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Submission to the House Standing Committee on Aboriginal and Torres Strait Islander Affairs on behalf of the Indigenous Offender Health Research Capacity Building Group (IOHR-CBG)

Inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system

Submission prepared by: Associate Prof Tony Butler, Associate Prof Ted Wilkes, Dr Jocelyn Grace, Dr Jill Guthrie and Ms Jocelyn Jones for the IOHR-CBG).

1. The NHMRC Capacity Building Grant - *“From Broome to Berrima: Building Australia-wide research capacity in Indigenous offender health and health care delivery”*.

This program of research contained within the capacity building grant on Indigenous Offender Health arose out of extreme concern on the part of Indigenous leaders and communities that little was being done to address the high rates of Indigenous incarceration in Australia. Rates of incarceration of Aboriginal people in Australia are believed to be the highest in the OECD. The grant brings together Indigenous and non-Indigenous researchers from Western Australia, the ACT, New South Wales and Victoria through funding from the National Health and Medical Research Council (\$2.3 million over 5 years). A team of Indigenous and non-Indigenous researchers will be supported to work on projects in areas critical to the health and wellbeing of Indigenous offenders, many of which have an impact on rates of offending and recidivism. These areas include: the meaning of incarceration to Indigenous peoples, model of health care of Indigenous prisoners, programmes for juveniles offenders, mental health, justice reinvestment, and communicable diseases. Whilst we do not expect that this grant alone will reduce incarceration rates, the new knowledge generated by the team and the increased capacity of Indigenous people in this area will make a valuable contribution. Members of the IOHR-CBG include:

<i>Professor</i>	<i>Mick</i>	<i>Dodson*</i>	Australian National University, ACT
<i>Assoc Professor</i>	<i>Ted</i>	<i>Wilkes*</i>	National Drug Research Unit, Curtin University, WA
<i>Assoc Professor</i>	<i>Steve</i>	<i>Larkin*</i>	Charles Darwin University, NT
<i>Professor</i>	<i>Ian</i>	<i>Anderson*</i>	University of Melbourne, Victoria
<i>Dr</i>	<i>Jill</i>	<i>Guthrie*</i>	Australian Institute of Aboriginal and Torres Strait Islander Studies & Australian National University, ACT
<i>Ms</i>	<i>Victoria</i>	<i>Hovane*</i>	National Drug Research Unit, Curtin University, WA
<i>Ms</i>	<i>Jocelyn</i>	<i>Jones*</i>	National Drug Research Unit, Curtin University, WA
<i>Mr</i>	<i>Ray</i>	<i>Lovett*</i>	Australian National University
<i>Ms</i>	<i>Megan</i>	<i>Williams*</i>	Queensland University, QLD
<i>Mr</i>	<i>Michael</i>	<i>Doyle*</i>	National Drug Research Unit, Curtin University, WA
Assoc Professor	Tony	Butler	National Drug Research Unit, Curtin University, WA
Dr	Jocelyn	Grace	National Drug Research Unit, Curtin University, WA
Mr	Kurt	Andersson	
Professor	Steve	Allsop	National Drug Research Unit, Curtin University, WA
Mr	James	Fetherston	National Drug Research Unit, Curtin University, WA
Assoc Professor	Jane	Freemantle	University of Melbourne, Victoria
Professor	Dennis	Gray	National Drug Research Unit, Curtin University, WA
Professor	John	Kaldor	University of New South Wales, NSW
Dr	Stuart	Kinner	Macfarlane Burnett Institute, Melbourne, VIC
Professor	Michael	Levy	ACT Corrections Health Service & Australian National University, ACT
Dr	Nerelle	Poroch	Winnunga Nimmityjah Aboriginal Health Service, ACT
Professor	Beverley	Raphael	University of Western Sydney, NSW & National University, ACT
Professor	Peter	Schofield	Hunter New England Area Health Service & University of Newcastle, NSW
Professor	Kay	Wilhelm	St Vincent's Hospital Sydney, NSW

** Indigenous team member*

Our submission to the Inquiry relates to the following three terms of reference:

- 1. Any initiatives which would improve the effectiveness of the education system in contributing to reducing the levels of involvement of Indigenous juveniles and young adults with the criminal justice system.**
- 2. How the development of social norms and behaviours for Indigenous juveniles and young adults can lead to positive social engagement.**
- 3. Best practice examples of programs that support diversion of Indigenous people from juvenile detention centres and crime, and provide support for those returning from such centres.**

Nowanup Farm, near Albany WA

On 16th December 2009, four members of the IOHR-CBG (Tony Butler, Ted Wilkes, Jill Guthrie & Jocelyn Jones) visited the Nowanup Farm, 200kms northeast of Albany in WA. The Aboriginal Liaison Officer attached to the Albany Magistrate's Court, Ms Diane Gray, facilitated the trip, and arranged for the Albany Magistrate and local policeman, as well as other WA Health officials to visit Nowanup Farm that day.

We believe that this project represents an example of a best practice initiative of diversion of Indigenous juveniles from developing criminal lifestyles. As with other programmes across Australia, there is no funding for the initiative - it is not a government funded program and consequently there has been no built-in evaluation of it. This is an initiative initiated and run by Mr Eugene Eades, a WA Nyungah from this region, and a Youth Worker, Mr Ryan Humphries. The initiative is a collaboration with Greening Australia which owns the land on which the farm is located.

The local Albany magistrate, Ms Elizabeth Hamilton, has utilised the farm to divert juveniles whose cases she hears, and with the consent of the boys' mothers (which indicated a high level of trust on their part). In September 2009, she {the magistrate} 'handed over' 4 male

juveniles to Eugene and Ryan. The boys had been in trouble with the law, including some quite serious behaviours. It was obvious to the magistrate that these boys were on a trajectory that would have resulted in a custodial sentence.

During the eight weeks the boys were nurtured in their culture by Eugene and Ryan and other Elders, including dance and performance. As part of their learning they also took part in Greening Australia's Corridors of Green revegetation program at the Farm by planting native trees and native grasses.

The local Albany Police are equally impressed and relieved that the juveniles are diverted from the criminal justice system and kept meaningfully occupied at the farm.

This program is an exemplar of the judicial system and the Aboriginal community working together to prevent recidivism. Further opportunities exist for expansion through addressing the physical and mental health needs of participants on programmes such as these. A holistic approach to these young people's needs would undoubtedly result in better outcomes.

On 16th December 2009, a 'graduation' ceremony was held at the farm, attended by local Elders, the boys' mothers and other community members, the magistrate and police, WA Department of Indigenous Affairs, Greening Australia, ABC Television (Albany), as well as members of our IOHR-CBG.

The event demonstrated the value of this intervention as a diversion from a potential criminal lifestyle for many Indigenous juveniles from the region. The boys performed several dances (see photos below) which they learnt over the eight week period.

Assoc Professor Ted Wilkes observed that Perth has Nyoongah dance troupes, but there have been no Aboriginal dance performers in that part of WA for over one hundred years due to the destruction wreaked upon Aboriginal culture.

Photographs from the day illustrate the boys' progress and the pride that all those involved in their journey, including their mothers, the local Community, mentors, the judiciary, were able to celebrate.

It is important that initiatives such as the Nowanup Farm are provided with a sustainable framework to ensure that Indigenous juveniles and their families can enjoy culturally meaningful and productive lives. Unless Nowanup Farm is underpinned with the necessary financial and human resources, the fate of these juveniles will follow those of many of their contemporaries. It was commented that it costs around \$250,000 to keep a young Indigenous person in custody for one year, while the cost of programmes such as this are a fraction of that. Recent work by Professor Wilkes has also identified that it costs significantly less to keep someone in treatment for substance use than it does to keep them in custody.

A Perth based member of the IOHR-CBG (Ms Jocelyn Jones) is currently undertaking a PhD which examines "*The pathways to contact with juvenile justice: developing a profile of the risk and protective factors to support a strategy for change*".

Role of the IOHR-CBG in programmes such as Nowanup Farm

The IOHR-CBG will examine a range of interventions in this area across Australia and attempt to evaluate these programmes with the aim of determining 'what works' and what is required to make them sustainable. There are a number of programmes such as Nowanup Farm across Australia but all struggle financially with limited resources to undertake appropriate evaluations. These programmes are rarely evaluated to provide the level-of-evidence needed to demonstrate effectiveness. Members of the IOHR-CBG will form a inter-disciplinary team with other experts in the fields of economics and criminal justice to investigate a number of these programmes which also wish to be involved in order to document the effect their interventions are having on juvenile offenders.

Mr Tom Calma (Social Justice Commissioner) has agreed to be involved in these discussions. It is hoped that partnerships between local communities, government, corporate Australia and research institutions can be formed which will ensure that initiatives such as

Nowanup Farm are sustainable, so that juveniles are provided with the safe and nurturing environment they need to lead productive lives.

It is imperative that these initiatives have the following three elements: they must be focussed around a cultural approach which builds resilience through strengthening cultural identity and pride; they must be sufficiently funded so that the interventions address a range of inter-related issues, ie, mental health, substance misuse, sexual health; and they must NOT be one-off interventions, but rather a continuing process for juvenile re-offenders (and potential offenders) which is accepted as the preferred option to detention in all but the most extreme cases.

Justice Reinvestment

Justice Reinvestment is a concept which describes activities and initiatives aimed at diverting funding spent in the criminal justice system from incarcerating individuals into communities with high concentrations of offenders – “re-investing” that money in programs and services that address the underlying causes of crime. This approach was described by the Social Justice Commissioner, Tom Calma, in his Mabo Oration in June 2009 and the Indigenous Young People, Crime and Justice Conference in Parramatta in August 2009. See attached presentation by Tom Calma to the Parramatta Conference.

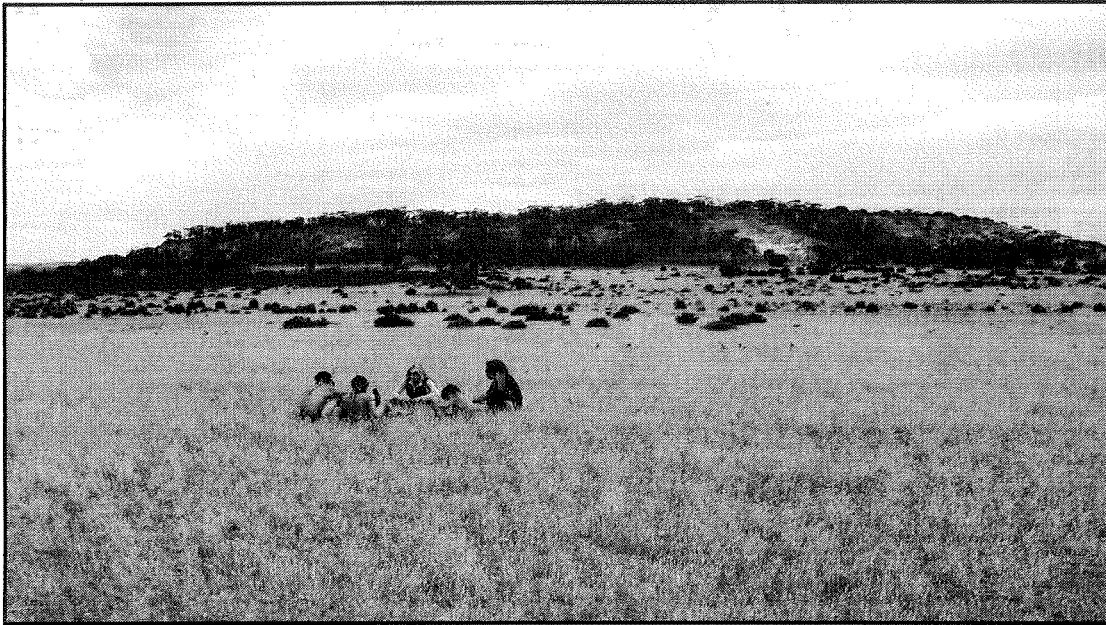
Justice reinvestment takes an inter-disciplinary approach, focused on the economic and social cost of incarceration. Recognising that most offenders come from a small number of disadvantaged communities, funding is redirected into crime prevention and community services that reduce re-offending in those communities.

Members of IOHR-CBG have initiated discussions with relevant stakeholders to explore the possibility of developing a funding submission to explore this option further and identifying appropriate demonstration sites. Justice Reinvestment takes a longer-term perspective in respect to cost effectiveness, and acknowledges that it is not possible to expect Corrective services budgets to be easily moved into Education or Health budgets. AIATSIS will host a meeting of stakeholders early in 2010 to begin discussions about these issues with respect to

making progress on breaking the cycle of incarceration of Indigenous juveniles. The IOHR-CBG hopes to evaluate three or four demonstration sites with a view to developing the evidence base that investment in prevention of criminal activity and juvenile incarceration makes good sense, both economically and socially, through community and individual development.

The IOHR-CBG team believes that the current Inquiry should be aware of our initiative and the proposed initiatives contained within this program of research. Whilst it is modestly (relative to the size of the problem) funded for 5 years, we believe that it can make a significant difference to this area. The high calibre of the Indigenous leaders on this project and the unique nature of this collaboration is an indication of the level of commitment of the IOHR-CBG to the problem of Indigenous incarceration in Australia. We would be willing to talk further on this matter with members of the Inquiry should the opportunity arise

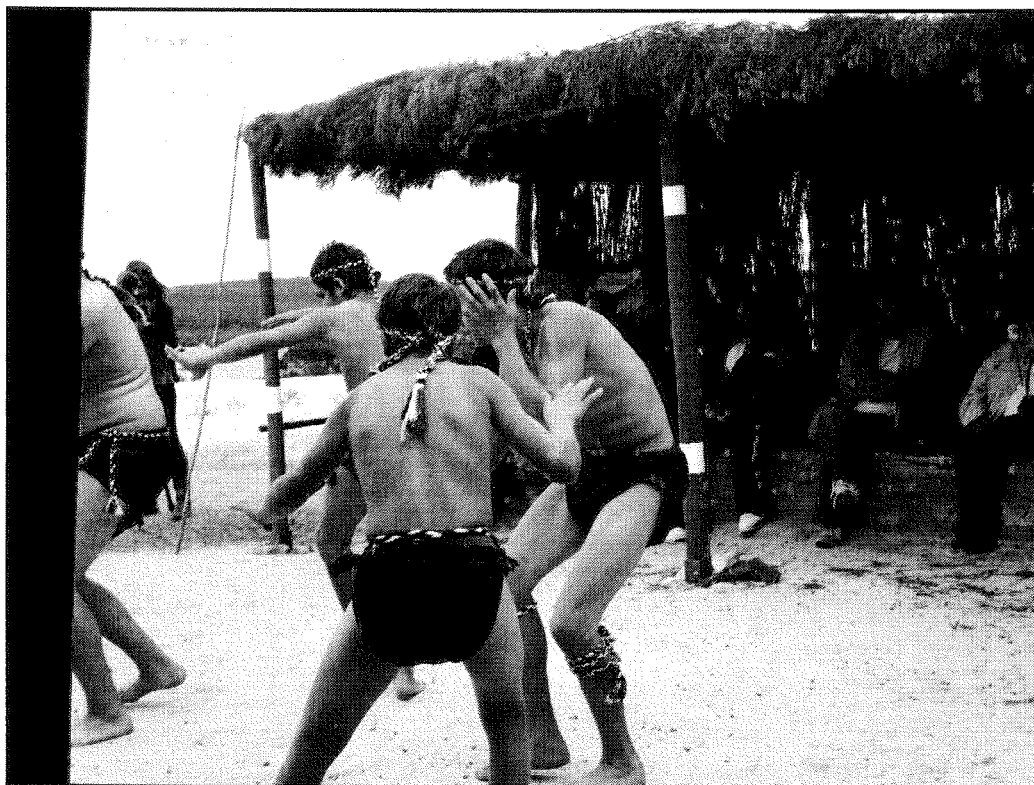
Magistrate Elizabeth Hamilton & Youth Worker Ryan Humphries with boys, Nowanup Farm, 16th December 2009



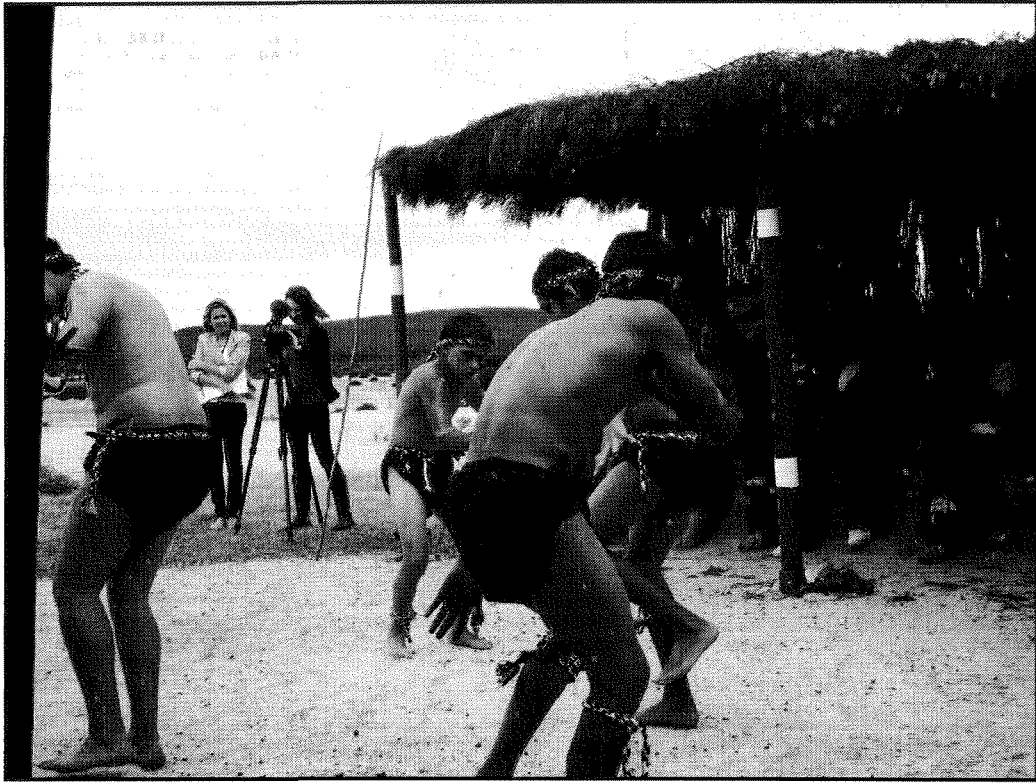
Preparing for dance ceremony, Nowanup Farm, 16th December 2009



Four boys dancing, Nowanup Farm, 16th December 2009



Four boys dancing, Nowanup Farm (ABC film crew in background) 16th December 2009



Mums, local Community, Magistrate & Policeman, Nowanup Farm Dance Performance, 16th December 2009

