Welcome to the first Towards 3% Bulletin, an occasional newsletter about activities, research and ideas on changing the indigenous incarceration rate.

It follows on from the Towards 3% conference, arranged by the Courts Administration Authority at Port Adelaide Football Club in June this year.

It was a privilege to host the event and heartening to see so many dedicated and committed people in the room that day.

Many things were said and many promises made. It will take time but by each person taking a step forward, things will change.

It would be good to set up a social media private Facebook page to exchange information and build up an information base about initiatives aimed at bringing down the incarceration rate over time. If you are interested in joining a communication team to that effect, please write to The Editor Towards % Bulletin at (towards3percent@courts.sa.gov.au).

Several steps have been taken since the conference, some details of which appear in this newsletter and in the links and useful resources column that will be a regular feature. Also linked off this newsletter is a well-researched paper by a student with numerous useful references, as resource material.

The proceedings of the conference were written up the Flinders University Centre for Crime Policy and Research, serving as a refresher of the conference content.

The Federal Government has announced it will ask the Australian Law Reform Commission to inquire into national indigenous incarceration rates and to identify where legal reform can occur to help bring the rate down.

There have been two successful grants, totalling $165,000, for a youth program at Ceduna and at Coober Pedy, aimed at assisting indigenous youth within their local communities. The Youth Court also is participating in initiatives and producing options for new models of service delivery concerning indigenous youth and various government departments are advancing on the promises made at the conference as well.

If you have been working on something not covered in this edition please contact the Bulletin editor (towards3percent@courts.sa.gov.au).

Read the Towards 3% conference summary of the day's proceedings
Successful grants

The following successful crime prevention and community safety grants were announced on 29 June 2016, which will contribute to reducing the over-representation of Aboriginal people in the criminal justice system.

The Ceduna Aboriginal Corporation received a $100,000 grant. Through the Ceduna Youth Hub, the Corporation will pilot an after-hours youth engagement mentoring program on Thursday and Friday evenings and Saturday afternoon/evening.

The Hub is a welcoming, safe space, with proven capacity to offer opportunities for youth engagement and community-connected mentoring and support.

The Umoona Tjutagku Health Service Aboriginal Corporation received a $65,000 grant for The Fresh Project, which will engage young Aboriginal people who are at risk of offending in diversion activities including athletics, bush skills and bike adventures.

The project aims to increase the connectedness of Aboriginal youth (aged 12-19) in Coober Pedy and Oodnadatta through healthy activities that connect them with peers, culture and community. The activities also are intended to improve relationships with police and other agencies and to increase understanding of the effect of crime on offenders’ families and communities.

Project partners include the Coober Pedy Area School, Coober Pedy Youth Shed, SA Police, Department for Correctional Services, Family Support Services and the local Council.

Aboriginal Justice subcommittee of CJSRC

The Towards 3% Conference strongly supported the establishment of an aboriginal justice issues subcommittee of the Criminal Justice Sector Reform Council (CJSRC). The Minister of Aboriginal Affairs (Minister Maher) and the Attorney General are yet to agree on the nature and form of participation of that subcommittee in the work of the CJSRC. The Chief Justice urges the Ministers to quickly reach a consensus on this issue so that there is no further delay in addressing the overrepresentation of indigenous persons in the State’s prisons.

Youth forum(s)

One of the ideas discussed at Towards 3% was to hold a Youth Forum or conference involving only young people.

This would provide an opportunity for young indigenous people to talk about their concerns and plans for the future and how to resolve problems young indigenous people face now. It would also provide a space for young leaders to develop.

Since the Towards 3% conference, there have been ongoing discussions about this and options are being considered.

One option is to not hold one big youth forum but to hold a number of smaller ones in locations across the State, especially where there are high numbers of young indigenous people.

A decision on this is expected later this year.

Youth Court moves on rethinking services for Aboriginal Youth

Since the Towards 3% conference in June, the Youth Court of South Australia has reviewed statistical information regarding Aboriginal Youth (appearances, offences and demographics) and is drafting a discussion paper about innovation in court services concerning Aboriginal youth.

While still very much a draft, the paper considers creation of new service delivery models which would focus on trauma-based counselling, moral recognition therapies and activities with a strong pro-social/education/vocational training agenda.

The team working on the project has been consulting with key service delivery government and non-government agencies at various points in the drafting, and will continue to do so, until the paper is ready for consideration at higher levels within the Courts Administration Authority.

The Youth Court is also participating in development of a Northern Area Project being run by the Department for Communities and Social Inclusion which will aim to make a positive impact on over-representation of Aboriginal Youth in the justice system.
Legal reform inquiry announced

On 27/10/15, the Federal Government stated publicly that it would ask the Australian Law Reform Commission (ALRC) to examine the factors leading to the over-representation of Aboriginal people in the prison system across the nation.

In a joint statement, the Attorney-General, The Honourable George Brandis QC, and the Federal Minister for Indigenous Affairs, The Honourable Nigel Scullion said the government wanted the ALRC to consider “what reforms to the law could ameliorate this national tragedy.”

They said that the ALRC’s inquiry was a critical step for breaking through the disturbing upward trends in indigenous incarceration.

The terms of reference would be subject to consultation, particularly with Aboriginal communities, and with State and Territory governments, which, they said, had primary responsibility for criminal justice frameworks, as well as the broader legal profession.

“They Turnbull Government is committed to reducing Indigenous incarceration and has committed $256 million in 2016-17 through the Indigenous Advancement Strategy for activities to address the drivers and improve community safety,” the Ministers also said in their statement.

The Australian Law Council has welcomed the initiative, which it describes as “a significant development in the face of an urgent and ongoing crisis”.

The Law Council will offer suggestions to assist the development of the terms of reference to the inquiry, giving it priority.

Plan to extend Nunga Court to Elizabeth

The Chief Magistrate of South Australia, Judge Mary-Louise Hribal is leading plans to open an Aboriginal treatment and sentencing Court at Elizabeth Magistrates Court.

A magistrate will sit with elders in a similar way as the existing and successful Nunga Court at Port Adelaide Magistrates Court. In addition, the Aboriginal offender will be assessed and linked into health and other services that are culturally appropriate.

The most recent meeting, on 18/11/16, was well attended by a range of interested and affected parties, including Aboriginal elders, the Aboriginal Legal Rights Movement, private lawyers, The Honourable Robyn Layton QC, South Australian Aboriginal Legal Rights Movement, Magistrates Court treatment staff, Courts Administration Authority Aboriginal Justice Officers and Manager of Aboriginal Programs, Magistrate Phillip Broderick and the Chief Magistrate.

The Chief Magistrate said there was “positive and constructive feedback and we will continue the consultation with a view to starting a court in 2017.”

Links of interest and resources

- Home page of Change the Record
  https://changethererecord.org.au/

- On 27/10/2016, Federal Attorney-General announces decision to refer to Australian Law Reform Commission inquiry into indigenous incarceration rates.

- Australian Law Council supports ALRC inquiry https://t.co/26zLnn7Lhl

- On 16/9/2016. State Minister for Correctional Services announces Aboriginal Reference Group to focus on indigenous reoffending in SA by 10% by 2020.

- Report of Aboriginal and Torres Strait Islander experience of law enforcement and justice services, released 13 October 2016.

- Efficacy, accessibility and adequacy of prison rehabilitation programs for Indigenous offenders across Australia, June 2016.


- Towards 3% conference
  AM/PM Radio national coverage of conference
  http://www.abc.net.au/pm/content/2016/s4474394.htm

CAA Community Forum

There has been a request from the Grannies Group for a whole of Justice Community Forum. While it is not possible for Courts to lead such a discussion, the CAA has proposed an alternate session focused only on the Courts. While awaiting feedback from the Grannies Group on this suggestion, consideration is being given by the Courts as to how this style of forum could be undertaken in the first half of 2017, if it would be of interest to the community.

A recent paper by Ms Ruby Preece has summarised a wealth of references. Read the paper here.