

**Submission
No 108**

COMMUNITY SAFETY IN REGIONAL AND RURAL COMMUNITIES

Organisation: ANTAR-Armidale

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SUBMISSION TO NSW PARLIAMENTARY INQUIRY INTO COMMUNITY SAFETY IN REGIONAL AND RURAL COMMUNITIES ON BEHALF OF ANTAR-ARMIDALE

ANTAR-ARMIDALE WHO WE ARE

ANTAR-Armidale is a community group established in 1987 and affiliated with ANTAR-NSW but this submission only represents the views of ANTAR-Armidale. We focus here in particular on issues affecting first nations youth in the town and surrounding areas, but, as people who live in and love the region we are familiar with the broad issues of community safety.

We are best known for our well supported annual Bridge Walk where 2-300 First Nations People and other locals join together to walk across a local bridge and share traditional dancing, speeches, food and conversations. We have just held our fourteenth Bridge Walk. For 25 years we have published a regular ANTAR Newsletter three times a year which is devoted to covering local Aboriginal news and events. Youth Justice and Raising the Age have featured frequently in the Newsletter over the years (See Appendix) We also call for adopting measures which help children in trouble to develop their capabilities rather than setting them on the path to jail. As a group ANTAR-ARMIDALE meets on a monthly basis but this year, post-referendum, we have been working to increase our contacts across the local community especially with younger residents, recognising that formal meetings provide an uncomfortable setting for many First Nations people and for many others unfamiliar with the format. We have therefore begun to hold free Fun and Friendship community events every couple of months in a local park on Friday evenings with games, sports and food which are aimed at families and open to everyone. We are also organising yarning circles to share listening and learning about local realities of life in Armidale with Elders and others in the Aboriginal community.

A REALISTIC VIEW OF THE SIZE OF THE PROBLEM

Whilst we certainly see a number of service gaps which need to be fixed, as we outline below, we are also concerned not to cast fuel on the flames of a moral panic which does not reflect reality. Rates of violent and property crime in regional NSW are considerably higher than in Sydney, and this has been the

case for a long time (Cook and Fitzgerald 2024). Property crime in regional NSW fell by 48% from 2004 to 2023 (but Greater Sydney fell further). Rates of violent crime fell in Sydney but remained stable over the two decades for regional NSW. In 2019 to 2023, four major offences saw significant rises in Regional NSW: motor vehicle theft up 20% (up 188% for young people), with keys often being stolen during break-ins frequently making the event especially traumatic. Non-domestic assault was up 14% with 62% of the rise being due to offences by young people, sexual assault was up 47% and domestic violence related assault up 24%.

When compared with the rest of the state, New England and North West has a rate of property crime 1.9 times that of the state average – only Far West and Orana is worse. The situation is similar with violent crime with a rate 1.8 times the state average and only Far West and Orana worse. In regional NSW over half (53%) of legal actions initiated by police for property offences involved Aboriginal offenders as compared with 23% in Greater Sydney. Aboriginal people were involved in 37% of legal actions for violent offences in the regions as compared to 13% in Sydney. This reflects the fact that just one third of the 278,000 indigenous persons in NSW live in Sydney. In regional NSW 17% of those proceeded against for property crime were young aboriginal males and 4% young Aboriginal females, in Greater Sydney these percentages were 6% young Aboriginal males and 2% young Aboriginal females. In regional NSW for violent crimes the percentages were 5% for young Aboriginal males (and 5% for non-Aboriginal young males too) and 5% for young females. In greater Sydney the percentages were 2% for young Aborigines both male and female but 7% for young non-Aboriginal males (these figures are from Alana Cook and Jackie Fitzgerald 2024 *Crime in Regional and Rural NSW in 2023*, NSW Bureau of Crime Statistics and Research).

To the person in the street, percentages are probably less meaningful than absolute figures. The Australian Institute of Health and Welfare's authoritative study of *Youth Justice in Australia 2018-19* found that on an average day in 2018-19 in the whole of New South Wales there were 270 young people aged 10-17 in detention and 1,100 under supervision in the community. This represents just 3 youths per 10,000 young people who are in detention and 14 per 10,000 who are under supervision in the community. The NSW Custody Statistics show that in June 2020 there were just 7 Aboriginal young people from New England and the North West in custody. Pre COVID this figure had hovered around 17. To stress that this is a small figure is not to deny that children's future lives will be much better if they are never in detention.

Unfortunately, widespread social media ensures that a few individual acts of violence and vandalism are repeatedly discussed to the increasing alarm of the community. NSW Custody Statistics for March 2024 show 223 young people across the whole state in detention as compared with 212 in March 2023. In March 2023 57% of young people in custody were Aboriginal as compared with 66% in March 2024. In terms of absolute numbers young Aboriginal males in custody had risen from 110 to 133 and females from 10 to 15.

The NSW Recorded Crime Statistics 2019-23 present data on numbers of recorded incidents in Armidale and trends over the past 24 and 60 months. In 2023 there were 213 domestic violence related assaults and 240 non-domestic violence related assaults. An area where the Armidale LGA was ranked very highly in terms of numbers of offences was break and enter of dwellings where Armidale (not, as many would presume, somewhere in Sydney) was 4th highest LGA in the State with 331 incidents . This number had risen 67% over 24 months. Motor vehicle thefts had risen from 56 to 110 from 2022 to 2023 in a 98% increase. There were also 405 incidents of malicious damage to property a rate which remained relatively stable. Breaches of apprehended violence orders rose from 142 to 178. Breaches of bail conditions had risen from 148 to 219 in a 48% increase. Other areas of particular concern include breaches of apprehended violence orders with 175 incidents and breaches of bail conditions with 219 and trespass with 120 incidents.

As to the drivers of youth crime, we see two significant immediate factors: boredom and drugs and alcohol and one overarching issue which is poverty of life and opportunities. Whatever their ethnic backgrounds, middle class children rarely get into trouble. They live comfortable lives; they can envisage pleasant futures and they have parents who can and do come to the rescue should anything go wrong. Perhaps one quarter of First Nations youths in Armidale are living in situations of considerable disadvantage where life offers more negatives than positives.

HOME BACKGROUND

For all young people, but especially for indigenous youths, coming from a stable home background generally provides an important protection against getting into trouble. There are many stable and loving homes across the communities which make up Armidale, but the historical experiences of many indigenous families where the parents were removed from their parents and where the fear of child removal is still a daily reality pose special challenges.

Parents who fear being “red flagged” as being of special concern by government agencies will resist asking for help with their children. Sometimes something as simple as placing social workers in more informal contexts than government offices can help. Sometimes young people are spiritually hungry not necessarily for organised religion. They want someone they can respect to talk to.

SCHOOL ISSUES

More Indigenous than non-Indigenous children drop out of school often because they feel that school is too remote from the real world and offers them no clear path to the future. There is a widespread belief in town that the new Armidale Secondary College, which combined two earlier schools, is just too big; that students feel lost and that therefore the culture of school discipline is fragmented and some children regularly misbehave. The College is supposed to promote ‘belonging, acceptance, safety, trust and responsibility’ but that is hard to achieve. Parents are supposed to pay a school contribution but the Principal is to ‘ensure that no student or family suffers any discrimination or embarrassment over inability to pay’. Today all children are supposed to become computer literate but this is difficult when the home household cannot afford access to the internet. In 2016-17 15% of New South Wales households did not have access to the internet and this proportion grew with the distance from Sydney. Armidale does have services such as the Library and the Armidale Community Hub where computer access is available but these are not designed for children.

DOMESTIC VIOLENCE

Domestic violence affects all levels of society but some women have more access to resources to support themselves and their children if they leave an abusive relationship than do other less advantaged women. The Armidale Women’s Shelter helps some 600 women a year. About half of these are indigenous. They are organising a smoking ceremony to make the shelter more culturally welcoming. In communities where there is still significant respect for the Elders, it is possible in some cases to establish a situation where the Elders tell the violent man in the household that he is the one who has to leave, with the consequence that the mother and her children are able to stay in the family home. This more satisfactory outcome depends upon the cultural power of the elders and can be made more likely where there is a men’s shelter for the abuser to go to and hopefully learn less violent methods of

dealing with domestic disputes. In cases of domestic violence, the children are often the 'meat in the sandwich' torn between parents and more likely to come into contact with the justice system, in part because of the lack of good role models to look up to.

FIRST NATIONS CONCERNS

Nothing about us without us.

There can be no question that first nations people are grossly over-represented in the NSW criminal statistics for supervision and detention. The AIHW Youth Justice Study found that on an average day in 2018-19 in NSW there were 95 indigenous young people per 10,000 under supervision in the community as compared to just 8 non-indigenous young people. For those in detention the figures were 24 versus 2. Part of this gap is explained by the socio-economic status of the areas where indigenous youths live. For Australia as a whole, on an average day young people from the lowest socio-economic areas were 5 times as likely to be under supervision or in detention as those from the highest socio-economic areas. Even within Armidale, there are areas where house prices and rents are lower because of a perception of higher crime rates. There is also a gradient right through from the cities to the very remote areas with those from remote areas 6 times more likely to be under supervision and 8 times more likely to be in detention. This is undoubtedly related to the lack of facilities in regional and remote areas although the exact relationship is not always clear. The disturbing figures for very remote areas also raise questions about the requirements for the First Nations' contributions to keeping young people out of trouble. There clearly should be limits to how much unpaid work elders can be expected to do, and the problems of co-ordinating government departments and services appear to increase with the distance from state capitals.

SOLUTIONS

Belgium would appear to be the country in the world with the lowest rates of youth crime. This is generally attributed to the fact that when a young person under the age of 18 gets into trouble, the assumption is that the fault lies not with the young person but with the community which has failed that young person in some way. It is held to be up to the community to help the young person to get back onto the right path and stay there.

ANAIWAN LAND PURCHASE

The local Anaiwan community launched a crowdfunding campaign in January 2023 and raised \$370,000 in six weeks with a spike in donations on January 26th - Australia Day. The community has bought almost 600 acres including water for cray fishing. Among other activities including language work, the Elders want to run diversionary programs on the block to help local kids connect to country believing that the more removed a young person is from their culture the more likely they are to get into trouble.

ONCE UPON A TIME

In part because it is a university city, Armidale is a vibrant town with many cultural events of music, theatre and plastic arts, even public lectures. However, when it comes to attractions for 10-17 year olds, other than sports, the town appears to be dead.

In the memories of ANTAR-ARMIDALE members there once were a number of successful programmes working with indigenous youths which no longer exist. What appears to happen all too often is that programmes are only funded for a few years and then there is a new government or even just a new social work fashion and there is no more funding. This happens despite the success of the programme in providing much needed services and keeping kids off the streets and out of trouble.

In Armidale we used to look to the PCYC for several such programmes. Now there are only two, a Friday night activities and feed programme for those 12 to 17 which is a much underserved group, and the Armidale Police (at the PCYC) run a twice=weekly boxing group where children turn at 6am with their school uniforms. They have a boxing class and a shower and, if dressed in their uniforms, get a free breakfast. The boxing program has Aboriginal adult volunteers. All the other PCYC activity programs involve a per session fee, which puts them beyond most struggling families especially if they have numerous children. There are no activities on Saturday nights.

There would appear to be two problems for the PCYC, 1. The PCYC has fewer police resources, and less finance and volunteers than it used to have and

2. There is some perception that the PCYC has become a more safe or even middle class institution catering more to the children of professionals than to the children of unemployed, unskilled workers.

There also used to be an Aboriginal night 'foot patrol', organised under the CDEP program and including Aboriginal volunteers, mostly Elders, which picked up children out late on Armidale streets and took them home or to a safe place in their minibus. The minibus fell into disrepair and the programme disappeared. Again, there also used to be a programme of midnight basket-ball to keep kids occupied and safe – some of the former Sudanese refugee players from this programme are now playing professionally in the USA. Such programmes need both funding and a mixture of paid leaders and volunteers. The average age of volunteers in Armidale is rising rather rapidly and many of the opportunities to apply for funding appear to have dried up. However, the Anaiwin elders have put in submission requesting funding for a culturally appropriate youth justice programme.

When it comes to specific activities for those who have had problems with alcohol or drugs or contact with the law such as those run by St Vincent de Paul, these programmes appear to be exclusively reserved for adults leaving youths unserved. This is a serious gap which needs to be filled. Certainly, there is BackTrack Youth Works, based in Armidale but with a regional catchment, which has been working with at-risk kids since 2006, but there is only so much that one specialist organisation can do.

ACT COMMISSIONER FOR FIRST NATIONS CHILDREN

The ACT has now appointed its first Commissioner for First Nations Children. She is Vanessa Turnbull-Roberts, a human rights lawyer who was herself removed from her family when aged 10. New South Wales should seriously consider a similar appointment.

MEASURING SUCCESS

What gets measured gets the attention and the funding. We have the statistics on how many children are removed from their families and how this has been a failed solution. What is needed now is to require clear and regular information on how many children are being successfully re-united with their families.

INFORMATION SOURCE

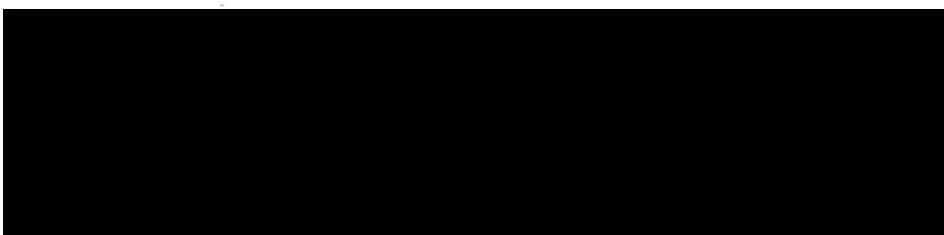
The Centre for Rural Criminology at the University of New England is a world first hub collaborative international rural crime research centre. It seeks to understand all aspects of rural crime in order to help build safe and resilient communities. It brings together scholars, higher degree research students, practitioners organisations and communities. Together, the Centre's researchers and partners study crime prevention and innovative responses to the most compelling social problems that impact upon rural communities from livestock theft and illicit drugs to environmental crimes and interpersonal violence.

RECENT MEETING

A recent meeting in Armidale called by an Aboriginal community member, was attended by some 30 people to respond to this Inquiry. It was noted that over the years successful services had been discontinued; that there is a lack of services for youth, including drug and alcohol programs; there is minimal effective coordination between the services which do exist; and that restorative justice could and should play a part in juvenile justice.

INVITATION

We would hope that the Inquiry team would be able to visit Armidale (perhaps for the 50th anniversary concert of Cold Chisel) and ANTAR-ARMIDALE would be very happy to meet with you and discuss the issues raised above.



Helen Ware
On Behalf of ANTAR-ARMIDALE



PLEASE SEE NEXT PAGE FOR APPENDIX OF ANTAR NEWSLETTER ARTICLES

AUGUST 2023

How the Voice could make a local difference:

Part 2: Juvenile Justice

Diana Eades

The locking-up of children and young people is a major area where the gap between Aboriginal and non-Aboriginal people remains glaringly wide. And it's a topic that brings out strong feelings across the country: many people agree it's not OK to lock up kids as young as 10, and there is much alarm at young people getting into trouble, and the risks of them heading on the path to adult gaol, as well as issues of community safety.

An innovative pilot program was run in 2017-2019 at the Pat Dixon Aboriginal Medical Centre that focused on local Aboriginal children (about 10-14 years old) who were at risk of getting into trouble with the law. This Aboriginal-designed and run project was a first for our region to take a family approach: Program Director Cynthia Briggs and her small team worked with these kids **and their families** to address underlying issues, and to help kids recognise obstacles and develop positive ways of dealing with them.

Cynthia reports that local schools also participated in a positive way when invited by the program.

Sounds like a good idea? So why isn't it still running? Ongoing funding for this project was not forthcoming, and Cynthia says it was impossible to get anyone from government (the funder of the initial program) to come and see what the

program was doing, and to actually talk with children, families and staff involved. In short, Cynthia says that, despite her best efforts, "there was no-one to advocate for our program".

As Ian Temby pointed out in *The Australian* on June 23rd Indigenous people should have the guaranteed right to lobby for better outcomes than at present. Lots of other interest groups can do this. For example, "the coal industry, the gas industry, manufacturers, irrigators, cotton and rice farmers, banks, the superannuation industry, doctors, lawyers, pharmacists, the media (print, television and radio) and countless others have a presence in the nation's capital or visit often. Some do it through senior executives. Most employ professional lobbyists."

Indigenous people and groups do not have the financial backing, or the "connections" that can make governments (and parliaments) sit up and listen. This is why the Voice is needed. Forget the politics, think locally about programs like Armidale's Parent, Child, Youth Early Intervention and Prevention Program, about issues like Closing the Gap on youth justice, as well as health, education, employment, and many other issues. Voting "yes" to the Voice means that we agree that Indigenous people should have the right and the mechanism to speak directly to parliament and executive government about laws and policies that concern them. And enshrining the Voice in the Constitution takes its right to exist away from the politics of the day.

Stamping out STOMP program

Diana Eades

The Suspect Target Management Plan ('STMP', widely referred to as STOMP) was a preventative approach to policing in NSW policy which ran for 23 years. It involved police having a secretive 'blacklist' of people ('targets') they thought were at risk of offending. These 'targets' were the subjects of consistent monitoring and observation, even when they weren't doing anything wrong.

Many people raised concerns about this level of over-policing, especially of children and young people. Here in Armidale, we've been told of Aboriginal grandmothers who were woken by police at all hours of the night, so that police could check if a grandchild in their care was in their bed.

In 2018 the Law Enforcement Conduct Commission began an investigation into this program. In October this year it released a damning report, saying that STMP was "potentially unlawful", that it was having an "ongoing discriminatory effect" on young people, and that it was unreasonably "intrusive and disruptive" to young people's day-to-day lives.

It also found there was a consistent overrepresentation of Aboriginal and Torres Strait Islander young people as targets. Almost immediately NSW Police decided to stop the STMP program.

About time!

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Too much jail time, not enough community alternatives?

Hi, my name is Fiona Lovelock, and I am the Aboriginal Client & community Support Officer (ACCSO) based at the Armidale courthouse. I provide support to Aboriginal people who encounter the justice system, and my role seeks to improve the quality of justice-related services for Aboriginal defendants, victims, families, and court users.

The ACCSO position was established in 1995 to improve the quality of support given to Aboriginal people attending court, victims, families, and other court users, to reduce the number of Aboriginal clients coming before the courts and to reduce incarceration rates of Aboriginal people.

There's a Community Consultation Workshop coming up later this month for you to have a say in how we can build our

cultural capabilities, improve the services and programs we deliver. Significant reform is required to meet the Closing the Gap targets. Working together we can improve our Mob's lives and futures by reducing over-representation in the justice system.

Would you be interested in becoming part of the Armidale Aboriginal Community Justice Group? Or be a part of The Circle Sentencing Court Program?

The Justice Group is made up of respected Aboriginal community members, service providers as well as justice agencies, meeting together on a regular basis to examine crime and offending problems in the community and to develop solutions to address these issues.

Circle Sentencing is an alternate sentencing option in a culturally appropriate setting for Aboriginal clients that have pleaded guilty. Under Circle Sentencing, the magistrate works with Aboriginal elders, victims, and the offender to determine an appropriate sentence.

If you are interested, please call me on 0428 542 359 or call into my office located at the Armidale Courthouse.

#RAISE THE AGE campaign

This is what your local doctor's national association (RACGP) is saying:

"Children belong in playgrounds, not prisons. Most ten year old children are in Grade 4. Most ten year old kids dream of growing up to be a doctor, or an inventor or a champion basketballer. Most ten year old kids aren't quite ready to walk home from school by themselves just yet. Most ten year olds, when they make a mistake, even a really big or hurtful mistake, are given guidance and support and love to help them learn what's right. But others face a very different reality. Right now, across Australia, children as young as ten can be arrested, charged and imprisoned. Prisons traumatise children and increase their chances of getting into more trouble, not less. Help us raise the age of legal responsibility from 10 to 14 years old."

The #RaiseTheAge campaign was born to change this. Aboriginal and Torres Strait Islander communities, organisations and activists have been pushing for the age of criminal responsibility to be changed for decades, having seen first hand how locking away young children and removing them from their communities and families only does more damage. In 2020 a coalition of Aboriginal and Torres



Strait Islander organisations and legal, medical and human rights groups came together to form a national campaign to push every single state, territory and federal government to change the laws so that children under 14 cannot be sent to prison. The campaign is now supported by over 100 organisations in every state and territory with new groups signing up every week. The solution is simple. No child belongs in prison. As a first step, all Australian governments must raise the minimum age at which a child can enter the criminal legal system from 10 to at least 14 years of age. Now is the time for all of us to speak together and show that the support for raising the age continues to grow. ANTAR Armidale has written to Adam Marshall and the Premier on this issue. Visit the website, sign the petition, and write to your local member. <https://raisetheage.org.au>

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JAILING IS FAILING

Says the Justice Reform Initiative, a new organisation building on the emergence of a powerful network of advocates in Australia; the beginnings of cross-party support for change; and a large and compelling evidence base outlining how to build alternatives to incarceration and pathways out of the prison system. It is an alliance of people who share long-standing professional experience, lived experience and/or expert knowledge of the justice system, who are further supported by a movement of Australians of goodwill from across the country and across the political spectrum.

The Chair of the JRI Board, Robert Tickner OA, was in Armidale in June to give the Annual Rotary Lecture.

Attended by around 200 people, including many community leaders, he delivered a forceful address that made it absolutely clear on the evidence that 'Jailing Is Failing', and he challenged our overreliance on incarceration – and offered up an alternative vision.

Before the formal lecture, and by way of a window into the system, two young men from Backtracks told of their experiences of 'juvie' and their lives before and after.

In his speech Robert Tickner acknowledged that Aboriginal people

and organisations have been doing the 'heavy lifting' in this area; that a high proportion of the prison population are not a danger to society; that both sides of politics are equally responsible for the high numbers, and he dismissed the common charge that reform is being 'soft on crime'. He said that evidence-based reform is being 'smart on crime'.

He also made clear that the present system leaves victims of crime marginalised by the system. At the end of his lecture he invited community members to sign up to develop a local support group, and to visit the JRI website, and support.

Then followed a Q & A with a panel including Robert Tickner, Backtracks' Bernie Shakeshaft and Police District Commander, Superintendent Steve Laksa. The audience, including senior students from four local schools and UNE Law students, were offered much to think about.

The full lecture is available on the JRI website, and is well worth reading.

DID YOU KNOW?

- ❖ In the last decade there's been a 38% growth in the prison population.
- ❖ Even steeper growth for women.
- ❖ 60% of women prisoners have children under 18.
- ❖ A third of prisoners are on remand (not convicted or not yet sentenced)
- ❖ Cost of juvenile detention: \$583,000 per child per year

“The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilisation of any country.... the first real principle which should guide anyone trying to establish a good system of prisons should be to prevent as many people as possible getting in there at all.”

Those are the words of the British Conservative Leader Winston Churchill 111 years ago, quoted by Robert Tickner AO in Armidale in June.

Raising the Age of Criminal Responsibility

Helen Ware

Imagine the birthday party for any ten year old that you know. Maybe your daughter, or a grandson. Are they usually smiling or sad? If they had stolen a CD from a shop, what would you do? Did you know that after their birthday they are old enough to be imprisoned for theft or burglary?

Actually, each year in Australia some 600 children aged 10-13 are imprisoned and 65% of these children are Aboriginal. Children are locked up because Australian law still says, despite all the medical and psychological evidence, that children from the age of ten can wholly understand the consequences of their actions, even though their brains are not yet fully developed. Imprisoning young children most often ruins their lives forever, turning cheeky larrikins into criminals with no one to cherish them and nowhere to go.

In 2020 State Attorney Generals met together and discussed

AUGUST 2021



raising the age to 14 - the United Nations recommendation. The Attorney Generals decided to wait for a report on improving alternatives to prison for children. Their reasoning was that children could be left to suffer until the adults had come up with a solution that was sufficiently punitive but did not involve imprisonment. The ACT Assembly went ahead and voted to raise the age. The Northern Territory

government had accepted the recommendations of the Don Dale Royal Commission but has now backtracked and will spend millions on upgrading an outdated adult prison to take children. Instead, all States and Territories should demonstrate their commitment to children's rights by raising the age of responsibility to 14 as it already is in countries such as Germany and Greece.

STOP RUINING INDIGENOUS KIDS' LIVES. Please join the movement for raising the age of criminal responsibility. www.raiseage.org.au

DECEMBER 2020

RAISE THE AGE

By Mark Lawless

As noted in the 'Shame' column in the last ANTAr Newsletter, during 2019 close to 600 children aged between 10 and 13 years were locked up in Australia's criminal justice system.

The incarceration of Aboriginal children in State controlled juvenile detention centres is yet again a practice of things happening to Aboriginal people rather than by Aboriginal people; a matter of taking the responsibility for community, culture and family away from those most invested in it.

Looking out for the behaviour of young people has always been the work of the elders. The emotional/psychological trauma experienced by children taken away from family, culture and country constitutes a repetition of past abuse.

The traumatic experience of being removed becomes the driver of aberrant behaviour. Behaviour that within a family and community setting would be ameliorated by that community.

What is needed is a sitting-down and a speaking-out that would constitute a sharing of information about who needs help. The object would be to engender a balance of sharing between state agencies and communities. This balance of sharing is found in all societies, and when allowed to flourish empowers communities to take responsibility for their own wellbeing.

Some good news is that the new Labor/Greens Government in the ACT went to the electorate with 'raising the age' as policy and their legislation we hope will be a lever for people to pressure the other states.

APRIL 2019

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Justice Reinvestment for Armidale?

Just Reinvest NSW started as a coalition of individuals and organisations concerned with the increasing over-representation of young Aboriginal people cycling in and out of youth detention and adult prison.

It is community led, data driven, place based, and economically sustainable.

There's a video on YouTube that explains the idea: <https://www.youtube.com/watch?v=VNII9IW2468>

In February this year a team from the NSW Aboriginal Legal Service came to Armidale to talk to the community about this idea and around 30 people learned how, starting in 2013, the community of Bourke had partnered with Just Reinvest to develop their whole of community framework. Results over 5 years showed that there were great reductions in crime – in assaults, drug offences, domestic violence and driving offences.

One example is that a JR led program helped 236 people obtain driving licences, which led to a 72% reduction in the number of young people proceeded against by police for driving without a licence.

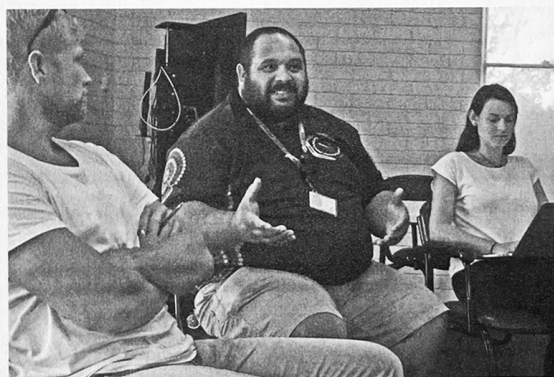
There's a 4 minute video about the Bourke project on YouTube: <https://www.youtube.com/watch?v=4kROj9R-m2w>

The ALS team returned to Armidale in May, and had meetings with members of the Aboriginal community, and also with a wider group. Everyone agreed that Armidale is a very different community from Bourke, and a lot of work is needed to adopt this idea in Armidale.

A booklet is available of relevant data for Armidale. In discussion, gaps in services were highlighted. Further meetings will be held. Contact the local office of the Aboriginal Legal Service or the Land Council to keep up with developments.



Jusinta Collins, Youth Worker at EACH, making a point in the discussion, with Elaine Barclay from UNE and Andrew Parker from Homes North



Will Green, Aboriginal Liaison Officer with Armidale Police, with attendees from the Aboriginal Legal Service

Close the gap on imprisonment & violence

By Helen Ware

The National Congress of Australia's First Peoples is calling for the Federal Government to expand its Closing the Gap Targets to include commitments to halve the incarceration rates of Aboriginals and halve the rates of violence experienced by Aboriginal victims.

Unfortunately, these are areas where the gap is actually increasing. How many Aboriginals are in jail depends on three factors: behaviour, demography and the essentially white and discriminatory justice system. Three strikes and you are out laws and imprisonment for failing to pay fines, are just two examples of the legal system discriminating against Aboriginal people.

Between 2001 and 2008, allowing for the greater youth of the Aboriginal population,

the adult Aboriginal imprisonment rate in NSW rose by 48% whilst the non-Aboriginal imprisonment rate increased by only 7%. As a result the rate of Aboriginal imprisonment is now 14 times higher than that for non-Aboriginal Australians.

In 2008 32% of all Aboriginal people in prison were in NSW. The rise in Aboriginal prisoners was not due to more Aboriginals being found guilty in court – the number had actually declined from 15,023 in 2001 to 14,701 in 2007 – but to more being found guilty of violent offences and others likely to attract prison sentences. The proportion of adults found guilty who were sentenced to prison was 17% in 2001, but by 2007 the figure reached 20%, often for longer terms. This accounts for almost 3/4 of the rise in imprisonment. Most of the remainder was due to more refusals to grant bail and longer periods spent on remand.

Very few Australian women go to prison – only 7% of our prison population is female. Across Australia only 746 Aboriginal women were in prison in 2012, 44% of them in NSW, with the biggest group being imprisoned for acts intended to cause injury followed by unlawful entry. It is disturbing that this number had increased 20% over the previous year, especially as many of these women are both marginalised and traumatised and need help rather than punishment.

The most significant issue of all relates to Aboriginal juveniles who are imprisoned at 31 times the non-Aboriginal rate. The Congress's National Justice Policy calls for intensive case management for Aboriginal children in the out of home care system who brush up against the youth justice system and have no real home to go to.

LOWERING ABORIGINAL IMPRISONMENT RATES

Circle Sentencing

By (Fr) Ron Perrett

Circle Sentencing is an alternative sentencing 'court', whereby an adult Indigenous offender (found guilty in the usual court process) is referred by the Magistrate to a panel composed of the Magistrate, the police prosecutor, the offender's solicitor, several local Aboriginal elders, the local Circle Sentencing Coordinator, and at times the victim of the offence.

This panel then recommends an appropriate sentence to the Magistrate. The Magistrate makes the final decision as to what sentence is imposed.

A local Aboriginal Justice Group decides whether to recommend that an offender be given a chance to take part in the Circle Sentencing process. In Armidale it has been in process for 7 years, sessions being held twice a month. Circle Sentencing exists also in Kempsey and Lismore.

This culturally appropriate process emphasises respect and confidentiality. Members of the panel can address any questions to the offender. A key advantage is that offenders are seen as individuals with a unique story, not just a name on a piece of paper. At times, the panel will recommend imprisonment but only as a last resort.

Offenders may at first think that this process is an 'easy way out', but it is very confronting. Almost always tears will be shed, and often by others present also. These sessions are often life-changing.

Circle sentencing has advantages for ALL concerned e.g. lives turned around, lower prison costs, less criminal behaviour. In the last 3 years in Armidale, there have only been 2 cases of re-offending.

If the shameful rates of Aboriginal imprisonment are to be lowered, the extension of circle sentencing could surely be part of the solution. However, Armidale circle sentencing personnel point out that not all communities can take on circle sentencing, as there needs to be co-operation from many groups. In Armidale, circle sentencing has developed very helpful relationships between Aboriginal people and the key personnel in the legal system, such as the Magistrate and the police prosecutor.

Youth Justice Conferencing

Another measure which currently operates in Armidale is the Youth Justice Conferencing program (YJC), under the Department of Juvenile Justice. This program deals with all young offenders between the ages of 10 – 18 years who have committed a certain offence that can be dealt with under the *Young Offenders Act 1997*. YJC provides a forum for the young person to acknowledge their wrongdoing and take responsibility for their actions. It is a process with the underlying philosophy of restorative justice. The decision making rests with the families and community and enables support measures to be put in place to address causes leading to the offending behaviour to assist in preventing future offending. The process is inclusive as it is dealt with by the community and within the community. One of the key criteria for being referred to the YJC is the young person must admit to an offence and should receive legal advice.

YJC is different from going to court because the young person and the victim must agree to the outcome and therefore it is based on cooperation and agreement between two parties. Dixie Skuthorpe, Assistant Manager, Armidale Juvenile Justice, Department of Attorney General and Justice said, 'The process can be challenging for the young person because they have to speak for themselves whereas in court a legal representative speaks on their behalf. It is a process which allows the young person to reflect on their behaviour, the harm caused to another person and their community, as well as apologizing. The victim is also included in the process whereas they are pretty much excluded from the court process. An outcome must be achievable and realistic for the young person. Some of the outcomes have been very creative. An outcome can include an apology, reparation to the victim as well as linking the young person back into the community.'

In January 2013 the NSW Bureau of Crime Statistics and Research released a report on the impact of the *NSW Young Offenders Act 1997*. The study showed that after the introduction of this Act the risks of receiving a custodial order for an Indigenous young person fell by 17.5%. (Wai-Jin Wan, Elizabeth Moore & Steve Moffatt, Crime and Justice Bulletin, No. 166, Jan 2013)