NSWALC NORTHERN REGION LOCAL ABORIGINAL LAND COUNCILS
shaking hands together

NSW Aboriginal Land Council Northern Region
Local Aboriginal Land Councils

NSWALC Northern Region Regional Partnership Agreement

SENATE ENQUIRY
ABORIGINAL JUSTICE REINVESTMENT – A RESPONSE

Purpose of Submission

This Submission on Aboriginal justice reinvestment to the Senate Inquiry chaired by Senator Penny Wright consolidates the views of the fourteen Local Aboriginal Land Councils of NSWALC Northern Region in response to the continuing unacceptably high levels of incarceration of Aboriginal men, women and young people. It is submitted within the context of an attitude of ambivalence displayed by both tiers of Government to the strategic, cost-effective solutions developed by our Land Councils as community initiated contributions to easing the accumulating social and economic deficits which are experienced by our communities, families and individuals. The submission describes the challenges of implementing a well-researched and documented justice reinvestment strategy.

Regional Partnership Agreement

The fourteen Land Councils of NSWALC Northern Region have entered into a strategic alliance (the Friendship Treaty) with a view to collaborating on initiatives which address socio-economic disadvantage across the region. In recognition of the lead and inclusive role the Land Councils play in their respective communities, and the innovative economic and social planning work undertaken jointly by the Land Councils, the Commonwealth and NSW Governments (represented by FaHCSIA and NSW Aboriginal Affairs respectively) joined in March 2011 with the Land Councils, within the framework of a Regional Partnership Agreement (RPA), to work to achieve the following objectives, among others:

- Establish partnerships and share responsibility for achieving measurable and sustainable improvements for Aboriginal people in the region;
- Identify regional needs and priorities of Aboriginal people living in the region through consultation with regional peak bodies and representative groups;

- Develop and implement strategies to improve the coordination and provision of government and non government services across the region;
- Establish a performance measurement and evaluation framework for the RPA;
- Build the region's capacity for social, economic, spiritual and cultural self determination; and
- Increase participation by Aboriginal people in the region in the social, economic, spiritual and cultural life of the community.

The RPA framework automatically engages other agencies, including NGO and ACCO providers, and consultative bodies on a negotiated basis as allied partners. Concurrently, communities are in the early stages of establishing local coalitions of Aboriginal peak organisations at community level with the aim of strengthening local capacities and resource use.

The Land Councils have negotiated strategic alliances with the University of New England and with the New England Institute of TAFE to provide access to additional knowledge-based resources.

Land Council Initiatives

The initiatives described above are illustrative of a progressive community with the capacity to build its own institutions and work to its own strengths.

NSWALC Northern Region has applied its energies, as one priority, to the issue of Aboriginal incarceration and justice reinvestment as shown on the attached.

Having articulated the solutions to incarceration and social disturbance at strategic level, including highlighting the adverse impacts of deficits in mental health, substance misuse and domestic and family violence services, the challenge facing the Land Councils is how to get practical support to move these initiatives beyond the usual platitudinous acknowledgement that the region is producing 'good work'. But they do not fit with Governments' priorities so how can we make it so when there is a clear absence of leadership, vision, innovation and capacity within Governments and within the instrumentalities of Governments to facilitate and support communities to implement culturally relevant responses to the disadvantage experienced by our people?

The Royal Commission into Aboriginal Deaths in Custody, which reported its findings in 1991, provided the blueprint for the way forward but Governments have persisted in imposing inappropriate ideological solutions further worsening the plight of Aboriginal people, particularly our young people.

To date, the Northern Region Forum has endeavoured to recruit practical support to its well-formed vision for justice reinvestment through:

- Inclusion of a Clan and Family project to be delivered in three 'hot-spot' communities in RPA Schedule 1 (Government priority tasks) followed by the preparation of draft Schedule 6 to the RPA which explicitly identifies a suite of actions developed and endorsed by the Land Councils (see attached);
- Sought an investment in Community Coordinators in the "hot spot' communities with the objectives of:
  - capturing the wealth of community and organisational knowledge and experience and channeling into collective action via shared visions and priorities to achieve the communities' desired goals;
  - skilling for, developing and fostering power-balanced, reflective relationships internally within community and between community and government which support social inclusion, equitable participation and community cohesion;
  - joining with, challenging and supporting mainstream, including non-government, and ACCO service providers to provide improved pathways to client-centred, accessible, culturally safe and coordinated services for vulnerable Aboriginal community members;
  - acting as a coordination and reference point for the community, an advocate for additional resourcing, and a point of entry for government seeking community involvement in planning and reviewing services or engaging in civic activity; and
  - encouraging improved responsiveness, collaboration and integration of local service networks, and strengthening their capacity to deliver client-driven services;
- Made representations to the NSW Attorney-General's Department with a view to securing a commitment to justice reinvestment across our region, consistent with the strategic approach identified by the Forum. This included a preliminary review of mental health, substance misuse and family and domestic violence services across the region as attached; and
- Developed a detailed business case which examines the economic costs of imprisonment, demonstrates cost-effectiveness of community lead rehabilitation, and then applied to the Indigenous Land Corporation (ILC) for funding to purchase a residential centre as the first step in developing the infrastructure required to implement our costed justice reinvestment strategy. Discussions with NSW Correctional Services are on holding pending some indication of the Commonwealth Government taking the propositions seriously.

To date, we have not been favoured with a positive outcome to any of these initiatives.