders—86% compared to 78.4% (Standing Committee on Law and Justice, 2000).

The NSW Summit on Strategies to Reduce Indigenous Over-representation in the New South Wales Juvenile Justice System recommended more education for Aboriginal communities about the *Young Offenders Act* and the options available to young people (warnings, cautions and youth justice conferences).

At the workshop of the Executive Committee of the Department of Juvenile Justice on Aboriginal over-representation in October 2000, it was noted that conference administrators have been providing education to Aboriginal communities and young people about their rights under the Act, and working with the NSW Police Service to encourage the appropriate use of cautioning with Aboriginal young people. The Youth Justice Conferencing Directorate is also in a

position to educate and inform community-based staff such as juvenile justice officers, particularly court intake officers, about options under the Act, specifically for the purpose of providing appropriate recommendations to magistrates in court reports.

5.3 Programs and services that work for Aboriginal young people

Another common theme in the responses of people consulted was that departmental services needed to be more responsive to the culture and needs of Aboriginal clients. Camps were often noted as an appropriate and relevant environment of intervention for Aboriginal young people, providing a forum for referral, the provision of information, personal change, support and cultural education.

Recommendations on program provision to Aboriginal young people in Juvenile Justice Centres were also made by the Summit on Strategies to Reduce Indigenous Over-representation in the New South Wales Juvenile Justice System (Cunneen, 1999). The summit recommended that:

- the department conduct adequate and on-going consultations with young people in centres to identify concerns and possible improvements to programs
- anger management programs be made available to all young people in centres
- access to relevant TAFE courses be maintained and improved
- educational programs about cultural identity and family connections be developed and made available to Aboriginal young people.

In relation to programs provided by the department in the community, the summit recommended:

- continued funding for the Aboriginal Mentor Program
- greater funding for the establishment of bail hostels as alternatives to custody
- more use of section 24(1)(c) for indigenous young people
- adequate post-release support for indigenous young people on their release from custody covering accommodation, income support, education and general support.

5.4 Staffing in the department

A common theme in the responses of people consulted by the department was that there is significant scope for improvement in the staffing of departmental services.

It was recommended that the department implement measures to increase the number of Aboriginal staff. This involves both an increase in the number of identified Aboriginal positions and the number of Aboriginal people in generalist positions. This view is echoed by the recommendation from the NSW State Reconciliation Committee's report *Talkin' up Reconciliation* that 'the Department of Juvenile Justice recruit more Aboriginal staff and program facilitators within detention centres'. The NSW Summit on Strategies to Reduce Indigenous Over-representation in the New South Wales Juvenile Justice System stated that 'support structures need to be developed and put in place for Aboriginal staff to address the high rate of burn-out of employees'.

The department has made considerable progress in recruiting Aboriginal staff. Aboriginal people currently make up 6.8% of the department's staff. This is well above the public sector target of 2%. Considerable progress has also been made in youth justice conferencing, with five of the 17 conference administrators being Aboriginal.

Some staff who were surveyed also recommended that measures be implemented to achieve full staffing of the department's Aboriginal Unit. The unit was seen as having a critical role in the planning and coordination of initiatives to tackle the issue of over-representation.

It was also suggested that the department needed to finalise its Aboriginal Employment and Career Development Strategy as a priority.

5.5 Aboriginal cultural awareness training

The Summit on Strategies to Reduce Indigenous Over-representation in the New South Wales Juvenile Justice System noted that there is a general and serious lack of understanding of Aboriginal traditional and contemporary culture among staff in justice and welfare agencies. There was agreement at the summit that improved cross-cultural training was necessary in all departments that have dealings with indigenous young people.

The summit's recommendations in relation to cross cultural training included the following:

- that a single organisation be responsible for the development and provision of a generic training course, and that minimum standards and benchmarks be developed and monitored
- that there be location-specific training to complement the generic training, and that this training be delivered with the involvement of the communities in which the workers will be based
- that there be a multi-agency approach, and the sharing of best practice in the development of cross-cultural training.

Departmental staff and Aboriginal community members also recommended that the department enhance the level of Aboriginal cultural awareness training for staff at all levels of the department. This was also a recommendation of the NSW State Reconciliation Committee, which recommended that 'the Department of Juvenile Justice implement comprehensive cultural awareness programs for non-indigenous staff within the juvenile justice system' (NSW State Reconciliation Committee, 2000).

5.6 The involvement of Aboriginal people in the development and delivery of services

Many of those consulted recommended that there be greater opportunities for Aboriginal people to be involved in the delivery of services to young people, particularly in centres.

One suggestion repeated by a number of people was that elders should be involved in centres to share their cultural and life experience with the young people. This view is consistent with the recommendation of the NSW Aboriginal Seniors Yarn Up Conference that 'elders be given access into all Juvenile Justice Centres' and that they should 'be present when young people are being assessed by non-Aboriginal psychologist/counsellors' (Department of Aboriginal Affairs, 2000).

The importance of involving Aboriginal communities in working with Aboriginal young people in custody is emphasised in a number of recommendations from the Summit on Strategies to Reduce Indigenous Over-representation in the New South Wales Juvenile Justice System. The summit identified the issue of some Aboriginal detainees not receiving visitors, and recommended 'elders to be assisted in visiting centres on a regular basis because

of the positive effects it has on inmates' and 'programs should be developed to encourage Aboriginal community members to visit children in the centres' (Cunneen, 1999).

The summit also recommended that parents needed to be better supported by the department to regularly visit their children in detention centres and to be involved in the work being done with them. The distance parents have to travel to visit their children was identified as a barrier to regular visits.

This issue was a common concern raised by both departmental staff and community members in the consultation phase of the strategic plan.

5.7 Self-determination by Aboriginal communities

The Standing Committee on Law and Justice states in its Second Report that the starting point for effective crime prevention must be to engage, involve and enable Aboriginal communities to make decisions in the planning, development and implementation of crime prevention initiatives in those communities. The committee found in the course of its inquiry into crime prevention through social support that 'solutions imposed from the outside are likely to at best further disempower already disadvantaged communities, and at worst lead to increases in crime as anger and alienation increases' (Standing Committee on Law and Justice, 2000).

An example of good practice in empowering Aboriginal communities to impact on departmental services is the work being done by conference convenors in a number of locations such as Kempsey and Coffs Harbour with Aboriginal communities in developing conferencing processes and outcomes that are culturally appropriate to those communities.

6. *Aim of the strategic plan*

To decrease the number of young Aboriginal people under the supervision of the Department of Juvenile Justice, particularly the number of young Aboriginal people in custody.

7. *Objectives of the strategic plan*

Through a whole-of-government and community approach the Department of Juvenile Justice, in collaboration with other government and non-government organisations, will:

- provide realistic and achievable options for Aboriginal young people
- in conjunction with partner organisations and agencies, assist young Aboriginal people to make positive choices and support them in those choices
- empower and encourage communities to take ownership of and participate in the decision-making process impacting on the solutions for young Aboriginal people
- ensure that Aboriginal staff play a key role in and accept responsibility for the development, implementation and outcomes of the strategic plan by involving the rest of the department
- enhance departmental services to ensure effective access to Aboriginal clients' families and communities.

8. Administration of the strategic plan

8.1 Coordination

At a statewide level, the implementation, monitoring, reporting and evaluation of the strategic plan will be coordinated by the Aboriginal Unit in the Strategic Policy and Planning Branch. As the plan is one of the major initiatives in the Corporate Plan for 2001 onwards, it will also be subject to reporting requirements for the Corporate Plan.

8.2 Role of Aboriginal Program Support Officers

To facilitate the plan, Aboriginal Program Support Officers (APSOs) will:

- work with departmental staff and other partners to implement the plan
- monitor and report on outcomes
- coordinate actions and outcomes of the plan at a regional level
- inform and support region staff in meeting their responsibilities and the requirements of the plan
- advise regional directors and the Youth Justice Conferencing Directorate on strategies to ensure compliance with the plan at the regional level
- in liaison with other staff, ensure that departmental services achieve optimal diversionary outcomes for Aboriginal young people
- collaborate with funded services to link their access and equity strategies to meet the aims of the plan
- develop and improve existing community partnerships
- engage community partners and other agencies in the development and implementation of strategies to reduce over-representation.

The work plan for each APSO will be developed in conjunction with the APSO and their supervisor. Assistance and direction will be provided by the Strategic Policy and Planning Branch to ensure consistency across the department for the implementation of the plan, and the relevance of work in relation to the plan.

8.3 Reporting

In the first year of implementation of the plan, quarterly reports will be prepared by the APSOs and submitted by Regional Directors. A six monthly departmental report will be submitted to the Executive Committee by the coordinator of the Aboriginal Unit and the manager of the Strategic Policy and Planning Branch on progress by the regions in implementing the initiatives outlined in the plan. The six monthly report will be a standing item on the agenda of the Executive Committee.

8.4 Evaluation

The strategy is a major departmental initiative, and a high emphasis must be placed on achieving the plan's outcomes, which will lead to a reduction of over-representation of Aboriginal clients. In recognition of the importance of this initiative, and the fact that this is the first attempt at a coordinated strategic plan to reduce over-representation, it is essential that the strategy be evaluated. Ideally this will involve the engagement of an evaluator at the commencement of the plan to establish parameters for reporting, and subsequently provide an interim and final evaluation of the strategy.

To ensure rigour and independence in the evaluation, a preferred option is to contract an external agency or person to undertake the task.

8.5 Regional Directors

Regional Directors will be responsible for the endorsement and implementation of the Regional Action Plan. They will also be responsible for ensuring compliance by managers and other regional staff with initiatives under the plan, and for reporting on progress in the implementation of the plan at a regional level. The Director, Youth Justice Conferencing, will be responsible for ensuring compliance by conference administrators and for six monthly reporting to the Executive Committee.

9. Other key stakeholders

- The Minister for Juvenile Justice
- Juvenile Justice Advisory Council
- The Cabinet Office
- Council on the Cost and Quality of Government
- CEOs Group on Aboriginal Affairs
- CEOs Group—Justice Agencies
- Aboriginal Justice Advisory Council
- Youth Justice Advisory Committee

Attachment 1

Current Department of Juvenile Justice initiatives to address the over-representation of Aboriginal young people in the juvenile justice system

The following are current departmental programs that seek to reduce reoffending by Aboriginal young people under the department's supervision.

Aboriginal Mentor Program

In response to a recommendation of the 1993 Green Paper *Future Directions for Juvenile Justice in New South Wales* the department developed a mentor program for Aboriginal clients which was introduced in 1996.

The program is premised on the belief that positive developmental relationships with adults will help young people to stop offending. Mentors act as role models for clients who lack a positive relationship with a significant adult.

Aboriginal community members are recruited, trained and matched with clients to provide the mentor support. Mentors are paid on an hourly basis.

The aims of the program are to:

- provide assistance and support to Aboriginal young offenders
- assist Aboriginal young offenders to successfully reintegrate into their community by encouraging community members to participate in providing them with culturally appropriate services
- encourage the active participation of local communities in the support of Aboriginal offenders through the community networking of mentors
- empower Aboriginal communities through their involvement in the rehabilitation process of young Aboriginal people
- improve the provision of departmental services to Aboriginal young offenders.

Ja-Biah Bail Accommodation Service

The Ja-Biah Bail Accommodation Service at Mt Druitt commenced operation in February 1997. It provides an alternative accommodation option for magistrates when considering the granting of bail. The service targets Aboriginal young people who would otherwise be held on remand in a Juvenile Justice Centre due to a lack of accommodation.

Ja-Biah is supervised 24 hours a day and offers clients a range of services, including cultural awareness, access to education and living skills, and assistance in addressing their offending behaviour.

The bail hostel aims to reduce the number of Aboriginal young people held on remand in Juvenile Justice Centres. The young people who attend Ja-Biah are encouraged into non-offending lifestyles through education and personal skills development.

Purfleet Aboriginal Youth Centre

The Purfleet Aboriginal Youth Centre is a purpose-built facility in Purfleet, five kilometres south of Taree. The centre was built and established with funds provided by the Department of Juvenile Justice and ATSIC during 1998. The centre has been operating for the past two years.

The aim of the centre is to provide young Aboriginal people from the Purfleet and Taree districts with opportunities to participate in educational, personal development and recreational programs and employment options and placements.

The target group is Aboriginal people between 10 and 18 who are:

- subject to a supervised court order
- at risk of committing offences
- chronic truants and school refusers, and
- without parental or family support and supervision.

South Sydney Youth Services Juvenile Justice Program

South Sydney Youth Services Juvenile Justice Program services the South Sydney area. The program targets as a priority Aboriginal young women who are clients of the department. The program also works with Aboriginal young men who are departmental clients, and other Aboriginal youth who are considered at risk of offending.

A range of services is provided by the program, including court support, group work, family mediation, and general post-release support for clients leaving detention.

KEMP

KEMP (Kempsey Education and Motivation Program) is funded by the department and operated by Digay Centre of Excellence in Aboriginal Education in the Kempsey area. The agency is part of Kempsey TAFE. KEMP provides juvenile justice clients with culturally appropriate education, training and work-based learning opportunities.

The Pre-employment Skills Training and Mentor Support Program

The Pre-employment Skills Training (PST) Program was recently established by the department with funding from the NSW Drug Summit. The department was funded to trial a program that provides pre-employment and livings skills to its clients.

The PST program was established in recognition of the relationship between the protective quality of active and meaningful participation by young people in education, training and/or employment, and both substance abuse and further offending.

The aim of the program is to increase the employment prospects of Department of Juvenile Justice clients on community supervision orders by linking these clients with providers of employment, education and training services.

The department currently funds eight agencies to deliver PST projects in 11 locations across the state. These agencies are required to deliver a range of training, employment and mentor services to clients with the goal of assisting the young people to return to full-time education, participate in accredited training and/or enter paid employment.

In recognition of the needs of Aboriginal clients, the department has established four PST projects in areas where their numbers are high—Taree, Dubbo, Wagga Wagga, and Kempsey. All agencies funded to deliver services in these areas have demonstrated links to and expertise in working with Aboriginal young people and communities.

Other departmental initiatives

As well as providing programs, the department has employed a range of other initiatives to increase its capacity to respond to the needs of Aboriginal young people and communities. These include the following.

Youth justice conferencing

In recognition of the over-representation of Aboriginal young people in custody and their under-representation in diversionary options, the department has three conference administrator positions that are identified for people of Aboriginal or Torres Strait Islander background. In addition, two Aboriginal people are employed in non-identified positions. These and other conference administrators work closely at the local level with various stakeholders in the *Young Offenders Act*, including Police Service Local Area Commands, the Aboriginal Legal Services and Aboriginal groups, to identify the best ways for Aboriginal people to be involved in conferencing.

Conference administrators have recruited and trained 28 conference convenors of Aboriginal and Torres Strait Islander background.

Cultural awareness training

Cultural awareness is included in the competency-based training program *Certificate III in Juvenile Justice*. This is a compulsory training course for all staff working directly with clients.

Identified Aboriginal positions

The department has established 73 positions identified for the employment of people of Aboriginal and Torres Strait Islander background.

Aboriginal and Torres Strait Islander staff are also employed in mainstream positions, for example as senior youth workers in Juvenile Justice Centres, community-based caseworkers and program support staff, and conference administrators.

Aboriginal Program Support Officers

The department employs five Aboriginal Program Support Officers across the state. These staff liaise and consult with local Aboriginal communities, provide feedback from these communities, support the department's local and regional programs for Aboriginal clients, advise on programs run by Aboriginal organisations and, when necessary, provide training.

References

An Evaluation of the NSW Youth Justice Conferencing Scheme (2000) Bureau of Crime Statistics and Research, Sydney

Bringing Them Home: A guide to the findings of the Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (1997) HREOC, Sydney

Crime Prevention through Social Support (2000) Second Report of the Standing Committee on Law and Justice, Sydney

Cunneen, C (1999) *Strategies to Reduce Indigenous Over-Representation in the New South Wales Juvenile Justice System: Summit outcomes and recommendations*

Cunneen, C and McDonald, D (1997) *Keeping Aboriginal and Torres Strait Islander People out of Custody*, The Office of Public Affairs, ATSIC, Canberra

Luke, G and Cunneen, C (1995) *Aboriginal Over-representation and Discretionary Decisions in the NSW Juvenile Justice System*, Juvenile Justice Advisory Council of NSW, Sydney

Report on the Outcomes of the NSW Aboriginal Seniors Yarn Up Conference (2000) NSW Department of Aboriginal Affairs, Sydney

Royal Commission into Aboriginal Deaths in Custody Report (1991) Australian Government Publishing Service, Canberra

Sentencing Disparity and the Ethnicity of Juvenile Offenders (1998) NSW Law Reform Commission, Sydney

Talkin' Up Reconciliation: An overview of the NSW Reconciliation Convention (1999) NSW Reconciliation Committee, Sydney

