



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Jeremy Hanson MLA (Chair), Dr Marisa Paterson (Deputy Chair), Ms Jo Clay MLA

Submission Cover Sheet

Inquiry into Community Corrections

Submission Number: 025

Date Authorised for Publication: 08 December 2021



Mr Jeremy Hanson CSC MLA
Chair Standing Committee on Justice and Community Safety
Inquiry into Community Corrections
LACommitteeJCS@parliament.act.gov.au

Dear Minister Hanson

Re: The Inquiry into Community Corrections Submission

Tjillari Justice Aboriginal Corporation was founded in 2015 to address the needs of Aboriginal and Torres Strait Islander offenders, their families, and children. Community capacity building through workshops and cultural sensitivity training has been the focus of our services with practical support for families and children. We have until recently have delivered our programs with voluntary staff and the generosity of mainstream philanthropic donations.

As the founder and CEO of Tjillari Justice Aboriginal Corporation, I have extensive knowledge of policing (Qld Police and AFP) Community Corrections (QLD and ACT), Magistrates Court processes (QLS, Galambany Circle Sentencing Court) prison education and community supports for offenders and their families. I worked across these areas for several years and have contributed to furthering knowledge of Indigenous people in the system by designing and delivering Cultural Sensitivity training which included a letter of commendation from the AFP College. I am currently a member of the Sentence Administration Board and will not be commenting on the parole process due to conflict of interest and privacy issues.

This submission will focus on the community corrections sector from an Indigenous perspective. It is based on the lived experience of Indigenous people who have been clients of the organization and the experiences of the staff who have supported them. Their voices are rarely heard and critical analysis of the justice system processes is imperative if we are to reduce the recidivism rate and high incarceration rate of Indigenous people.

Deborah (Evans) Martin
CEO
Tjillari Justice Aboriginal Corporation.

03 December 2021



TJILLARI Justice
Aboriginal Corporation

Submission
to the
Standing Committee on Justice and Community Safety
ACT Legislative Assembly
Inquiry into Community Corrections

December 2021

PHONE

E-MAIL: INFO@TJILLARIJUSTICE.COM.AU

WWW.TJILLARIJUSTICE.COM.AU

ABN: 89 172 541 084 ICN: 8195

Tjillari Justice Aboriginal Corporation was founded in 2015 to address the needs of Aboriginal and Torres Strait Islander offenders, their families, and children. Community capacity building through workshops and cultural sensitivity training has been the focus of our services with practical support for families and children delivered often without Government funding. We have until recently have delivered our programs with voluntary staff (including the CEO's position) and the generosity of the mainstream philanthropic community.

Tjillari Justice has a strong governance framework supported by a Board of Independent Advisors. The organizations funds are managed by Business Street - book keepers, Accountants and Auditors and overseen by the Office of the Registrar of Indigenous Corporations. We have an Independent legal advis

This submission will focus on the community corrections sector from an Indigenous perspective.

It is based on the lived experience of Indigenous people who have been clients of the organization and of the staff who have supported them. Their voices are rarely heard and critical analysis of the justice system processes through their eyes is imperative if we are to reduce the recidivism rate and high incarceration rate of Indigenous people

Aboriginal and Torres Strait Islander People in the Criminal Justice System

The Royal commission into Aboriginal Deaths in Custody recommended 30 years ago that “imprisonment be a last resort” but failure to implement this in any constructive way has seen the rate of people increasing to 28%. The Aboriginal and Torres Strait Islander imprisonment rate per 100,000 adult Aboriginal and Torres Strait Islander population was 1,801 for the Australia Capital Territory, up 2%. It continues to grow (ABS: Corrective Services, Australia Sept Quarter 2021).

The Productivity Commission Report 2020-2021 into “*Overcoming Indigenous Disadvantage: Key Indicators*” showed that there is a regression in the areas of mental health, suicide/self-harm and substance abuse with no significant changes in alcohol consumption and harm, repeat offending and community functioning. In the ACT therapeutic programs address those areas identified in the *Royal Commission into Deaths in Custody (1987)* relating to housing, health, education and employment. With no significant changes to the rates of incarceration and little change to these programs in the intervening years, attention needs to focus in depth on more individual historic, cultural and identity needs of offenders to allow them to heal from what can be argued as the “trauma” of contemporary life in the ACT

Drug and alcohol treatment orders,

With 14 Aboriginal people on drug and alcohol treatment orders, this is not an alternative to incarceration for Aboriginal offenders. The requirements to be placed on this type of order include the need to plead guilty to the offences before the Court and it has been reported that some people feel pressured to plead guilty for offences they believe they did not commit by their legal representatives. Rigidity of the conditions for someone who has been using and the wrap around services can be seen as a “Community Prison”. Many Indigenous Australians who become involved in drug use start using drugs from a

PHONE

E-MAIL: INFO@TJILLARIJUSTICE.COM.AU

WWW.TJILLARIJUSTICE.COM.AU

ABN: 89 172 541 084 ICN: 8195

young age, usually in their early to mid-teens, and generally at a younger age than other Australians (AIHW 2005a; Burns et al. 1995a; Clough et al. 2004; Gray et al. 1997 so by the time people are referred to the drug and alcohol court they are long time users. Unless this intervention is coupled with adverse childhood experiences the cycle of using may not be broken. No clients we have spoken to have completed the program and remained drug and alcohol free.

Recidivism outcomes,

Repeat offending is an indicator that Aboriginal Psychology is not understood by mainstream services who use the term “Trauma Informed Practice” to cover the notion of colonization and dispossession as the route cause of offending behaviour. With the removal of children and family members impacting on the behaviours of Aboriginal people in contemporary society, Aboriginal psychology approaches must be derived from within the culture; reflect local behaviours; be interpreted within a local frame of reference; and yield results that are locally relevant.

Moreover, such an approach shifts the emphasis from identification of psychological deficits which are typically framed within western psychological perspectives, to emphasising cultural strengths and positive cultural perspectives

Experiences of offenders and their families,

Families reported shame experienced when Police turned up at all hours of the night for curfew checks. One grandmother reported that her grandchildren were now afraid of staying over at their father’s residence for fear Police curfew visits would result in the arrest and removal of their father from the home.

Experiences of victim survivors, and families

Legal assistance does not take into consideration family violence issues – legal representation from ALS is for perpetrators only. Local DVCS services poorly deliver support programs for women and children and have few Aboriginal staff. Women from the Yarrabi Bamirr program reported that they were afraid to report family violence for fear of retaliation from the perpetrator and/or the perpetrators family and friends.

PHONE

E-MAIL: INFO@TJILLARIJUSTICE.COM.AU

WWW.TJILLARIJUSTICE.COM.AU

ABN: 89 172 541 084 ICN: 8195

Issues with Policing were voiced including failure to identify victims and to focus on offenders when alcohol and drugs were a factor. There is no safe place for the women and children to go too protect them from further abuse in the short term.

ANY OTHER RELEVANT MATTERS.

Support for offenders who complete their sentence.

Some offenders known to this service have voiced their concerns that when they completed their sentence in full, there have been no support services to help them reintegrate into community. Attempts were made recently to engage one such person with community support services (including the one outlined under church groups who received Throughcare funding) all attempts were refused because the man was not funded for or under a community based order – Parole, ICO, Bail, Good Behaviour Bond. Etc. This man's comment was

'I might as well commit another offence and be incarcerated so I can get the help I need.'

Will the Reintegration centre address this need?

There are now older Aboriginal men and women exiting AMC after lifelong histories of incarceration. Ageing and impacts of ageing – health, housing, disability are being ignored for this client group.

Church groups who have taken Aboriginal people on the Board or in employment.

One such organization has recently received funding to deliver the Yarning Circles for Justice. This program is supposedly *to involve intensive interventions over time` to empower client's capacity to navigate the issues they face and self-manage their affairs to achieve longer term goals, all of which are focused on staying out of the justice system, restoring family relationships and participating in the broader Canberra community.* (Reducing Recidivism In The ACT BY 25% By 2025 (2020-2023). This program has been delivered previously by this organization with no tangible results and poor data collection reports that are not reviewed by JACS Indigenous Program/Contract management staff. There are no skilled people employed to

deliver this to the standard expected. Community has voiced its concerns for some time but no audits or reviews of this supposedly Aboriginal service have been done. This organization is run by a Pastor and Associate Paster of a local church.

Several other Church connected organizations are also funded to deliver Aboriginal services and do this poorly. Another community person shared a discussion they had with a former resident of the Justice Housing Program. The Client reported being threatened with a knife by another resident, Police raids and stolen property being seized. No support workers were on the property out of hours and this person felt abandoned and set up to fail.

When is the ACT Govt going to realise that it was Churches that destroyed our culture, connection to land and relationships to kin. The Reconciliation movement was established to allow a very large Church group to avoid paying compensation for the abuse of Aboriginal children and families.

There is an urgent need to Audit non-Aboriginal Funded groups who in general are not delivering services.

The Galamabany Circle Sentencing ourt is nw an obsolete model of addressing Aboriginal sentencing in the Magistrates Court and should be replaced by a more robust model of support. Once again it includes the fact that the offender must plead guilty to offences before the court and often there is distress that this iss the only option available.

Reference is made in several ACT Government documents to JACS supporting the development of Aboriginal staff and small organizations but this has not occurred. The Justice Caucus has failed to hold the Directorate accountable.

References

Drug use among Aboriginal and Torres Strait Islander peoples An assessment of data sources October 2006 Australian Institute of Health and Welfare Canberra AIHW cat. no. PHE 7

Poortinga YH. Indigenous psychology: Scientific ethnocentrism in a new guise? . In: Pandey J, Sinha D, Bhawuk, editors. Asian contributions to cross-cultural psychology. Thousand Oaks, CA: Sage Publications

Reducing Recidivism In The ACT BY 25% By 2025 (2020-2023) Justice and Community Safety Directorate.

Working Together | Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice

PHONE

E-MAIL: INFO@TJILLARIJUSTICE.COM.AU

WWW.TJILLARIJUSTICE.COM.AU

ABN: 89 172 541 084 ICN: 8195