

KIMBERLEY ABORIGINAL LAW AND CULTURE CENTRE

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The Principal Research Officer
Education and Health Standing Committee
Legislative Assembly
Parliament House
Perth WA 6000

August 2007

KALACC Response to the Report No. 6: Where From? Where To? A Discussion Paper on Remote Aboriginal Communities

Dear Dr Purdy,

Please find attached KALACC's response to the Discussion Paper on Remote Aboriginal Communities.

We thank the committee members for making this opportunity available to us and look forward to reading the final report of the committee.

You will note that a consistent theme throughout this document is the State Government's under-investment in Aboriginal Communities and Aboriginal Organisations. In that same vein, we note that the production of this current document for consideration by the committee has been prepared entirely at KALACC's cost.

Regards

Wes Morris

KALACC Coordinator

INQUIRY TERMS OF REFERENCE

That the Committee examine, report and make recommendations on successful initiatives in remote Aboriginal communities. The Committee will pay particular attention to:

- 1 The costs and benefits of successful initiatives;
- 2 The model utilised for the development and delivery of successful initiatives; and
- 3 Where possible, comparing and contrasting the models utilised for the development and delivery of successful initiatives.

The Committee will report its findings and recommendations to the Legislative Assembly by 29 November 2007.

KALACC Recommendations:

PART A: ISSUES OF CONCERN TO KALACC

Recommendation # One:

That the State Government urgently allocate appropriate resources to existing indigenous Regional Representative Structures

Recommendation # Two:

That the State Government urgently commence negotiations on the development of a Kimberley Regional Authority.

Recommendation # Three:

That the State Government:

- continue to develop inter- agency initiatives such as those currently present in Fitzroy Crossing and Halls Creek;
- undertake a review of its processes for coordinating inter- agency initiatives;
- that whole of community and inter- agency initiatives be appropriately resourced [normally including a district – based government officer]

Recommendation # Four:

That the State Government develop a network of one- stop Government offices throughout regional and remote Western Australia

Recommendation # Five:

That the State Government develop a succinct and coherent set of principles governing all of its interactions with Aboriginal people and Aboriginal communities.

Recommendation # Six:

That the State Government commit to a reasonable timeframe for responding to the 131 Recommendations from the Law Reform Commission's Customary Law Report;

Recommendation # Seven:

That the State Government commit to implementing Recommendation # 50 from the Customary Law Report ie Establishment of a Youth Diversionary Scheme

Recommendation # Eight:

That the State Government commit to implementing Recommendation # 24 from the Customary Law Report ie Establishment of an Aboriginal Court in the Kimberley.

Recommendation # Nine:

That the State Government resource Aboriginal people and Aboriginal organizations to take ownership of their own processes for supporting their people

PART B: TERMS OF REFERENCE – COST BENEFIT COMPARISONS AND CASE STUDIES OF SUCCESSFUL INITIATIVES

Recommendation # 10:

That the State Government, through OAED, assist KALACC to develop its required Business Plans.

Recommendation # 11:

That the State Government respond to the E.P.A.'s Kimberley Fire Report and that it fund the implementation of the EPA recommendation to establish three Kimberley Fire Teams.

Recommendation # 12:

That the State Government, through the Department of Planning and Infrastructure, develop a pre-feasibility study and community layout plan for a Ngumpan Service Centre.

Recommendation # 13:

That the State Government immediately provide significant funding support towards the continuation and expansion of KALACC's highly successful Yiriman youth diversionary project.

Recommendation # 14:

That the State Government, through the Corrective Services Department, explore a range of models and locations for the development of the planned Kimberley Work Camp and that this study also explore the possible working relationships between the Department and Aboriginal – owned pastoral stations.

PART A: ISSUES OF CONCERN TO KALACC

1. Regional Governance and Interaction with the State Government

We note the following comments contained in the report:

The Committee took the opportunity while in far north Queensland to visit the Torres Strait Islands. Of special interest to the Committee was the continuing role of an Indigenous regional representative authority, the Torres Strait Regional Authority, in the Torres Strait. This model of Indigenous administration was abolished on mainland Australia with the abolition of the Aboriginal and Torres Strait Islander Council (ATSIC) in 2005. The Committee's visit to the Torres Strait will be the subject of a later report. [page 31]

KALACC also notes that in relation to the Kimberley region that the State Government has in recent months indicated that it wishes to take an integrated and coordinated approach to issues relating to major resource development projects off the Kimberley coast.

We would encourage the Government to actively and urgently explore ways of linking these two issues.

It is absolutely the aim of the Aboriginal people of the Kimberley to achieve:

- Greatly improved structures for regional representation and interaction with both State and Commonwealth Governments;
- Ensuring that the opportunities for social, cultural and economic development arising from resource development opportunities are maximized and that the benefits arising from major resource developments off the Kimberley coast provide benefits to all the Aboriginal people of the Kimberley.

We believe that Lt General John Sanderson, Special Advisor on Indigenous Affairs, is actively exploring similar issues.

We note that the Government's consideration of this Committee Draft Report has been delayed because of issues associated with the Esperance Port Authority.

It is our concern that if the Government does not rapidly consider the issue of the establishment of a Kimberley Regional Authority then an opportunity may be lost to effectively synchronise the issues of resource development and regional representation.

KALACC also notes that in some parts of Western Australia there are existing, well – established regional, representative structures. In the Kimberley there is the Kimberley Land Council (established 29 years ago), KALACC (21 years) and the Kimberley Language Resource Centre (21 years). In addition, at local levels there are a number of established resource agencies.

If the government was seriously considering the establishment of Regional Authorities then in the Kimberley there is a solid basis for the development of such an authority. Given this headstart towards a Regional Authority one would have thought that the State Government would wish to invest significant resources in to the existing regional representative structures. Sadly, this is not currently the case and the State currently invests no resources towards this goal in the Kimberley.

KALACC has previously raised this issue with State politicians representing the Kimberley, including the committee's Chairman, HON T.G. STEPHENS, MLA. In response, Mr Stephens has indicated to KALACC that the State Government would not know how to handle such a request, let alone provide appropriate levels of resourcing to support regional representative structures.

This is not a situation which can be allowed to continue and the State Government urgently needs to invest resources in to existing indigenous regional representative structures as a precursor to the establishment of one or more Regional Authorities, including establishment of a Kimberley Regional Authority.

Recommendation # One:

That the State Government urgently allocate appropriate resources to existing indigenous Regional Representative Structures

Recommendation # Two:

That the State Government urgently commence negotiations on the development of a Kimberley Regional Authority.

2. Sub - Regional Governance and Interaction with the State Government

KALACC notes that in the Kimberley region alone there are emerging a number of instances of the State Government seeking to operate in a more coordinated and effective manner in regional towns. Two instances of this are Halls Creek and Fitzroy Crossing.

KALACC applauds these measures but notes that there is a long way to go to turn these emerging initiatives in to effective, ongoing measures.

We understand that the Government is currently seriously considering the establishment of State Government offices in a de- centralized manner. KALACC observes that in Queensland the state government established a regional network of one – stop Government offices about 15 years ago and this initiative is long – overdue in Western Australia.

KALACC notes the following section of the draft report:

Proposed Finding 1

There is little available evidence to demonstrate the benefits of recentralisation from small to large remote Aboriginal communities; and there is some evidence to the contrary, particularly in relation to health outcomes. [page 76]

We acknowledge that this is a comment about the relative benefits of small and large communities. However, KALACC would make the same point about the centralization of State Government service delivery.

At present, the State of Western Australia is largely missing from a large number of remote towns. This absence of State Government presence has severe implications for the everyday lives of Aboriginal people.

KALACC acknowledges the network of Telecentres and/ or Rural Transaction Centres throughout regional and remote West Australia. However, it still remains the case that if residents of Fitzroy Crossing lose a set of vehicle number plates then they have to travel the 500 kilometre round trip to Derby, arrive in Derby by midday on the appointed day and hope that when they get to Derby they have with them all of the appropriate paperwork. This scenario poses particular and significant difficulties for Aboriginal people.

Apart from the procedural issues referred to above, there are also serious issues pertaining to the coordinated development of State Government strategies. KALACC applauds the work of the Fitzroy Futures Forum. However, we note that the senior Government officer given responsibility for leading this process is based in Perth, occasionally visits Fitzroy Crossing and retains a number of other portfolio responsibilities.

Fitzroy Futures is based around a capital works program to the value of between \$50 and \$60 million. To date the construction of the new hospital has nearly been completed and the community has not seen significant progress on issues such as the development of indigenous employment, training and education programs associated with the capital works developments. KALACC believes that if there was a greater, more permanent government presence in remote and regional towns, then there would be an improved coordination of significant State Government resources.

KALACC also notes that the committee's report illustrates in some detail the bureaucracy and ineffectiveness of the Commonwealth's COAG processes. We have noted that same ineffectiveness. Attached to this current document is a document entitled '*KALACC Response to the Evaluation Report of the East Kimberley COAG Trial Site.*' This was sent to Mr Richard Aspinall, ICC Broome Manager, on 16 April 2007. You will note that in that document to ICC, KALACC has criticised COAG processes for failure to engage with indigenous community and indigenous organisations, over- expenditure on bureaucracy and under – investment in those issues and projects which the COAG Trial site communities had identified as being their key priorities.

Having criticised the processes associated with the Tjurabalan COAG Trial site, KALACC also wishes to acknowledge that there are significant challenges associated with coordinating three levels of government.

Part of the reason why we wish to make the above acknowledgement is because in Fitzroy Crossing we have witnessed the significant challenges associated with getting one level of Government, in this case the State Government, to act in a coordinated manner. KALACC repeats its earlier statement of support for the Fitzroy Futures Forum process and for the State Government staff who are leading that process. However, we nonetheless assert that the State Government needs to refine its processes for achieving:

- A capital works program with a social outcomes agenda;
- A coordinated and structured process which requires several State Government agencies to collectively work towards a shared vision and agenda;
- A 'whole of community' consultative process which engages the Aboriginal community.

Recommendation # Three:

That the State Government:

- continue to develop inter- agency initiatives such as those currently present in Fitzroy Crossing and Halls Creek;
- undertake a review of its processes for coordinating inter- agency initiatives;
- that whole of community and inter- agency initiatives be appropriately resourced [normally including a district – based government officer]

Recommendation # Four:

That the State Government develop a network of one- stop Government offices throughout regional and remote Western Australia

3. New Ways of Working

KALACC notes that the political and philosophical agendas of State and Commonwealth Governments are very distinct and quite removed from each other.

KALACC notes that the draft report from the Committee comments at several points that the Commonwealth Government agenda at present provides significant challenges to the continued survival of remote indigenous communities and that the State questions the empirical and evidenciary basis of the Commonwealth's position.

KALACC shares these concerns and is committed to actively exploring ways that remote communities can be sustainable socially and economically.

However, we note that the Commonwealth is operating from a clearly articulated and comprehensive framework, the 'New Ways of Working.' Readily available from FACSIA is a succinct and reasoned summary of the principles by which the Commonwealth seeks to work with Aboriginal people and Aboriginal communities. This is available on line or as a glossy, ring- bound, booklet of 80 pages containing many pictures and not too much text.

That FACSIA document sets out clearly and succinctly the organisational structures which the Commonwealth employs to work with Aboriginal communities and it clearly articulates the five Key Principles of:

1. Collaboration;
2. Regional and Local Need;
3. Flexibility;
4. Accountability;
5. Leadership.

To date, we have seen no such clear articulation of principles or working arrangements from the State Government.

It is unclear to KALACC how the State can seriously consider how it can effectively work with Aboriginal people and Aboriginal communities if it has no clear articulation or expression of the principles by which it seeks to operate or structures through which it will operate.

[That said, we do acknowledge the recent review of the Department of Indigenous Affairs]

Recommendation # Five:

That the State Government develop a succinct and coherent set of principles governing all of its interactions with Aboriginal people and Aboriginal communities.

4. The Slow Pace of State Government Consideration of, and Implementation of, its Own Reports

We take this opportunity to note that there are many reports in relation to how to best meet the needs of Aboriginal people in Western Australia. The draft report notes in section 1.2 that this current report is the first in a series of reports to be forthcoming from the Committee and that there is a long history of governments attempting to consider how best to address indigenous issues.

KALACC acknowledges the significant challenges associated with developing over-arching framework reports and documents.

However, we also point out that individual government agencies often produce reports directly related to indigenous issues. In relation to those reports we would note that:

- Consideration of agency reports is always a protracted process and government needs to explore why it takes the State so long to consider its own Agency reports;
- Implementation of recommendations from those reports is even more protracted.

In the Kimberley we would note that the Corrective Services Department and the Attorney General's Department have been slow to implement recommendations from the Kimberley Custodial Plan and from the Aboriginal Justice Strategy. We do acknowledge current progress in relation to both of those reports.

At present we take this opportunity to highlight that the Law Reform Commission of Western Australia released its final version of its Customary Law Report in September 2006, following release of a draft report and discussion papers in 2005 and 2006. We note that the Law Reform Commission's report is referred to in the Committee's report, on page 77, and that this section serves to highlight that local government has shortcomings in relation to meeting recommendations from the Law Reform Commission report.

We accept that local government has shortcomings but think that it would be tremendous if the State Government was able to undertake a similar comparison of the extent to which its own agencies complied with recommendations from the Law Reform Commission's Report.

KALACC has previously raised these same concerns through:

- Three instances of written correspondence with the Attorney General, commencing in October 2006;
- Twice raising this issue in person with the Minister for Corrective Services and the Director General of Corrective Services and following up with written correspondence;
- Raising this issue in person with the Minister for Community Development and following up with written correspondence;
- Raising this issue with members of Parliament.

Despite our endeavours throughout 2006 and 2007, KALACC at present has no clear understanding of the position of the government as a whole or of any individual government agency in relation to the Law Reform Commission's report.

KALACC has frequently indicated that it supports nearly all of the 131 recommendations in the Customary Law Report. We have also indicated frequently that we are particularly keen to see implementation of two of these recommendations, these being:

- Recommendation # 50: Establishment of a youth diversionary scheme;
- Recommendation # 24: Establishment of an Aboriginal Court in the Kimberley.

To the extent that we have had any response from government, what we have been told by senior officers of the Attorney – General’s Department is that an Aboriginal Court in the Kimberley will not be established until a full evaluation of the Kalgoorlie Aboriginal Court has been undertaken. We are told that this will take two years. Judges we have spoken to and senior offices from other Government Departments have agreed with KALACC’s view that the process for commencing a Kimberley Aboriginal Court is a process which should commence immediately and which should then be informed by the Kalgoorlie report when it becomes available. We don’t want to wait two years just to start the process.

We have received no reply to our repeated correspondences with the Government in relation to the establishment of a youth diversionary scheme.

Recommendation # Six:

That the State Government commit to a reasonable timeframe for responding to the 131 Recommendations from the Law Reform Commission’s Customary Law Report;

Recommendation # Seven:

That the State Government commit to implementing Recommendation # 50 from the Customary Law Report ie Establishment of a Youth Diversionary Scheme

Recommendation # Eight:

That the State Government commit to implementing Recommendation # 24 from the Customary Law Report ie Establishment of an Aboriginal Court in the Kimberley.

5. The State Resourcing its Own Agencies but Not Resourcing Aboriginal Organisations

KALACC notes that the State is actively building new police stations, new roads, new schools, new hospitals & new prisons. We commend the State for this and we note that the outcome of this capital investment is that the State is increasing its own capacity to service Aboriginal communities. This is a good outcome.

However, it is not apparent to us that the State is investing the same resources in to ensuring that it appropriately resources Aboriginal organisations and agencies to work for the benefit of their own people.

A recent example whereby the State has commenced some investment in to Aboriginal capacity is the recent decision by the Corrective Services Department to fund KALACC to employ a Kimberley Aboriginal Justice Officer.

A copy of the Work Plan and Budget for that position are enclosed as an appendix to this document.

We reiterate that KALACC’s recommendation # one in this current document was:

Recommendation # One: That the State Government urgently allocate appropriate resources to existing indigenous Regional Representative Structures.

KALACC believes that at every point available that the State Government should resource Aboriginal people and Aboriginal organizations to take ownership of their own processes for supporting their own people. This applies at a regional level, as per recommendation # one, and at a project – based level as in this case.

Recommendation # Nine:

That the State Government resource Aboriginal people and Aboriginal organizations to take ownership of their own processes for supporting their people.

PART B: TERMS OF REFERENCE – COST BENEFIT COMPARISONS AND CASE STUDIES OF SUCCESSFUL INITIATIVES

KALACC Acknowledges the INQUIRY TERMS OF REFERENCE:

That the Committee examine, report and make recommendations on successful initiatives in remote Aboriginal communities. The Committee will pay particular attention to:

- 1 The costs and benefits of successful initiatives;
- 2 The model utilised for the development and delivery of successful initiatives; and
- 3 Where possible, comparing and contrasting the models utilised for the development and delivery of successful initiatives.

The three key elements clearly are 'identifying successful initiatives'; 'identifying the costs and benefits of these initiatives' and 'comparing delivery models.' In response to the terms of reference, KALACC takes this opportunity to comment on each of those three issues.

Cost and Benefits of Initiatives

Earlier this year, KALACC presented to the West Australian Office of Aboriginal Economic Development requests for six separate business plans. These were as follows:

1. Development of a \$3.5 million Fitzroy Crossing Community Services Centre;
2. Development of a residential housing project in Fitzroy Crossing to provide accommodation for up to 16 persons for up to six months as a time ie short to medium term accommodation;
3. Employment of a Kimberley Indigenous Performing Arts Industry Development Officer;
4. Development of the major KALACC indigenous cultural festivals;
5. Development of indigenous Ranger projects in the Kimberley;
6. Development of KALACC's web page.

To date, OAED has funded the first request and the initial draft of the Business Plan for the Fitzroy Crossing Community Services Centre is now available. OAED is currently considering the other five requests. Until we have completed those six Business Plans we won't have detailed information available about the costs and benefits of the initiatives which we wish to pursue.

Comparing and Contrasting the Models Utilised for the Development and Delivery of Successful Initiatives

During 2006 KALACC hosted a two – day visit to the Fitzroy Valley by Lt General John Sanderson. Of particular note were two remote communities which we showed to the General. These communities were Jarlmadangah and Ngumpan.

These communities are of particular interest in relation to the Committee's report because they illustrate two very different models of how remote communities can be economically, socially and culturally sustainable and successful.

Costs and Benefits of Some Recommendations from Part A of this Document

In the previous section (Part A, above) KALACC highlighted two recommendations from the Customary Law Report, these being:

- Recommendation # 50: Establishment of a Youth Diversionary Scheme
- Recommendation # 24: Establishment of a Kimberley Aboriginal Court.

Provided below are some comments about the success of these programs and the costs of implementing these recommendations.

Costs and Benefits: KALACC Requests to OAED

KALACC notes that the committee's terms of reference require it to report on cost – benefit comparisons of different initiatives relating to remote Aboriginal communities. At present, KALACC is not able to present great detail to the committee in relation to cost – benefit comparisons.

It is our hope that the requests to OAED for six separate business plans will in future enable KALACC to demonstrate these cost- benefit comparisons.

Fitzroy Crossing Community Services Centre

Aboriginal ownership of infrastructure and businesses in Aboriginal communities is not an entirely self – evident good. KALACC and Marninwarntikura Women's Resource Centre, together with the Shire of Derby/ West Kimberley, are currently calling on the Director of Liquor Licensing to implement a 12 month moratorium on the sale of take- away alcohol in Fitzroy Crossing. This urgent and desperate request has occurred despite the two licensed premises in Fitzroy Crossing being 96% Aboriginal – owned.

Those rare – exceptions aside, we note that the benefits of Aboriginal ownership of enterprises generally include;

- Governance and Direction: empowering Aboriginal people to make decisions regarding their own communities;
- Financial: Retaining funds within the community rather than seeing white people make large profits from commercial activities in Aboriginal communities;
- Employment: Increased opportunities for employment and training.

The Fitzroy Crossing Community Services Centre will be a case in point.

We also note that this Community Services Centre is being developed with three key components, these being:

- The co- location of government service agencies;
- Provision of staff accommodation for service agency employees;
- Development of a much – needed Fitzroy Crossing Youth Centre.

Thus, this kind of development brings with it also the capacity to provide economic sustainability to the provision of much – needed social services in remote areas, such as the proposed Fitzroy Crossing Youth Centre.

Fitzroy Crossing Medium – Term Accommodation project

The benefits of this project are similar to those outlined immediately above.

We would add to this list the fact that remote locations make attracting support staff difficult and that a project such as this medium – term housing project are innovative responses to that challenge.

We also note that we envisage benefits in terms of governance. The three Kimberley regional Aboriginal organisations (KALACC, KLC and KLRC) currently incur high costs associated with holding regular meetings. Part of this cost is transport but the other main cost is Accommodation. A facility such as the one proposed for Fitzroy Crossing would greatly lower the meeting costs for indigenous organisations.

Employment of a Kimberley Indigenous Performing Arts Industry Development Officer and Development of the Major KALACC Indigenous Cultural Festivals

The merit of these initiatives is seemingly – obvious to KALACC but to date we have struggled to convince funding agencies of the overwhelming need for these developments. We do also acknowledge that KALACC needs to develop Business Plans which comprehensively demonstrate these benefits.

KALACC has held five major indigenous Cultural Festivals across its 21 year history. The next is scheduled for September 2008 and will be a traditional festival. It will be traditional in that the cultural activities will be traditional but it will also be traditional in the sense that like all of its 5 predecessors, next year's festival will be entirely indigenous (with only invited white people attending) and will be nearly entirely funded from government grants.

Meanwhile, the KALACC members wish to see Festivals held more frequently than their historical average of once every four years. To this end KALACC is considering holding a festival in September 2010.

The KALACC Executive, and the broader membership, acknowledge that reliance on government funding for festivals will not achieve their goal of holding festivals more frequently. To that end the membership has authorised the staff to explore options and models for festivals.

Currently, KALACC is working with Creative Economy, consultants engaged by the Australia Council to develop pre- business plans for a number of indigenous Festivals across Australia, including the KALACC Festivals. The aim and objectives of the Creative Economy (OZCO) consultations is to achieve the following:

- Ensure that Festivals have ongoing access to mechanisms of business development support;
- Increase the capacity of festivals to be self- sustainable;
- Develop strong touring circuits and showcasing of Indigenous artists;
- Represent the strength, depth and diversity of the Australian Indigenous Arts Sector.

The report from Creative Economy will be completed by October or November 2007 and it our hope that OAED will then assist KALACC by taking the report from Creative Economy and developing it in to a complete Business Plan.

KALACC believes that there are potentially great social, cultural and economic benefits associated with the development of cultural activities. Development of plans and models for the major festivals, leading to increased frequency of festivals, are part of those benefits.

More broadly, KALACC is committed towards developing its capacity to provide social, economic and cultural outcomes. A key strategy in this plan is the employment of a Kimberley Indigenous Performing Arts Development Officer, similar to the role fulfilled by ANKAAA officers for the Visual Arts Industry. To date KALACC's submissions to DCITA and OZCO have been rejected but we are hoping that OAED will assist us to develop a Business Plan for this position.

It is our hope that the Business Plan will demonstrate the following:

- Economic and social opportunities in the Kimberley associated with culturally – based tourism;
- Increased opportunities for career development and touring (intra- state, inter- state and overseas) for groups like the Bardi dancers;
- Opportunities for linking cultural performance with the developing industry of Natural Resource Management by Indigenous Rangers.

Development of indigenous Ranger projects in the Kimberley

KALACC notes the following comments on page 71 of the committee's report:

The recent evaluation of the Indigenous Protected Areas (IPA) Programme also appears significant with respect to the potential for sustainability in small remote communities. It not only found the programme to be remarkably successful in addressing contemporary environmental issues through the re-establishment of land management traditions in a cost effective way, but also because of its considerable social and cultural outcomes.

KALACC fully concurs with this observation and we further note an August 2007 Media Release from the Hon Malcolm Turnbull MP, Commonwealth Minister for the Environment and Water Resources, announcing a \$7.0 million extension to the I.P.A. program.

We also draw to the attention of the committee, that the Kimberley Land Council is currently endeavouring to develop up to 10 Indigenous Ranger Groups in the Kimberley and that KALACC currently manages an Indigenous Ranger Group, this one being one of the eventual 10 groups. Funding for the existing groups is derived from a number of sources but most important of these are funding from the Natural Heritage Trust and from the \$50 million Working On Country program.

Our request to OAED for a Business Plan is designed to develop a case study of how one of these 10 Ranger Groups can develop economic opportunities associated with Indigenous Land Management.

KALACC also draws to the attention of the committee the issue of indigenous fire management. We understand that the State Government is committed to the reduction of Greenhouse emissions through the development of a Carbon Trading Scheme and that the Commonwealth Government has now released a position paper on this issue. Significant in this context are the large economic, environmental, social and cultural benefits to be derived from the work of fire management teams.

Up until June 30 2006, KALACC auspiced and managed the Kimberley Fire Project. The Project ceased operating at that time. In 2006 the WA Environmental Protection Authority released a report recommending the establishment of three new Kimberley Fire Teams. Despite subsequent correspondence with the EPA, KALACC has not been able to gain information about the Government's consideration of this request.

In relation to economic modeling, we note that the new Commonwealth Report on Trading Schemes will provide the overall framework for development of all economic modeling relating to greenhouse issues in Australia. However, we also note that for the last two years the Northern Australian Indigenous Land and Sea Management Alliance (NAILSMA) has been developing economic models of the benefits of indigenous fire management.

KALACC Web Page

The development of KALACC's web page is not particularly significant in relation to the Committee's report. We mention it at this time simply because it is the sixth and last request which we currently have presented to OAED.

Recommendation # 10:

That the State Government, through OAED, assist KALACC to develop its required Business Plans.

Recommendation # 11:

That the State Government respond to the E.P.A.'s Kimberley Fire Report and that it fund the implementation of the EPA recommendation to establish three Kimberley Fire Teams.

Two Case Studies of Remote Indigenous Communities

In 2006 KALACC hosted a two – day visit to the Fitzroy Valley by Lt General John Sanderson. Two communities that the General visited were Jarlmadangah and Ngumpan. We asked the General to visit these two communities because they represent two very distinct models of how remote communities can be successful and sustainable.

The Jarlmadangah model is that of a small, self- contained community of approximately 100 persons. Key aspects of Jarlmadangah's success include;

- Extremely strong governance and commitment towards a culturally – based lifestyle;
- Education: 2007 Awarded best remote, indigenous school in Australia;
- Diversified Economy: Jarlmadangah has been moving away from a reliance on CDEP for some years. Aspects of the economy include a number of small- scale tourism ventures; indigenous ranger group; pastoral industry and its own community store and community cultural centre.
- Health: Jarlmadangah has its own community clinic staffed by community members and visited once a week by visiting Health Department staff;
- Youth Diversion: Jarlmadangah is also a strong base for the Yiriman Youth program.

Remote communities are accused of being economically unsustainable. However, KALACC feels that a closer examination of this economic modelling needs to be undertaken. In short- hand this can be illustrated through the Yiriman Youth program. Most of the youth that Yiriman works with are town – based youth who are unemployed; have a range of health issues ranging from drug and alcohol use through to mental health issues; and have contact with the Justice system. The Yiriman project works by providing employment and training options; providing health benefits and minimizing contact with the Justice system. A comparison of re-centralized and larger communities compared with smaller, remote communities needs to be a fair and true comparison which accounts for the full cost of health and related issues.

The model for Ngumpan is very different from that at Jarlmadangah. Ngumpan is a very small community of fewer than 40 persons. It is located just off the Great Northern Highway, 100 Kilometres east of Fitzroy Crossing. Surrounding Ngumpan are up to 10 equally small communities and the larger community of Wangkatjunga. From 2006 through to the present, the community of Ngumpan has been working with the Department of Planning and Infrastructure, KALACC and the Fitzroy Futures Forum on the development of a pre- feasibility study for a development at Ngumpan which includes the following elements:

- Education: building a new school at Ngumpan – the school providing Education to children from each of the surrounding communities and circumventing the problems associated with Christmas Creek flooding each wet season;
- Roadhouse: the Roadhouse would provide employment and economic income, including a small art centre, and would also negate the need for community members to drive the 100 klm to Fitzroy Crossing just to fill up their vehicles;
- Tourism: there are economic and employment opportunities associated with the nearby Ngumpan cliffs and the nearby Mimbi Caves.

The basis to the Ngumpan model is a spoke and wheel approach. This model takes as its basis the fact that there are significant economic challenges associated with the sustainability of very small, discrete communities and outstations. But the model then poses the question about whether these communities could be regarded as sustainable if rather than being totally discrete and separate, they had a service hub which united them.

Recommendation # 12:

That the State Government, through the Department of Planning and Infrastructure, develop a pre-feasibility study and community layout plan for a Ngumpan Service Centre.

Implementing Selected Recommendations from the Customary Law Report

As described in Section A of this document, KALACC calls on the State Government to respond to the 131 Recommendations of the Law Reform Commission's Customary Law Report.

Of the 131 recommendations, we have called on the State Government to particularly respond to recommendation # 50 (youth diversionary scheme) and recommendation # 24 (aboriginal courts).

In this current document KALACC has submitted the following recommendations:

- Recommendation # Six: That the State Government commit to a reasonable timeframe for responding to the 131 Recommendations from the Law Reform Commission's Customary Law Report;
- Recommendation # Seven: That the State Government commit to implementing Recommendation # 50 from the Customary Law Report ie Establishment of a Youth Diversionary Scheme
- Recommendation # Eight: That the State Government commit to implementing Recommendation # 24 from the Customary Law Report ie Establishment of an Aboriginal Court in the Kimberley.

What are the costs and benefits associated with these recommendations?

The Costs and Benefits of Aboriginal Courts?

In relation to the costs of Aboriginal Courts, we note the findings of the Customary Law Report and draw your particular attention to pages 124 – 136 of the Customary Law Report. KALACC firstly acknowledges that the establishment of Aboriginal courts is opposed by the following agencies:

- Director of Public Prosecution: widespread opposition on many grounds;
- WA Police Service: not opposed in principle but wish to see a longer evaluation period before widespread implementation.

As stated above, the Attorney General's Department has indicated that a Kimberley Aboriginal Court won't be introduced for some years. KALACC, and some judges we have spoken with on this matter, believe that this is an unnecessary delay.

The Law Reform Commission view, as described in the Customary Law Report, is that:

"The Western Australian Government establish as a matter of priority Aboriginal courts for both adults and children in regional locations and in the metropolitan area." (p. 136)

In coming to this recommendation, the Law Reform Commission cites the benefits as being:

- Reduced levels of recidivism;
- Improvements in the rate at which defendants appear in court;
- Reduction in the breach rate for community – based orders;
- Increased involvement of the Aboriginal community;
- A less alienating process;
- Encourage cultural matters to be taken in to account;
- The cultural authority of Elders has been strengthened. (p. 126).

In addressing the issue of resources and cost, the Law Reform Commission provides the following comments:
The Commission acknowledges that Aboriginal courts are more resource intensive than mainstream courts... the Commission is also of the view that the cost effectiveness of Aboriginal courts should be evaluated not only in terms of reduced recidivism but also in terms of any reduction in the level of over-representation of Aboriginal people in the justice system and the positive outcomes for participants and Aboriginal courts. In this regard, a cost benefit analysis prepared for this reference indicated that the introduction of Aboriginal courts would save money for the government. (p. 132)

KALACC also notes that from 04 September to 07 September that the Australian Institute of Justice Administration is convening a national Indigenous Courts Conference to be held in Mildura. We would anticipate that arising from that national conference there will be a new body of academic papers which will detail how Aboriginal courts work under different models and what the costs and benefits are associated with the various models.

The Preliminary Program for the Conference is attached to this document as an Appendix.

In summary, the Law Reform Commission Customary Law Report has indicated that there are a number of benefits arising from the establishment of Aboriginal courts and that a cost benefit analysis shows that whilst the courts are more resource intensive that a full examination also shows that they save the Government money overall.

In light of the above discussion regarding the costs and benefits of Aboriginal courts, KALACC repeats its earlier recommendation:

Recommendation # Eight:

That the State Government commit to implementing Recommendation # 24 from the Customary Law Report ie Establishment of an Aboriginal Court in the Kimberley.

The Costs and Benefits of Youth Diversionary Schemes?

KALACC notes that the Inquiry Terms of Reference require the Committee to report firstly on successful initiatives.

KALACC has for five years managed a highly successful indigenous youth diversionary scheme. This scheme is called the Yiriman Project. Indicators of its level of success are:

- 2006 FACSIA National Youth Advisory Research Scheme Report: Community Building Through Intergenerational Exchange Programs – the NYARS report provides five case studies around Australia and concludes that Yiriman is national best practice in culturally – based intergenerational programs;
- Heart Foundation Video Conference: in March 2007 the Heart Foundation conducted a State – wide video conference on the Emotional and Social Wellbeing of Aboriginal Youth, featuring Yiriman;
- AIATSIS April 2007 Profile and Video Conference: In April 2007, AIATSIS conducted a national video conference to profile the Yiriman project;
- National Drug and Alcohol Awards: In June 2007 Yiriman was shortlisted as one of the three finalists for the best youth drug and alcohol program in the nation.

KALACC currently has a number of significant funding requests for Yiriman under consideration by Commonwealth agencies. However, our endeavours to attract significant engagement from the State Government have to date been unsuccessful.

We are in discussions with the Corrective Services Department and the Attorney General's department in relation to how Yiriman, as a recognised and highly successful youth diversionary program, can be developed and expanded so that it:

- Links in a cohesive manner with State government strategies such as the Kimberley Aboriginal Justice Strategy and the Kimberley Custodial Plan;
- Links effectively with capital works programs such as the new Kimberley prison and the Kimberley Work Camp;
- Can be implemented in the way envisaged by the Law Reform Commission.

KALACC notes that the proposal was opposed by the WA Police Service – see page 203.

However, the Commission still forms the view that:

For Aboriginal children who have committed minor offences, the Commission strongly encourages a community justice group to deal with the matter without recourse to the criminal justice system. (p. 202)

In relation to the costs and benefits of a Youth Diversionary Scheme, KALACC notes that the Australian Institute of Criminology has recently released a Report on a Youth Diversionary Scheme in the Northern Territory. That Report details the significant benefits associated with such a scheme.

The following set of principles was developed:

- treat young people fairly
- support and involve victims
- take account of the impact on the victim
- encourage parental responsibility
- foster closer police and community interaction
- foster positive social change.

The report contains the following conclusion:

There were significant differences in the outcomes at the end of the five year period in gender and Indigenous status of those who would have reoffended. There were also significant differences in age groups, with the younger groups who had a court appearance as their first event reoffending to a much greater extent – up to two times more – than offenders of the same age who have been diverted.

Attached to this current document, as appendices, are:

- Copies of correspondence to the Minister for Corrective Services and the Attorney General in relation to establishing a youth diversionary scheme in the Kimberley;
- A copy of the A.I.C report on the Youth Diversionary Scheme in the Northern Territory.;
- A copy of the A.I.C. press release in relation to this same report;
- National Drug and Alcohol Awards Press Release regarding Yiriman Shortlisting as one of the three finalists for best youth drug and alcohol program in the nation.

KALACC notes that there is an intent on the behalf of both KALACC and the Corrective Services Department that we work together towards the development of the new Kimberley Prison, to be built in Derby, and the new Kimberley Work Camp. We also acknowledge that there is an intent to further explore the possible working relationships between the Corrective Services Department and Aboriginal – owned Pastoral Stations.

However, to date it remains true that we have not succeeded in advancing these discussions very far and that for the last five years Yiriman has been funded almost entirely by the Commonwealth and by the Australian Alcohol Education Research Scheme.

The report from the Australian Institute of Criminology shows that the Northern Territory Government has over a five year period invested funds in to a youth diversionary program and that a review of this program has shown significant benefits. The WA Law Reform Commission Customary Law Report recommends that the WA Government should do the same.

However, to date, we have gained little traction with the State Government in relation to developing the concept or in relation to gaining State funding for a nationally recognised program.

Perhaps part of the reason for this lack of traction can be found in the following comment contained in the Customary Law Report:

Both the Department of Corrective Services and the Department of the Attorney General stressed the need for adequate resources in order for the implementation of this proposal to be effective. (page 203).

KALACC fully concurs and in the light of the findings from the Australian Institute of Criminology Report and in light of the success of Yiriman over five years, we now call on the Attorney General and the Minister for Corrective Services to allocate those adequate resources and establish the youth diversionary program.

In light of the above discussion regarding the costs and benefits of youth diversionary programs, KALACC repeats its earlier recommendation:

Recommendation # Seven:

That the State Government commit to implementing Recommendation # 50 from the Customary Law Report ie Establishment of a Youth Diversionary Scheme

In addition, we now also submit two further recommendations:

Recommendation # 13:

**That the State Government immediately provide significant funding support towards the continuation and expansion of KALACC's highly successful Yiriman youth diversionary project.
[This is a different, and more immediate recommendation than number seven]**

Recommendation # 14:

That the State Government, through the Corrective Services Department, explore a range of models and locations for the development of the planned Kimberley Work Camp and that this study also explore the possible working relationships between the Department and Aboriginal – owned pastoral stations.

PART C: APPENDICES

1. KALACC Response to the Evaluation Report of the East Kimberley COAG Trial Site.
2. Work Plan for the Kimberley Aboriginal Justice Officer;
3. Budget for the Kimberley Aboriginal Justice Officer
4. Preliminary Program, AIJA Indigenous Courts Conference, 4- 7 September 2007;
5. Correspondence with the Minister for Corrective Services and the Attorney General - relating to the establishment of a Youth Diversionary Scheme in the Kimberley;
6. Australian Institute of Criminology Report on a Youth Diversionary Scheme in the Northern Territory.
7. Australian Institute of Criminology Press Release on the Youth Diversionary Report.
8. National Drug and Alcohol Awards Press Release regarding Yiriman Shortlisting as one of the three finalists for best youth drug and alcohol program in the nation.

KIMBERLEY ABORIGINAL LAW AND CULTURE CENTRE

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Mr Richard Aspinall
Manager, ICC Broome

cc:

- shood@quantumconsulting.net.au
- deryn.gardner@dotars.gov.au

16 April 2007

KALACC Response to the Evaluation Report of the East Kimberley COAG Trial Site.

Dear Richard,

KALACC is pleased with the progress to date towards the development of a Shared Responsibility Agreement for the Yiriman project. Part of the preparation for that SRA has been a discussion about geographic context and which communities would be part of the SRA. We have clearly and deliberately decided to focus at this time solely on the West Kimberley.

This current letter is **not** directly related to the SRA which we are currently working on.

Instead, this letter serves to:

- Provide some feedback on the Report of the East Kimberley COAG Trial site;
- Explore options for continuing and expanding the role of the the Yiriman project in the East Kimberley generally but also specifically within the Tjurabalan region.

Can I begin by acknowledging that DOTARS paid for two Yiriman Trips in the Tjurabalan in 2006 and that we are negotiating with DOTARS (Derryn Gardner, DOTARS, Canberra) to fund two more trips in 2007. In the coming week we hope to present to DOTARS the trip proposals for 2007.

The government clearly saw value in the two Yiriman trips conducted last year. The Commonwealth Secretaries Group on Indigenous Affairs in its Annual Report 2005 – 2006 comments that::

"Yiriman provides Walmajarri Law and Culture Bosses with opportunities to involve youth in projects on their country. This unique and proactive projects provides opportunities in youth leadership, land management and community development."

[the report is available on the FACSIA website and the comment can be found on page 16]

That comment was made largely on the basis of the first trip. We were even more pleased by the outcomes of the second trip and we have made available to local ICC officers a video of the October 2006 Kukutja trip. We invite you to view that video if you have not already done so.

Having acknowledged the support to date of DOTARS for our Yiriman trips in the Tjurabalan, we take the opportunity in this current letter to ask the questions:

1. Some comments regarding the recent Evaluation of the East Kimberley COAG trial?;
2. What will Yiriman's involvement in the East Kimberley be after these next two trips have been completed?;

Before coming directly to those two questions, can I draw your attention to the following attachments to this letter:

- Murdoch University's 2006 Report to the National Youth Advisory Research Scheme: Community Building Through Intergenerational Exchange Programs;
- Yiriman AIATSIS Profile (PDF document);
- Yiriman AIATSIS (MS Word document) ;
- Council of Australian Governments April 2007;
- COAG, KALACC and Yiriman;
- Yiriman 2006 East Kimberley Proposal.

I have attached the first three documents in order to illustrate that Yiriman is a nationally – regarded youth project which operates through a culturally appropriate and culturally driven model of intergenerational exchange. The fourth document (Council of Australian Governments April 2007) is a transcript of the outcomes and agreements from the most recent (April 2007) COAG meeting. The fifth document (COAG, KALACC and Yiriman) serves to highlight the close link between what Yiriman offers and what the most recent (April 2007) COAG meeting has said is the current priority area for intergovernmental focus on indigenous affairs. The sixth document is a copy of a budget presented to DOTARS in 2006 as part of discussions with Ms Rose Wallis regarding establishing a significant Yiriman presence in the East Kimberley, particularly the Tjurabalan region.

1. Some comments regarding the recent Evaluation of the East Kimberley COAG trial?

In the light of the above, KALACC has some concerns regarding the Evaluation of the East Kimberley COAG Trial.

We note the comment in the Report that:

“5.1.2 Involvement of non-government organisations

A number of non-government organisations (NGOs) are also key agencies providing services to the communities (in some cases providing them on behalf of government agencies). Feedback from certain NGOs indicates they were not actively included at the commencement of the trial, because there was not a clear understanding of their roles and potential contributions.”

KALACC feels that the four trips funded by DOTARS represents some level of government understanding and engagement with KALACC. However, we had several meetings with Ms Rose Wallis during her time in Halls Creek. These meetings included Ms Wallis meeting with our Executive (Mr Brown, Mr Wise, Mr J Watson and Mr H Watson), with myself on two occasions and with our Yiriman officers, as well as a raft of emails and phone calls.

Despite these meetings, we still don't feel that there was a clear understanding of KALACC's role and of its potential contribution.

We also note the comment in the Report that:

“East Kimberley COAG Trial Evaluation 35

A number of community, NGO and government stakeholders have since expressed a view that it may have been of benefit to involve NGOs during the planning phase of establishing and implementing the ‘whole of government’ approach within COAG trial areas.

A number of comments received from NGO stakeholders indicated that they have not been adequately consulted in relation to the COAG process. They consider that the “roles, scope and function of the COAG and ICC process” should be clarified so they can “understand where they fit into and participate in the system”.

There are practical difficulties in achieving this, as COAG is a general framework for all activities in the site, rather than a specific and discrete program. A chart or diagram illustrating roles and relationships may assist in this regard.”

Can I juxtapose that comment with the following comments extracted from the April 2007 COAG meeting:

- National initiatives will be supported by additional bi-lateral and jurisdiction specific initiatives as required to improve the life outcomes of young Indigenous Australians and their families;
- COAG also agreed that urgent action was required to address data gaps to enable reliable evaluation of progress
- COAG requested that arrangements be made as soon as possible for consultation with jurisdictional Indigenous advisory bodies and relevant Indigenous peak organisations.

We note that in the Evaluation of the East Kimberley Trial only one of the three Kimberley – wide indigenous organisations is mentioned ie there are references to the Kimberley Land Council but no mention of the Kimberley Aboriginal Law and Culture Centre and I think that there is little or no mention of the Kimberley Language Resource Centre. KALACC regards itself as being a 'relevant Indigenous peak organisation', we anticipate being consulted in relation to the outcomes from the April 2007 COAG meeting, we had extensive discussions with DOTARS in 2006 in relation to the East Kimberley COAG Trial and we would hope to have some active role in any planned 'involvement of NGOs in the planning phase of COAG trial sites in the Kimberley.'

2. What will Yiriman's involvement in the East Kimberley be after these next two trips have been completed?

We do acknowledge that the Evaluation Report makes mention of the Yiriman youth project:

"A youth summit for the communities is currently being planned for 2006. A number of other youth initiatives have been identified for support in the interim: Yiriman (for country & culture), Garnduwa (for recreation) and Palalyatju Marpapan (for health and youth workers). "

We also acknowledge (as above) the support of DOTARS in funding up to four Yiriman trips in the Tjurabalan.

However, we also acknowledge the comments made in the Evaluation Report in regards to the priority issues for the East Kimberley COAG Trial:

"The above indicators reflect some of the key challenges at the commencement of the trial, including:

- fundamental issues which place communities in 'crisis mode':
 - o substance and alcohol abuse;
 - o domestic violence and other justice issues;
 - o youth issues;
 - o unmet housing need and associated infrastructure problems; and
 - o low economic sustainability.
- limited internal capacities in communities in terms of:
 - o governance and leadership; and
 - o ability to engage with governments.
- communities having to liaise with three tiers of government, with potential 'silos' at each tier and limited joint planning across agencies.
- a high level of turnover of personnel within governments, communities' administration and communities' leadership.

A number of these issues are interdependent. For example, substance and alcohol abuse are a cause of domestic violence and youth issues. Poor conditions in the communities can also lead to turnover of staff."

KALACC is keen to maintain a dialogue with the government in relation to what level of ongoing involvement Yiriman can have in the East Kimberley. We are not seeking an SRA for Yiriman in the East Kimberley at present and we are happy for the present time to:

- develop a West Kimberley Yiriman SRA;
- conduct two more Yiriman trips in the Tjurabalan in 2007.

However, with a longer term view towards 2008 and beyond, once we have those immediate objectives achieved we do want to explore with the government what ongoing role Yiriman can have in the East Kimberley.

In pursuing this longer term goal we take as our starting points the following beliefs:

- Community need as expressed through COAG processes – we believe that the Tjurabalan communities have expressed the view to government that investment in youth is a very high priority;
- Community needs as expressed through available data – we note the recently published report, Dropping off the Edge, by the Jesuit Society of Australia. This report lists Halls Creek Shire as being one of the six most disadvantaged shires in Western Australia;
- Government (COAG) Priority on Indigenous Youth and Children: we note that COAG has given recent, renewed commitments towards developing indigenous children and youth;
- Yiriman is national best practice in Indigenous Youth projects: We believe that the NYARS and AIATSIS reports demonstrate that Yiriman offers national best practice in culturally – based intergenerational youth development programs.

In 2006 we presented to DOTARS a budget for establishing a significant Yiriman presence in the East Kimberley. Later this week, KALACC will participate in the next Working Group meeting for the Kimberley Regional Partnership Agreement. Through the RPA we are seeking to develop with government a commitment to some fundamental principles for government and community to work cooperatively in the Kimberley. One of the principles we will be seeking agreement on is the valuing of investment in culturally – based youth programs.

Thus, once we have secured agreement for a significant Yiriman presence across the West Kimberley we will be seeking to revisit the issue of a significant Yiriman presence in the East Kimberley.

Draft Only

Work Plan – Kimberley Aboriginal Justice Officer

[Notes and Disclaimer: 1. It is the responsibility of the State Government to build correctional facilities and implement correctional programs. This work plan describes how the Justice Officer would provide input in to that process, not lead that process.; 2. The presented budget does not cover the costs of activities like study tours and these activities would require additional funding. KALACC notes the recent appointment to the new position of Commissioner for Aboriginal Justice and we clearly appreciate that the Kimberley Aboriginal Justice Officer would need to work very closely with this Commissioner.]

	July – Dec 2007	Jan – June 2008	July – Dec 2008; Jan – June 2009; July – Dec 2009	Jan – June 2010
Development of the new Prison at Derby	<ul style="list-style-type: none"> Take up duty and establish an office; Meet and liaise with KALACC Executive and members of the Custodial Plan Reference Group; Meet and liaise with Corrective Services Department Revise and Refine Work Plan; Initiate Development of Partnerships eg UWA Centre for Crime Research and/ or Menzies School of Health 	<ul style="list-style-type: none"> Finalise site selection issues; Lead a study tour inspecting other Prisons in WA; Provide feedback in to architectural and facility issues; Produce a formal, exploratory report describing preferred programs to be offered; Formalise project partnerships. 	<p>During this time, the Justice Officer would be required to act as a liaison point between community and government in relation to the following issues:</p> <ul style="list-style-type: none"> Development and Implementation of an Employment Strategy; Development of an agreed model and cultural framework for the delivery of correctional programs; Provide input in to ongoing physical construction issues; Provide input in to the planning of programs to be offered within the Prison. 	<ul style="list-style-type: none"> Lead final project inspections by Aboriginal leaders; Commence implementation of prison- based activities and progra
Development of one or more Prison Work Camps	<ul style="list-style-type: none"> Take up duty and establish an office; Meet and liaise with KALACC Executive and members of the Custodial Plan Reference Group; Meet and liaise with Corrective Services Department Revise and Refine Work Plan; Initiate Development of Partnerships eg UWA Centre for Crime Research, Menzies School of Health, the I.L.C. and KAPA 	<ul style="list-style-type: none"> Finalise site selection issues; Lead a study tour inspecting other Prison Work Camps in WA; Provide feedback in to architectural and facility issues; Produce a formal, exploratory report describing preferred programs to be offered; Formalise project partnerships. 	<p>During this time, the Justice Officer would be required to act as a liaison point between community and government in relation to the following issues:</p> <ul style="list-style-type: none"> Development and Implementation of an Employment Strategy; Development of an agreed model and cultural framework for the delivery of correctional programs; Development of programs to be offered within the Prison Work Camps and in the context of the surrounding communities and pastoral stations 	<ul style="list-style-type: none"> Lead final project inspections by Aboriginal leaders; Commence implementation of activities and programs within and outside the work camps

Development of a juvenile diversion scheme through the Yiriman Project	<ul style="list-style-type: none"> • Take up duty and establish an office; • Meet and liaise with KALACC Executive, members of the Custodial Plan Reference Group and Yiriman bosses; • Meet and liaise with Corrective Services Department • Revise and Refine Work Plan; • Initiate Development of Partnerships eg UWA Centre for Crime Research, Menzies School of Health and I.L.C. 	<ul style="list-style-type: none"> • For. use project partnerships with Research institutions; • Formalise partnerships with major funding agencies, including Attorney General and ILC; • Progress the development of separate programs aimed at 1). General diversion and 2). working with youth on justice agreements or in work camps. 	<p>During this time, the Justice Officer would be required to act as a liaison point between community and government in relation to the following issues:</p> <ul style="list-style-type: none"> • Expansion of the Yiriman project in to the East Kimberley; • Implementation of the Yiriman project in dual roles of general diversionary activities and case – management activities. • Assist Yiriman and KALACC Elders and Staff to develop programs and activities which strategically align with broader justice programs. 	<p>1). Ongoing;</p> <p>2). Commence implementation of programs associated with Work Camps</p>
Development of victim support services and rehabilitation -of-offender programs	<ul style="list-style-type: none"> • Take up duty and establish an office; • Meet and liaise with KALACC Executive and members of the Custodial Plan Reference Group; • Meet and liaise with Corrective Services Department • Revise and Refine Work Plan; • Initiate Development of Partnerships eg UWA Centre for Crime Research and/ or Menzies School of Health 	<ul style="list-style-type: none"> • Formalise Development of Partnerships eg UWA Centre for Crime Research and/ or Menzies School of Health; • Participate in Scoping – Studies to explore the appropriate programs for sex offenders in the Kimberley; • Produce a report on the programs available to support victims. 	<p>During this time, the Justice Officer would be required to act as a liaison point between community and government in relation to the following issues:</p> <ul style="list-style-type: none"> • Developing programs aimed at minimising the incidence of sex crimes; • Program development and rehabilitation of sexual offenders; • Development and implementation of programs to support victims 	Ongoing
Development of Aboriginal Courts in the Kimberley	<ul style="list-style-type: none"> • Take up duty and establish an office; • Meet and liaise with KALACC Executive and members of the Custodial Plan Reference Group; • Meet and liaise with Corrective Services Department • Revise and Refine Work Plan; • Initiate Development of Partnerships eg UWA Centre for Crime Research and/ or Menzies School of Health 	<ul style="list-style-type: none"> • Lead a study tour to visit the Kalgoorlie Aboriginal Court and the Geraldton Family Court; • Commence a Scoping Report in relation to the implementation of an Aboriginal Court in the Kimberley 	<p>During this time, the Justice Officer would be required to act as a liaison point between community and government in relation to the development of an Aboriginal court in the Kimberley:</p> <ul style="list-style-type: none"> • Court model; • Court location; • Linking the court with other justice initiatives and alternative sentencing options. 	Establishment and implementation of a Kimberley Aboriginal Court

KALACC - Proposed Budget for Employment of a Kimberley Aboriginal Justice Officer

1. Recurrent Costs

A. Employment of the Justice Officer

Wages for Justice Officer	60000
Superannuation	5400
Housing Allowance	10000
Travel Allowance	3000
Workers Compensation Insurance	1000
Recruitment and Relocation costs	5000
total costs for part A:	84400

B. Project Costs for Justice Officer

Fuel, vehicle maintenance, insurance and registration	10000
Travel Costs eg to Perth	5000
Travel Costs ie within Kimberley	3000
Total Costs for Part B	18000

C. Administration Costs to KALACC

KALACC Coordinator Wages	including superannuation etc	10000
KALACC Accountant Wages	including superannuation etc	10000
KALACC Office Staff Wages	including superannuation etc	5000
Use of KALACC Office - including utilities, phone and internet		5000
Total Costs for Part C		30000

D. Community Engagement Costs

At least two large community meetings per year	40000
Consultation Fees for Chairman and other Executive at other times of the year	5000

total costs for part D	45000
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Total Recurrent Cost Per Annum	177400
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2. Capital Costs

Vehicle	60000
Computer and phone	5000

total Capital Costs for this activity	65000
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NOTES

1. Vehicle - the alternative to purchasing a vehicle is to lease a vehicle at an estimated cost of \$1000 per month

PRELIMINARY PROGRAMME

AIJA INDIGENOUS COURTS CONFERENCE 4-7 SEPTEMBER 2007, MILDURA

The Conference is to have several important features:

- It is intended to focus on courts with specific procedures for dealing with Indigenous offenders throughout Australia, New Zealand and elsewhere;
- It is to involve Indigenous elders, members of Indigenous communities, judicial officers and court administrators who sit on, or are involved in, Indigenous courts;
- To provide an opportunity for an exchange of information, experiences and views about the operation of specialist Indigenous courts;
- The conference will also provide a forum for the publication and dissemination of the results of research into the effectiveness of such courts and might thereby encourage the conduct of such research in the period before the conference;
- There will also be sessions devoted to victims of crime and Aboriginal justice officers; and
- Restorative justice and adult conferencing.

TUESDAY 4 SEPTEMBER 2007

Opening – 5.30pm Mildura City Council Offices

Latje Latje elder to welcome participants and guests to country.

Mr Sid Clarke, Chairman, the Mildura Aboriginal Corporation to welcome participants and guests.

Councillor John Arnold, Mayor, Mildura Rural City Council.

The Hon Justice Peter Gray, Federal Court of Australia, Convenor and Chair, Planning Committee, AIJA National Indigenous Courts Conference.

WEDNESDAY 5 SEPTEMBER 2007

Indigenous Courts in Australia and the world

Today's sessions are designed to look at Indigenous Courts and how they operate. There will be presentations by participants in different models of Indigenous Courts from each Australian State and Territory designed to provide an overview of Indigenous Courts within the States or Territories.

There will also be sessions concerned with Indigenous Courts in New Zealand, Canada and Papua New Guinea. The sessions will be designed to ensure involvement of and dialogue with members of the Indigenous communities attending the conference.

Presentations:

His Honour Judge Louis Bidois, District Court, New Zealand – a New Zealand perspective
Magistrate Kate Auty, Magistrates' Court, Kalgoorlie, Western Australia, Mr Bradley Mitchell, Aboriginal Justice Officer, members of the Kalgoorlie Aboriginal Court and the Regional Manager of that Court, Mr Richard Stephenson
Ms Margaret Marin, Executive Director, Elizabeth Fry Society, Manitoba, Canada – a Canadian perspective
His Honour Judge Paul Grant, President, Ms Anne-Marie Kirkman, Registrar and Elders, Koori Children's Court, Victoria
Magistrate Jelena Popovic, Deputy Chief Magistrate and Head of Koori Courts, Victoria, Mr Rudolph Kirby, Manager, Koori Courts and Koori Courts Officers and Elders, Koori Courts, Victoria – the view from Victoria
Magistrate Shane Madden, Australian Capital Territory - the view from the Australian Capital Territory
Magistrate Doug Dick and Ms Gail Wallace, Local Court, Nowra, New South Wales – Circle Sentencing
Magistrate Annette Hennessy, Rockhampton, Queensland
Ms Jenny Blokland, Chief Magistrate, Northern Territory
Magistrate Kym Boxall and Deputy Chief Magistrate Dr Andrew Cannon AM – the South Australian perspective
Mr Sam Kaipu, Acting Executive Dean, University of Papua New Guinea Law School – the Papua New Guinea Village Court system
Representatives of Indigenous communities

Conference Dinner

Speaker: Ms Jenny Blokland, Chief Magistrate, Northern Territory

THURSDAY 6 SEPTEMBER 2007**Indigenous Courts: how effective are they and how can they be made more effective****Presentations:**

The Hon Justice Tony Mandamin, Federal Court, Canada
Professor Kathy Daly and Dr Elena Marchetti, Griffith University, Queensland
Professor Graham Brawn, Professor of Architecture, University of Melbourne and Mr Philip Kirke, Senior Associate, Hassell, Architects, Western Australia – “Consulting with Aboriginal People about Appropriate Justice Design”
Dr Toni Makkai, Director, Australian Institute of Criminology
Magistrate Jelena Popovic, Deputy Chief Magistrate and Mr Rudolph Kirby, Manager, Koori Courts and Koori Courts Officers and Elders, Koori Courts, Department of Justice, Victoria
Dr Mark Harris, Faculty of Law, Latrobe University
Mr Bevan Mailman, President of Tarwirri (The Indigenous Law Students and Lawyers Association of Victoria) – the establishment of a National Indigenous Legal Association
Magistrate Kate Auty, Magistrates' Court, Kalgoorlie, Western Australia
Representatives of Indigenous communities.

Barbecue hosted by the Mildura Aboriginal Corporation – 7.00pm

FRIDAY 7 SEPTEMBER 2007

Wrap-up – 9.30am Mullenjaiwakka, formerly Lloyd McDermott, Barrister at Law, New South Wales

Opening of the Mildura Koori Children's Court by the Hon Rob Hulls MLA, Attorney-General for Victoria – 11.30am

This is a preliminary programme and is subject to change prior to the conference

DISCLAIMER

This publication has been prepared for the clients and conference participants of the Australasian Institute of Judicial Administration (AIJA) Tribunals Conference. No responsibility for any loss occasioned to any person acting on or refraining from action as a result of material in this publication is accepted by AIJA. The contents of this publication are correct at time of printing; however AIJA reserves the right to make changes as it sees fit. © AIJA 2007

AIJA Indigenous Courts Conference Conference Registration Form

4 – 7 September 2007

The Settlers Club, Mildura Victoria

ABN: 13 063 150 739



The Australasian Institute of
Judicial Administration Incorporated

Conference Registration Guide

Register online at www.ammmp.com.au/aija07b
Please read all information carefully.

Getting to Mildura by Plane

The Mildura region is well served by flights from Melbourne, Adelaide and Sydney. The distance to the airport from Mildura city is 11 kms, approximately 10 minutes by car.

→ From Melbourne

QantasLink operates daily return services between Melbourne and Mildura with connections from all ports. For schedules and fares phone: 131313 or visit www.qantas.com.au

Or

Regional Express Airlines (REX) flies daily from Melbourne to Mildura and beyond, seven days a week. - For schedules and fares phone: 13 17 13 or visit <http://www.regionalexpress.com.au/>

→ From Sydney

Regional Express Airlines (REX) flies daily from Sydney to Mildura and beyond, seven days a week. For schedules and fares phone: 13 17 13 or visit <http://www.regionalexpress.com.au/>

→ From Adelaide

O'Connor Airlines provides services between Mildura and Adelaide. For schedules and fares phone: (08) 8723 0666 or visit www.oconnorairlines.com.au

For additional information about Mildura, please visit <http://www.visitmildura.com.au/quicksite/>

Accommodation

The following accommodation rates have been negotiated for conference delegates. **Note:**

- These rates are available by booking through A.M. Meetings Plus on the conference registration form.
- Accommodation bookings will not be confirmed until full payment is received.
- Accommodation is strictly subject to availability & early reservations are recommended
- Accommodation cancellations and changes to existing bookings may be subject to venue imposed penalty fees.
- Please note that 'no shows' or cancellations in full or partial will be subject to penalties at the discretion of the venue.
- All rates listed are in Australian dollars and are inclusive of the 10% Australian Goods and Services Tax.
- Most venues offer a 2:00 pm check in time and 10:00 am check out. Earlier and/or later check in/out will be at the discretion of the venue and may be subject to additional fees.
- A tax invoice and personal itinerary will be issued on receipt of your booking and full payment.
- Breakfast may be arranged with your chosen venue and must be paid directly to the hotel.
- Government rates are not available via A.M. Meetings Plus.

1. Hotel Mildura (4 ½ star)

Located at 120 Eighth Street Mildura - approximately 1 minute walk from the conference venue.

- Executive Spa2 room – \$150 per night
1 x King bed and 1 x fold out sofa bed
- Executive Spa3/4 room – \$160 per night
1 x King bed and 1 x fold out sofa bed

AIJA Indigenous Courts Conference Conference Registration Form

4 – 7 September 2007

The Settlers Club, Mildura Victoria

ABN: 13 063 150 739



The Australasian Institute of
Judicial Administration Incorporated

Accommodation Continued

2. Commodore Motor Inn - NEW

Located on the corner of Deakin Ave and Seventh Street Mildura – approximately 5 minutes walk from the conference venue.

- Economy Room - \$105 per night
- Business Room - \$115 per night
- Executive Spa room - \$140 per night
- Family Room - \$150 per night

3. City Colonial Motor Inn (3 ½ star)

Located at 24 Madden Avenue Mildura – approximately 2 minute walk to the conference venue. City Colonial provides charge back facilities for meals purchased at the Settlers Club.

- Single room - \$82 per night
- Spa room - \$130 per night

4. Mildura Grand Hotel (4 ½ star)

Located at Seventh Street Mildura – approximately 5 minute walk to the conference venue. Prices include a maximum of 2 people per room. Some rooms can accommodate up to 4 people for a charge of \$30.00 per person per night. The following rates include breakfast.

- Grand Rooms - \$160.00 per night (*limited twin share available*)
- Grand Executive - \$200.00 per night

Day trip (Optional)

Tuesday 4th September

This trip to Warrakoo Farm, an informal diversion program for young Aboriginal offenders, will be hosted by Sid Clarke. Departs at 11:00 am from the Settlers Club and returns prior to the conference opening.

Cost: \$30 per person (includes return bus transfer and barbecue lunch)

Numbers will be limited

Welcome Reception (optional)

Tuesday 4th September - 5:30 pm

Hosted by the Mildura City Council

Conference Dinner (optional)

Wednesday 5th September

Cost: \$88 per head inclusive of GST, canapés, 3 course dinner and drinks

Venue: Settlers Club

Conference registration

Includes:

- Attendance at conference sessions
- Conference satchel & documentation
- Welcome Reception
- Arrival coffee, morning tea, *lunch & afternoon tea where applicable

Guidelines to complete form

1. ONE PERSON PER FORM ONLY
2. Please print clearly & return ENTIRE Registration form with full payment
3. Cheques should be made payable to AIJA
4. All prices are in Australian Dollars (AUD\$) and include 10% Australian Goods & Services Tax (GST).
5. On receipt of completed form & payment you will be issued a confirmation letter, Tax Invoice & itinerary if applicable.
6. Changes/cancellations to accommodation bookings may be subject to venue imposed fees and penalties.
7. Please note if paying by credit card the following will appear on your bank statement "AM MEETINGS PLUS P L MOONEE PONDS"

Registration Closing Dates

Early bird registration-20th July 2007

Regular registration-10th August 2007

Cancellation policy:

- 45 days prior to conference - 80% refund
- 30 days prior to Conference - 50% refund
- No refunds after 10th August 2007 (Substitute participant accepted)

Privacy Statement: In registering for this conference, relevant details you supply may be incorporated into a delegate list for the benefit of all delegates. Your details will also be made available to parties directly related to the conference including A.M. Meetings Plus P/L, banks, venues and accommodation providers for the purposes of processing payments, room bookings and conference options. Your details and information will also be added to the AIJA conference database in order to liaise and correspond with you in relation to your attendance. Please note that should you not wish your details to be used in the manner described above, we may be unable to process your booking or registration.

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From: Wes Morris [kalacc.wes@bigpond.com.au]
Sent: Thursday, 26 July 2007 2:26 PM
To: 'Jim-McGinty'; 'margaret-quirk@dpc.wa.gov.au'
Cc: 'ryan.taaffe@dpc.wa.gov.au'; heather.harker@correctiveservices.wa.gov.au;
Frank Parriman (frank.parriman@correctiveservices.wa.gov.au); 'Tom Stephens';
Carol Martin (cmartin@mp.wa.gov.au); Shelley Archer (sarcher@mp.wa.gov.au);
Shelley Eaton (seaton@mp.wa.gov.au); Jodie Lynch; 'Maryjane Coates'
Subject: KALACC: Customary Law Report Recommendation Number 50 and new
information from the Australian Institute of Criminology
Dear Minister Quirk and Minister McGinty,

On 24 July (a couple of days ago) I sent to you some information profiling our highly successful Yiriman project.

I trust that you received that information and that it assisted you to better understand the nature of Yiriman.

Subsequent to that I have become aware of some recent research undertaken by the Australian Institute of Criminology.

Attached to this email are a word document and a pdf document relating to a new report by the Institute.

Part of the findings read as follows:

A juvenile pre-court diversion scheme was introduced in the Northern Territory in 2000. Administered by police, it uses warnings and conferences to divert selected juveniles from the court process. This paper reports on an analysis of Northern Territory police records on 3,597 apprehended juveniles over a 5 year period. Findings showed that the great majority of juveniles (76%) did not reoffend within the first year after their initial diversion or court appearance. However, there were significant differences between juveniles who attended court and those who were diverted, both in terms of risk of reoffending and time to reoffending.

The findings provide some evidence that pre-court diversion had a positive impact on reducing reoffending. Policy should focus on better identifying children at an early age, who are at risk of developing antisocial behaviour. Given the level of over-representation of young Indigenous males in the criminal justice system, particular care should be taken to address the needs of this group. Because of the multitude of factors which can lead to offending behaviour, policies should involve not just the criminal justice system but a wide range of relevant government and nongovernment sectors, including the wider community, as the responsibility to address the needs of Australian children lies with society as a whole.

As you know, KALACC has been calling for the establishment of such a scheme for some time now and in that context we have frequently referred to:

- The Law Reform Commission's Customary Law Report Recommendation # 50;
- The national profile of Yiriman as a highly successful youth diversionary program.

We take it that the recent research from the Australian Institute of Criminology provides further basis to these calls for the establishment of such a scheme in the Kimberley.

That said, we need to emphasise that the culturally – based model which Yiriman employs is significantly different from the model described in the attached documents.

The model employed in the Northern Territory is clearly a model owned and operated by the court and by the police. The WA Law Reform Commission's Recommendation # 50 clearly states

"The Commission's view is that there should be diversion to Aboriginal-owned or Aboriginal-controlled processes.

The Commission has received a number of submissions in support of its proposal for diversion to a community justice group.⁷⁵ Both the Department of Corrective Services and the Department of the Attorney General stressed the need for adequate resources in order for the implementation of this proposal to be effective."

The emphasis here is clearly on Aboriginal – ownership and control of the program, whereas there is clearly no Aboriginal ownership of the Northern Territory program.

It is also worth noting two departmental factors:

- Department of Corrective Services and Department of the Attorney – General stressed the need for adequate resources;
- Department of Police opposed the recommendation – If you are not familiar with the Police Department's reasons for that position, can I direct you to the attached document Law Reform Commission Recommendation # 50. doc.

We will await the Government's response to the Law Reform Commission's Recommendation and to KALACC's representations to the Government.

Regards

Wes Morris
Centre Coordinator
Kimberley Aboriginal Law & Culture Centre (KALACC)
PO Box 110, Fitzroy Crossing, WA, 6765.
Phone: (08) 91915317
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Pre-court diversion in the Northern Territory: impact on juvenile reoffending

Teresa Cunningham

A juvenile pre-court diversion scheme was introduced in the Northern Territory in 2000. Administered by police, it uses warnings and conferences to divert selected juveniles from the court process. This paper reports on an analysis of Northern Territory police records on 3,597 apprehended juveniles over a 5 year period. Findings showed that the great majority of juveniles (76%) did not reoffend within the first year after their initial diversion or court appearance. However, there were significant differences between juveniles who attended court and those who were diverted, both in terms of risk of reoffending and time to reoffending. Those who were diverted reoffended less than those who attended court and those who went to court reoffended more quickly. Property offenders who attended court were 30 percent more at risk of reoffending than violent offenders. Further work is required to see if the different effects for court versus diversion remain if prior offending history is taken into account. The significant differences in offending related to age, gender, Indigenous status and location confirm the need for specific responses to particular groups of juveniles.

Toni Makkai
Director

The NT juvenile pre-court diversion scheme

The juvenile pre-court diversion scheme was introduced in the Northern Territory (NT) in 2000. Mandatory sentencing was in place in the NT at that time, and the scheme was a response to both federal and international concerns that juvenile offenders in the NT were unfairly treated by the criminal justice system.

The scheme provided pre-court diversion for juveniles from 10 to 18 years of age (after implementation, this was lowered to 17 years of age) and the aims of the scheme were to:

- provide and maintain an effective alternative to the prosecution and sentencing of young offenders in the formal justice system
- encourage young offenders to be responsible members of the community by providing opportunities for positive behavioural change and improvement in life skills through diversion activities (Waite 2003: 3).

The following set of principles was also developed:

- treat young people fairly
- support and involve victims
- take account of the impact on the victim

ISSN 1449-2275

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- encourage parental responsibility
- foster closer police and community interaction
- foster positive social change (Waite 2003: 4).

The scheme gave police powers to divert offenders with either a verbal or written warning or require that they attend a family or victim-offender conference. Offences were classified as minor, serious or excluded. A verbal warning was for minor property offences. A written warning was also given for minor offences, but where the behaviour of the offender was perceived to cause a greater risk to the community than offences which received a verbal warning. Family conferences and victim-offender conferences were selected for more serious offences. Certain offences such as murder, manslaughter and serious physical assault, were excluded from diversion. Additionally, the offender had the option to decline diversion and go to court.

The NT setting

The demographic and geographic setting of the NT was an important determinant of the way in which the juvenile pre-court diversion scheme was structured. The NT has the youngest median age population in Australia at 30.9 years, the highest proportion of children under 15 years (25%) and the highest proportion of people aged 15 to 44 (49%; ABS 2005). A younger population can significantly affect the rate of offending as offender populations are skewed towards younger age groups (Broadhurst & Loh 1995). The NT also has the largest percentage of Indigenous people in its population, at 29 percent compared with less than four percent in other states (ABS 2003). Indigenous status has been linked to a higher percentage of offending in a population and Indigenous juveniles have been consistently over-represented in the criminal justice system in Australia (Snowball & Weatherburn 2006).

Geographically, 60 percent of the NT population lives in the Darwin region and the remaining 40 percent in regional or remote areas. In fact, only two centres in the NT – Darwin and Alice Springs – have populations of more than 10,000 people (ABS 2002). Remoteness of location and consequent lack of access to services can affect the ability of a community to provide adequate resources for its young people that could prevent initial offending or reoffending.

Method

The data were taken from the Police Realtime Online Management System (PROMIS) for the five year period August 2000 to August 2005. PROMIS is used by police to record all apprehension and case information. A total of 3,597 juveniles were apprehended by police over that period. The data taken from the system and used in the current research are shown in Box 1.

The analysis first examined the characteristics of juvenile offenders and those who reoffended. In order to take into account the fact that not all juveniles had a similar time to reoffend, only those juveniles 16 years of age or younger at the time of their first apprehension were included in the analysis. This gave that group of offenders at least one year in which to reoffend. Juveniles who were

17 years of age or older at the time of their first apprehension were excluded from the initial analysis.

Reoffending by demographic, geographic, offending and event type

As shown in Table 1, the majority of offenders were male (72%), Indigenous (59%), 14 years or older (71%) and lived in an Indigenous community or regional centre (54%). The largest percentage of juveniles had committed a property crime (63%) and had received a warning or attended a conference (78%).

The percentage of Indigenous juveniles apprehended over the study period indicates the extent of over-representation of Indigenous juveniles in the NT criminal justice system, where they make up only 38 percent of 10–17 year olds in the general population (ABS 2001).

The great majority of offenders (76%) did not reoffend within 12 months of their initial diversion or court appearance. Of those who did, males reoffended to a significantly greater extent than females (28% and 13%, $\chi^2=69$, $df=1$, $p<.01$) and Indigenous juveniles to a significantly greater extent than non-Indigenous juveniles (31% and 15%, $\chi^2=91$, $df=1$, $p<.01$).

Box 1

Gender	Male/Female
Indigenous status	Indigenous/Non-Indigenous as noted by police
Age	As at first event
Location of offender	Darwin region/Regional (Alice Springs, Katherine, Tennant Creek, Nhulunbuy)/Community (Indigenous communities)
Offence	Serious and minor property/Person/Other (includes drugs, traffic and justice offences)
Event	Court (declined or denied)/Conference (victim-offender or family)/Warning (written or verbal)
Time to reoffend	Days between completion of first event and commencement of second event

In relation to age, there were no significant differences between the groups in the extent of their reoffending for the first 12 months, with only around one-quarter of each group reoffending within that time. The fact that these differences are insignificant is of interest as other research has found that the earlier the age of onset of offending, the more persistent offending behaviour becomes (Luke & Lind 2002), and it may well be that the younger offenders in this study would have reoffended to a greater extent over a longer period. This issue will be further examined in the survival analysis.

Differences in reoffending between locations were not large but were significant ($\chi^2=10$, $df=2$, $p<.01$), with

juveniles from Darwin reoffending less than those from regional centres or communities (21%, 26% and 28% respectively).

Juveniles who committed serious property offences reoffended slightly more (28%) than those who had committed offences against the person (25%) and other offences (24%). However, those juveniles who committed minor offences reoffended significantly less than other groups (14%; $\chi^2=38$, $df=3$, $p<.00$). Juveniles who committed a minor property offence were half as likely to reoffend as those who committed a serious property offence. It would seem that diverting the former from court is an appropriate way of responding to their offending behaviour, as a court

appearance could be an unnecessarily stigmatising and traumatic experience for the offender and a costly and unnecessary use of legal system resources for this type of offence.

Over one-third of juveniles (39%) who appeared in court reoffended within the first 12 months, significantly different from only 21 percent of juveniles who had undertaken a conference and 19 percent who received a warning ($\chi^2=39.3$, $df=2$, $p<.00$). These findings support those of Wilczynski et al. (2004) who, in a study of the first two years of the scheme, found that the majority of juveniles did not reoffend and that, of those who did, reoffending was more common for those who went to court. This finding also concurs with a study in Queensland which found that significantly more juveniles had recontact with police following a court appearance than after other interventions (Dennison, Stewart & Hurren 2006).

Time to second apprehension

Survival analyses were conducted to examine the length of time to second apprehension by demographic, offending and event characteristics. This analysis is suitable for including censored cases in the analysis (Broadhurst & Loh 1995). In this case, all of the 17 year old offenders were therefore included in the survival models. The significance of the model was measured using the logrank method and the hazard ratios were analysed using the Cox Mantel hazard ratio (CMHR) where for each group the diversion/court ratio was used.

Figure 1 shows the survival rate by gender and event type, that is whether the initial event was court or diversion. The hazard ratio indicated significant differences between groups, as males who received a diversion were 44 percent less likely to reoffend than those who went to court (CMHR =.56, $p<.01$). Females who have been diverted are more than twice as likely (57%) not to

Table 1: Juvenile reoffending within one year of completion of initial event

	n	%	Did not reoffend %	Reoffended within one year %
Male	1,965	72	72	28
Female	779	28	87	13
Indigenous	1,517	59	69	31
Non-indigenous	1,081	41	85	15
Age (years)				
10	68	3	77	23
11	134	5	76	24
12	200	7	74	26
13	399	14	78	22
14	555	20	76	24
15	621	23	74	26
16	767	28	76	24
10-13	801	29	76	24
14-16	1,943	71	75	25
Community	532	19	72	28
Darwin	1,255	46	79	21
Region	957	35	74	26
Person	299	11	75	25
Serious property	1,133	43	72	28
Minor property	522	20	86	14
Other	673	26	76	24
Court	595	22	61	39
Conference	917	33	79	21
Warning	1,232	45	81	19
(Total)	(2,744)	(100)	(76)	(24)

have reoffended as those who made a court appearance (CMHR=.43, $p<.01$).

The survival curves indicate that both males and females who had made a court appearance would have reoffended much more quickly than those who had received a diversion.

Within 600 days after the initial diversion only 49 percent of males who attended court would not have reoffended, compared with 67 percent of males who had received a diversion. The time to second apprehension was longer for females who received a diversion as 83 percent of this group would not have reoffended within 600 days, compared with 67 percent of females who had made a court appearance.

At the end of the 5 year period only 39 percent of males who attended court would not have reoffended, compared with 45 percent of those who received a diversion. A higher proportion of females who received diversion would not have reoffended when compared

with those who went to court (73% and 67% respectively).

As shown in Figure 2, at the end of the study period, a greater percentage of non-Indigenous offenders had not reoffended than Indigenous offenders.

The largest difference in the proportions reoffending was between Indigenous juveniles who had made a court appearance and non-Indigenous juveniles who had received a diversion (CMHR=.30, $p<.000$). The hazard ratio of .30 indicated that non-Indigenous juveniles who received a diversion had a probability of reoffending which was 70 percent lower ($1-.30$) than for Indigenous offenders who had been to court.

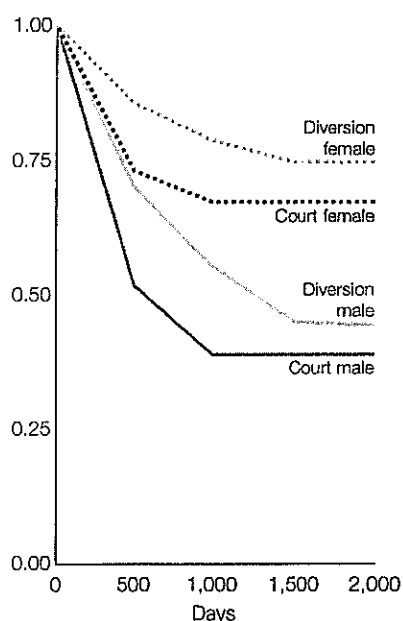
Within 500 days of their first apprehension half of the Indigenous juveniles who had a court appearance would not have reoffended, compared with two-thirds (67%) of Indigenous juveniles who received a diversion. In comparison, 83 percent of non-

Indigenous juveniles who had a diversion would not have offended by this time, compared with 70 percent of those who went to court.

At end of the five year period, only one-third (34%) of Indigenous juveniles who had been to court would not have reoffended, compared with 44 percent of those who had been diverted. A much higher proportion of non-Indigenous juveniles, both those who went to court and those who were diverted, would not have reoffended (66% and 65% respectively).

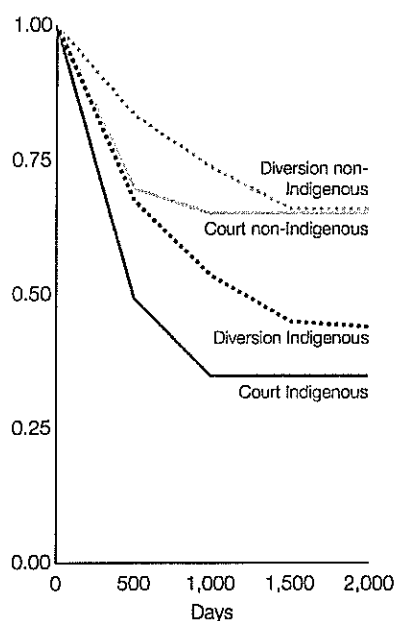
As shown in Figure 3, for each age group there were significant differences in the rates of reoffending between the group who received a diversion and those who went to court. The 10-13 year old and 14-15 year old offenders who were diverted were nearly three times less likely to reoffend than those who went to court (CMHR=.37, $p<.00$ and CMHR=.40, $p<.00$ respectively). Although the gap was not as great for the 16-17 year olds

Figure 1: Survival time to second apprehension by gender and first event (proportion)



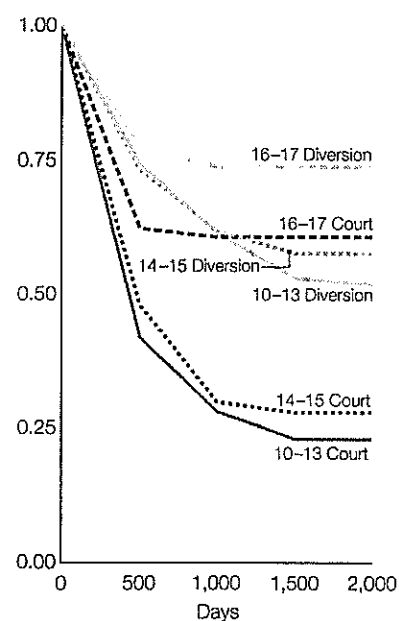
Significance of model logrank $\chi^2=214$, $df=3$, $p<.000$

Figure 2: Survival time to second apprehension by Indigenous status and first event (proportion)



Significance of model logrank $\chi^2=235$, $df=3$, $p<.000$

Figure 3: Survival time to second apprehension by age group and first event (proportion)



Significance of model logrank $\chi^2=163$, $df=5$, $p<.000$

the findings were also significantly different, as those who had a diversion were about half as likely to reoffend (CMHR=.52, $p<.00$) as those who attended court.

Only around 50 percent of the 10–13 and 14–15 year old court groups would not have reoffended by 400 days compared with nearly 80 percent of the same age groups who were diverted. In relation to the 16–17 year olds, by 400 days 68 percent of the court group would not have reoffended compared with 80 percent of those who had a diversion.

At the end of the five years, 28–30 percent of both 10–13 and 14–15 year olds who went to court would not have reoffended compared with just over half (55%) of those who were diverted. Again, the 16–17 year olds who were diverted were at least risk of reoffending (77%) in that age group, and in fact, of all age groups.

Figure 4 provides survival rates in relation to location of the juvenile. The risk of reoffending was greatest for juveniles

in Other NT who had attended court. They were slightly more than twice as likely to reoffend as juveniles who had been diverted (CMHR=.53, $p<.000$). The result was similar for juveniles from Darwin who had been to court. They were twice as likely to reoffend as those who had been diverted (CMHR=.50, $p<.000$).

The length of time taken to reoffend was also least for the Other NT group. At 600 days 50 percent of this group would not have reoffended compared with 70–75 percent of those either in Darwin or Other NT who had been diverted. At the end of the five years, results were similar for the juveniles from Darwin who had been to court and those in Other NT who had been diverted, as around 50 percent would not have reoffended. This is compared with only 38 percent of juveniles in Other NT who had been to court. The juveniles in Darwin who had been diverted reoffended least – 59 percent at the end of the five year period.

Figure 5 provides survival times by offence type. The two offence types included in the analysis were crimes against the person and property crime. Differences have been found when comparing property crime and crimes against the person with regard to event type – court or conferencing (Hayes 2005).

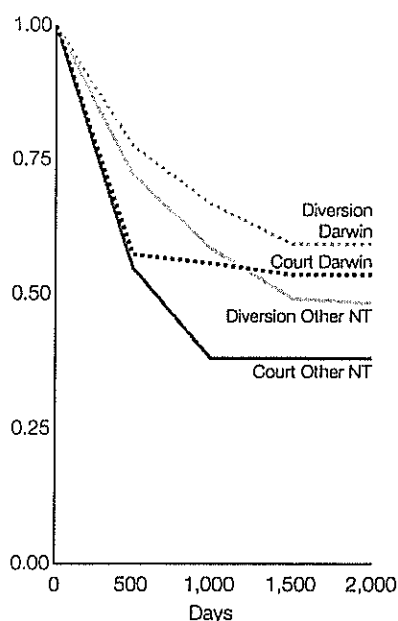
There was little difference in the risk of reoffending or the length of time to reoffend for the two groups who had received diversion (CMHR=.NS). There were, however, significant differences between the two court groups. Property offenders were just over 30 percent more at risk of reoffending than those who had committed a violent crime (CMHR=.69, $p<.000$). At 400 days just over half (53%) of the juveniles who had attended court for committing a property offence would have reoffended, compared with 63 percent of those who had attended court for committing an offence against the person. In relation to those who received a diversion, the extent of reoffending at 400 days was similar for both offence groups, in that around 80 percent of juveniles would not have reoffended within that period (81% person offences and 79% property offences). At the end of the reporting period, however, the percentage of juveniles who had committed a violent crime and gone to court was similar to that of the group who committed property offences and had been diverted. Only 32 percent of those who had committed a property offence and had appeared in court would not have reoffended.

Discussion

This analysis of juvenile offenders and their reoffending behaviour in relation to the juvenile pre-court diversion scheme in the NT provided several key findings for the development of policy in relation to juvenile offenders.

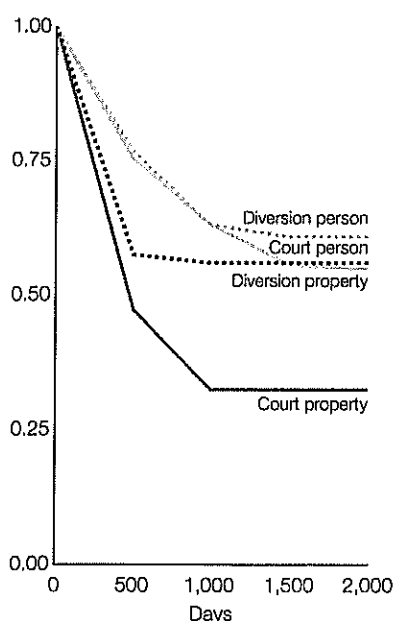
First, most juveniles did not reoffend during the first year after completion of

Figure 4: Survival time to second apprehension by location and first event (proportion)



Significance of model logrank $\chi^2=129.4$, $df=3$, $p<.000$

Figure 5: Survival time to second apprehension by offence group and first event (proportion)



Significance model logrank, $\chi^2=155.7$, $df=3$, $p<.000$

the initial event. The implication of this is that making these juveniles go through the court process exposes them to an unnecessary and possibly damaging experience for them, and is an unnecessary use of time and resources for the criminal justice system. It could be argued that 'the finding of apparent desistance suggested that it was neither necessary nor desirable to respond harshly or intrusively to young offenders who have not committed serious offences or shown any tendency to persist in crime' (Vignaendra & Fitzgerald 2006).

Second, the majority of offenders were Indigenous males, indicating the level of over-representation of this group of juveniles in the criminal justice system in the NT. This supports findings elsewhere in Australia (e.g. Hayes & Daly 2004, 2003; Snowball & Weatherburn 2006). While this is a complex issue, it points to providing more support at individual, family and community levels for these groups of juveniles at risk.

Third, there were significant differences in the outcomes at the end of the five year period in gender and Indigenous status of those who would have reoffended. There were also significant differences in age groups, with the younger groups who had a court appearance as their first event reoffending to a much greater extent – up to two times more – than offenders of the same age who have been diverted.

The majority of juveniles committed property offences and those who did so and who attended court reoffended to a much greater extent than other groups.

This group of juveniles had committed more serious property offences or were persistent offenders, but it would appear that the court process does not deter them from reoffending. This points to the need to develop alternatives to provide better responses to offending behaviour for these groups of juveniles. Alternatives to court attendance may require the development of different types of diversions, conferencing or programs, and better adapting the existing interventions to introduce more flexibility.

To further develop interventions to deter offending and persistent offending, it is important that future research examine other factors that impact on the offending behaviour of juveniles in the NT. These should include family and cultural background, education, other socioeconomic factors and the persistence of offending into adulthood. However, even given the limitations of the present research which did not address these factors, the findings provide some evidence that pre-court diversion had a positive impact on reducing reoffending. Policy should focus on better identifying children at an early age, who are at risk of developing antisocial behaviour. Given the level of over-representation of young Indigenous males in the criminal justice system, particular care should be taken to address the needs of this group. Because of the multitude of factors which can lead to offending behaviour, policies should involve not just the criminal justice system but a wide range of relevant government and nongovernment sectors, including the wider community, as the responsibility

to address the needs of Australian children lies with society as a whole.

Acknowledgment

The assistance of NT Police in allowing use of their data is acknowledged.

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Promising results from pre-court diversion scheme in the Northern Territory

<http://www.aic.gov.au/media/2007/20070725.html>

- Media Release, no. 2007/05
- 25 July 2007

An evaluation of the juvenile pre-court diversion scheme introduced in the Northern Territory in 2000 that uses warnings and conferences to divert selected juveniles from the court process has found significant differences in the reoffending patterns between juveniles who attended court and those who were diverted from the court process:

- Males who received a diversion were 44 percent less likely to reoffend than those who went to court
- Females who were diverted were more than twice as likely (57%) not to have reoffended as those who made a court appearance.

The scheme gives police powers to divert juvenile offenders away from the court process. Offences classified as minor received either a verbal or written warning and more serious offences were dealt with through family conferences and victim offender conferences. Certain offences such as murder, manslaughter and serious physical assault were excluded from diversion. The offender has the option to decline diversion and go to court.

Data were taken from police records of 3,597 juveniles who had been apprehended by the police between August 2000 and August 2005 and found significant differences in offending related to age, gender, Indigenous status and location. Fifty-nine percent of offenders were Indigenous and Indigenous juveniles were almost twice as likely to reoffend than non-Indigenous juveniles within 12 months.

'Given the level of over-representation of young Indigenous males in the criminal justice system, particular care should be taken to address the needs of this group', Dr Makkai said.

The paper also found that juveniles in regional or Indigenous communities had higher probabilities of re-offending regardless of whether they were diverted or went to court. However those who were diverted in those communities had better outcomes than if they went to court.

'Juveniles who are sent to court reoffend more frequently and more quickly, which could reflect the more serious nature of their offending and prior criminal record', Dr Makkai, Director of the Australian Institute of Criminology, said in releasing the findings. She said, 'This particular finding suggests that the court process alone does not seem to deter persistent offending'.

Dr Makkai said, 'This study highlights the need for long term evaluations of criminal justice interventions to better understand what works, what doesn't and what looks promising in dealing with juvenile offenders'.

**KIMBERLEY YOUTH PROGRAM
SELECTED AS A 'FINALIST' IN NATIONAL AWARD
FOR EXCELLENCE IN SERVICES TO YOUNG PEOPLE**

The Yiriman Project of the Kimberley, WA, was selected as a finalist in 2007 Excellence in Services to Young People category at the National Drug and Alcohol Awards.

This project involved connecting indigenous 'at risk' youth back to their culture and country, and preventing substance abuse issues in a culturally appropriate way.

Over the last 5 years, community Elders have taken young people from four different indigenous language groups in the Kimberley region back to land. This has relieved the pressures of community life and enabled the young people to re-connect with their land and culture.

Intergenerational exchange projects such as Yiriman have been found to benefit both young people and their elders. The elders are able to pass on acquired community knowledge while the young people transmit innovation, energy and hope for the future.

The winning entries of NDAA 2007 will be announced in Sydney on June 22, 2007 at a gala dinner being held at the Four Seasons Hotel.

"Every day of the week I see the ravages of drug and alcohol abuse on good Australians and their families. As a nation we lose about \$1.2 billion and 7.5 million working days due to the effects of alcohol abuse alone. The emotional cost of drug and alcohol abuse to families includes domestic violence, suicide, depression, plus health issues such as brain, liver and heart damage. To meet the devastation brought on by drug and alcohol abuse are thousands of dedicated professionals, researchers, organisations and volunteers doing work that is world leading throughout all States of Australia. These Awards go some little way to recognizing the fantastic, innovative work they do with such passion and conviction. We applaud them," says Wesley Noffs, Chair of the NDAA 2007 Awards.

"It is a great privilege to support the national alcohol and other drugs sector in celebrating the achievements of their unsung heroes, said Daryl Smeaton, CEO of the AER Foundation. As the major sponsor of these awards, AER congratulates all the winners, finalists and nominees."

The National Drug and Alcohol Awards are a collaborative effort of the Ted Noffs Foundation, The Australian Drug Foundation, The Alcohol and Other Drugs Council of Australia and the Australian National Council on Drugs.

It is estimated around 10,000 Australians now work directly in drug and alcohol treatment across Australia with a further 8,500 in associated sectors. Sponsors of the awards are the Alcohol Education and Rehabilitation Foundation (Principal sponsor), the Australian Government Department of Health and Ageing (major sponsor); Australian Government Department of Education, Science and Training (major sponsor) and NSW Health – ActNow (supporter)

Sponsors of the awards are the Alcohol Education and Rehabilitation Foundation (Principal sponsor), the Australian Government Department of Health and Ageing (major sponsor); Australian Government Department of Education, Science and Training (major sponsor) and NSW Health – ActNow (supporter)

To interview the finalist please contact Vanessa Ferguson 0413 586 958. For more information about the National Drug & Alcohol Awards go to <http://www.drugawards.org.au/>

Dr Jeanine Purdy
Principal Research Officer
Education and Health Standing Committee
Legislative Assembly
Parliament House
Perth WA 6000

Dear Dr Purdy,

On 12 August KALACC forwarded to you a detailed submission in relation to the Report No. 6 by the Education and Health Standing Committee.

That email was subsequently also sent to a number of politicians and Government officers – including the Committee's Chair Mr Tom Stephens MLA.

In the further information sent to those persons, I attached a couple of documents which I had not sent to you as part of KALACC's original submission.

Those extra documents are the first two attachments in this message and they relate to an Australian Institute of Criminology study in to the Juvenile Diversion programs in the Northern Territory.

In addition, you will find a further two attachments to this current message.

KALACC has been prompted to send these further attachments to you by the upcoming 28 August visit by senior officers of the Productivity Commission and of DIA. These officers are coming to the Kimberley as part of a tour associated with the 2005 DIA Report *Overcoming Indigenous Disadvantage in Western Australia*.

In KALACC's submission to the Committee on 12 August we highlighted that the Law Reform Commission had called in September 2006 for the introduction of a Youth Diversionary Program.

However, at that time we made no mention of the extensive coverage of the topic contained in the 2005 DIA Report and we take this opportunity to draw that fact to the attention of the Committee.

Thus, the State Government has received major reports in 2005 and 2006 calling for the introduction of a Youth Diversionary Program.

The fourth attachment is a document from the Queensland Department of Communities. The document is entitled the Young Offender Community Response Service and it targets the Far North Queensland Area around Cairns and the Cape York Peninsular. The report comments that:

"The Rural and Remote and Cairns Youth Justice Services had the highest proportion of Aboriginal and Torres Strait Islander young people admitted to youth justice orders of all Youth Justice Service Centre locations as at 30 June 2006. Ninety per cent of young people using the Rural and Remote service were Indigenous and 72% of those using the Cairns service were Indigenous."

KALACC notes that the Queensland Government has committed nearly \$5.0 million towards this project, over four years. KALACC acknowledges the WA Government's recent decision to provide a sum of \$50, 000 towards KALACC's Yiriman Youth Diversionary Program in the coming year. We also note that the scale of the Queensland Government program is almost 100 times greater than the current WA Government commitment towards Yiriman. We believe that the comparison is a reasonable and fair comparison given the geographic, demographic, cultural and operational similarities between how Yiriman operates and how we believe that the Queensland program will operate.

We understand that the formal submission period for public responses to the Report No 6 from the Committee has closed. However, since we lodged our main submission on time we hereby request that the Committee consider this additional information – particularly as we are highlighting comments from a 2005 DIA Report.

Many thanks

Regards

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Overcoming Indigenous Disadvantage in Western Australia – 2005 Report by the Department of Indigenous Affairs.

Key Comments in the Report in relation to Juvenile Diversion

The Ratio of Indigenous Diversion p. 89

The ratio of indigenous to non-Indigenous juvenile detention rates has increased in the last decade. In other words, Indigenous juveniles are more over-represented in detention facilities in 2003 than they were in 1994. Figure 1-34 below indicates that Indigenous juveniles were 40-50 times more likely to be detained in juvenile facilities than non-Indigenous juveniles in the year to June 2003.

Juvenile diversions as a proportion of all juvenile offenders p. 136

Key Message – Indigenous juveniles are over five times more likely to come in contact with police than non-Indigenous juveniles and, when they do, are more likely to be apprehended and charged.

Young Offender Community Response Service (Queensland)

The Queensland Government, through the Department of Communities, will provide funding of up to \$1,175,000 per annum over four years, under the Young Offender Community Response Service, including Bail Support Service Funding Initiative, to an eligible agency to supply two types of

services to young offenders and young people at risk of offending in Cairns and other locations in Far North Queensland. One service will deliver interventions and support to at-risk young people and their families. The other service will assist young people charged with offences to establish and maintain stable accommodation and successfully comply with bail conditions.

Pre-court diversion in the Northern Territory: impact on juvenile reoffending

Teresa Cunningham

A juvenile pre-court diversion scheme was introduced in the Northern Territory in 2000. Administered by police, it uses warnings and conferences to divert selected juveniles from the court process. This paper reports on an analysis of Northern Territory police records on 3,597 apprehended juveniles over a 5 year period. Findings showed that the great majority of juveniles (76%) did not reoffend within the first year after their initial diversion or court appearance. However, there were significant differences between juveniles who attended court and those who were diverted, both in terms of risk of reoffending and time to reoffending. Those who were diverted reoffended less than those who attended court and those who went to court reoffended more quickly. Property offenders who attended court were 30 percent more at risk of reoffending than violent offenders. Further work is required to see if the different effects for court versus diversion remain if prior offending history is taken into account. The significant differences in offending related to age, gender, Indigenous status and location confirm the need for specific responses to particular groups of juveniles.

Toni Makkai
Director

The NT juvenile pre-court diversion scheme

The juvenile pre-court diversion scheme was introduced in the Northern Territory (NT) in 2000. Mandatory sentencing was in place in the NT at that time, and the scheme was a response to both federal and international concerns that juvenile offenders in the NT were unfairly treated by the criminal justice system.

The scheme provided pre-court diversion for juveniles from 10 to 18 years of age (after implementation, this was lowered to 17 years of age) and the aims of the scheme were to:

- provide and maintain an effective alternative to the prosecution and sentencing of young offenders in the formal justice system
- encourage young offenders to be responsible members of the community by providing opportunities for positive behavioural change and improvement in life skills through diversion activities (Waite 2003: 3).

The following set of principles was also developed:

- treat young people fairly
- support and involve victims
- take account of the impact on the victim

ISSN 1449-2230

ISSN 1449-2230 (print)

GPO Box 9944
Canberra ACT 2601
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Tel: 02 6260 9171
Fax: 02 6260 9293

This journal is published and the full text of the papers in the Trends & Issues in Crime and Criminal Justice series are available online at <http://www.aic.gov.au>

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- encourage parental responsibility
- foster closer police and community interaction
- foster positive social change (Waite 2003: 4).

The scheme gave police powers to divert offenders with either a verbal or written warning or require that they attend a family or victim-offender conference. Offences were classified as minor, serious or excluded. A verbal warning was for minor property offences. A written warning was also given for minor offences, but where the behaviour of the offender was perceived to cause a greater risk to the community than offences which received a verbal warning. Family conferences and victim-offender conferences were selected for more serious offences. Certain offences such as murder, manslaughter and serious physical assault, were excluded from diversion. Additionally, the offender had the option to decline diversion and go to court.

The NT setting

The demographic and geographic setting of the NT was an important determinant of the way in which the juvenile pre-court diversion scheme was structured. The NT has the youngest median age population in Australia at 30.9 years, the highest proportion of children under 15 years (25%) and the highest proportion of people aged 15 to 44 (49%; ABS 2005). A younger population can significantly affect the rate of offending as offender populations are skewed towards younger age groups (Broadhurst & Loh 1995). The NT also has the largest percentage of Indigenous people in its population, at 29 percent compared with less than four percent in other states (ABS 2003). Indigenous status has been linked to a higher percentage of offending in a population and Indigenous juveniles have been consistently over-represented in the criminal justice system in Australia (Snowball & Weatherburn 2006).

Geographically, 60 percent of the NT population lives in the Darwin region and the remaining 40 percent in regional or remote areas. In fact, only two centres in the NT – Darwin and Alice Springs – have populations of more than 10,000 people (ABS 2002). Remoteness of location and consequent lack of access to services can affect the ability of a community to provide adequate resources for its young people that could prevent initial offending or reoffending.

Method

The data were taken from the Police Realtime Online Management System (PROMIS) for the five year period August 2000 to August 2005. PROMIS is used by police to record all apprehension and case information. A total of 3,597 juveniles were apprehended by police over that period. The data taken from the system and used in the current research are shown in Box 1.

The analysis first examined the characteristics of juvenile offenders and those who reoffended. In order to take into account the fact that not all juveniles had a similar time to reoffend, only those juveniles 16 years of age or younger at the time of their first apprehension were included in the analysis. This gave that group of offenders at least one year in which to reoffend. Juveniles who were

17 years of age or older at the time of their first apprehension were excluded from the initial analysis.

Reoffending by demographic, geographic, offending and event type

As shown in Table 1, the majority of offenders were male (72%), Indigenous (59%), 14 years or older (71%) and lived in an Indigenous community or regional centre (54%). The largest percentage of juveniles had committed a property crime (63%) and had received a warning or attended a conference (78%).

The percentage of Indigenous juveniles apprehended over the study period indicates the extent of over-representation of Indigenous juveniles in the NT criminal justice system, where they make up only 38 percent of 10–17 year olds in the general population (ABS 2001).

The great majority of offenders (76%) did not reoffend within 12 months of their initial diversion or court appearance. Of those who did, males reoffended to a significantly greater extent than females (28% and 13%, $\chi^2=69$, $df=1$, $p<.01$) and Indigenous juveniles to a significantly greater extent than non-Indigenous juveniles (31% and 15%, $\chi^2=91$, $df=1$, $p<.01$).

Box 1

Gender	Male/Female
Indigenous status	Indigenous/Non-Indigenous as noted by police
Age	As at first event
Location of offender	Darwin region/Regional (Alice Springs, Katherine, Tennant Creek, Nhulunbuy)/Community (Indigenous communities)
Offence	Serious and minor property/Person/Other (includes drugs, traffic and justice offences)
Event	Court (declined or denied)/Conference (victim-offender or family)/Warning (written or verbal)
Time to reoffend	Days between completion of first event and commencement of second event

In relation to age, there were no significant differences between the groups in the extent of their reoffending for the first 12 months, with only around one-quarter of each group reoffending within that time. The fact that these differences are insignificant is of interest as other research has found that the earlier the age of onset of offending, the more persistent offending behaviour becomes (Luke & Lind 2002), and it may well be that the younger offenders in this study would have reoffended to a greater extent over a longer period. This issue will be further examined in the survival analysis.

Differences in reoffending between locations were not large but were significant ($\chi^2=10$, $df=2$, $p<.01$), with

juveniles from Darwin reoffending less than those from regional centres or communities (21%, 26% and 28% respectively).

Juveniles who committed serious property offences reoffended slightly more (28%) than those who had committed offences against the person (25%) and other offences (24%). However, those juveniles who committed minor offences reoffended significantly less than other groups (14%; $\chi^2=38$, $df=3$, $p<.00$). Juveniles who committed a minor property offence were half as likely to reoffend as those who committed a serious property offence. It would seem that diverting the former from court is an appropriate way of responding to their offending behaviour, as a court

appearance could be an unnecessarily stigmatising and traumatic experience for the offender and a costly and unnecessary use of legal system resources for this type of offence.

Over one-third of juveniles (39%) who appeared in court reoffended within the first 12 months, significantly different from only 21 percent of juveniles who had undertaken a conference and 19 percent who received a warning ($\chi^2=39.3$, $df=2$, $p<.00$). These findings support those of Wilczynski et al. (2004) who, in a study of the first two years of the scheme, found that the majority of juveniles did not reoffend and that, of those who did, reoffending was more common for those who went to court. This finding also concurs with a study in Queensland which found that significantly more juveniles had recontact with police following a court appearance than after other interventions (Dennison, Stewart & Hurren 2006).

Time to second apprehension

Survival analyses were conducted to examine the length of time to second apprehension by demographic, offending and event characteristics. This analysis is suitable for including censored cases in the analysis (Broadhurst & Loh 1995). In this case, all of the 17 year old offenders were therefore included in the survival models. The significance of the model was measured using the logrank method and the hazard ratios were analysed using the Cox Mantel hazard ratio (CMHR) where for each group the diversion/court ratio was used.

Figure 1 shows the survival rate by gender and event type, that is whether the initial event was court or diversion. The hazard ratio indicated significant differences between groups, as males who received a diversion were 44 percent less likely to reoffend than those who went to court (CMHR =.56, $p<.01$). Females who have been diverted are more than twice as likely (57%) not to

Table 1: Juvenile reoffending within one year of completion of initial event

	n	%	Did not reoffend %	Reoffended within one year %
Male	1,965	72	72	28
Female	779	28	87	13
Indigenous	1,517	59	69	31
Non-indigenous	1,081	41	85	15
Age (years)				
10	68	3	77	23
11	134	5	76	24
12	200	7	74	26
13	399	14	78	22
14	555	20	76	24
15	621	23	74	26
16	767	28	76	24
10-13	801	29	76	24
14-16	1,943	71	75	25
Community	532	19	72	28
Darwin	1,255	46	79	21
Region	957	35	74	26
Person	299	11	75	25
Serious property	1,133	43	72	28
Minor property	522	20	86	14
Other	673	26	76	24
Court	595	22	61	39
Conference	917	33	79	21
Warning	1,232	45	81	19
(Total)	(2,744)	(100)	(76)	(24)

have reoffended as those who made a court appearance (CMHR=.43, $p<.01$).

The survival curves indicate that both males and females who had made a court appearance would have reoffended much more quickly than those who had received a diversion.

Within 600 days after the initial diversion only 49 percent of males who attended court would not have reoffended, compared with 67 percent of males who had received a diversion. The time to second apprehension was longer for females who received a diversion as 83 percent of this group would not have reoffended within 600 days, compared with 67 percent of females who had made a court appearance.

At the end of the 5 year period only 39 percent of males who attended court would not have reoffended, compared with 45 percent of those who received a diversion. A higher proportion of females who received diversion would not have reoffended when compared

with those who went to court (73% and 67% respectively).

As shown in Figure 2, at the end of the study period, a greater percentage of non-Indigenous offenders had not reoffended than Indigenous offenders.

The largest difference in the proportions reoffending was between Indigenous juveniles who had made a court appearance and non-Indigenous juveniles who had received a diversion (CMHR=.30, $p<.000$). The hazard ratio of .30 indicated that non-Indigenous juveniles who received a diversion had a probability of reoffending which was 70 percent lower (1-.30) than for Indigenous offenders who had been to court.

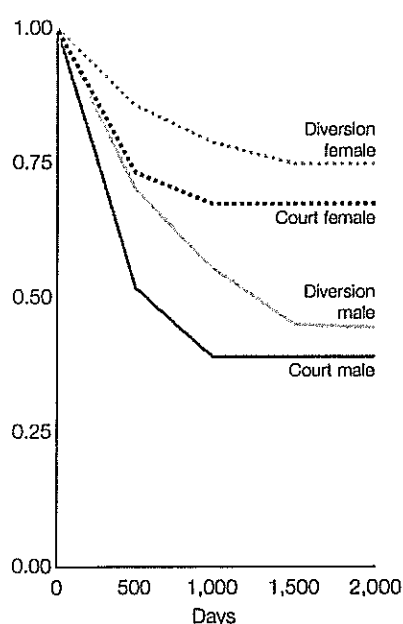
Within 500 days of their first apprehension half of the Indigenous juveniles who had a court appearance would not have reoffended, compared with two-thirds (67%) of Indigenous juveniles who received a diversion. In comparison, 83 percent of non-

Indigenous juveniles who had a diversion would not have offended by this time, compared with 70 percent of those who went to court.

At end of the five year period, only one-third (34%) of Indigenous juveniles who had been to court would not have reoffended, compared with 44 percent of those who had been diverted. A much higher proportion of non-Indigenous juveniles, both those who went to court and those who were diverted, would not have reoffended (66% and 65% respectively).

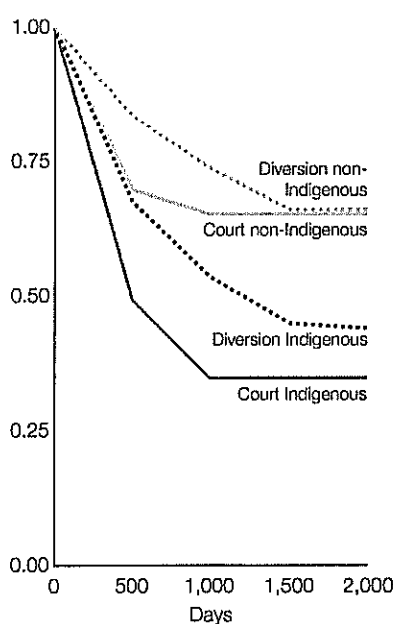
As shown in Figure 3, for each age group there were significant differences in the rates of reoffending between the group who received a diversion and those who went to court. The 10-13 year old and 14-15 year old offenders who were diverted were nearly three times less likely to reoffend than those who went to court (CMHR=.37, $p<.00$ and CMHR=.40, $p<.00$ respectively). Although the gap was not as great for the 16-17 year olds

Figure 1: Survival time to second apprehension by gender and first event (proportion)



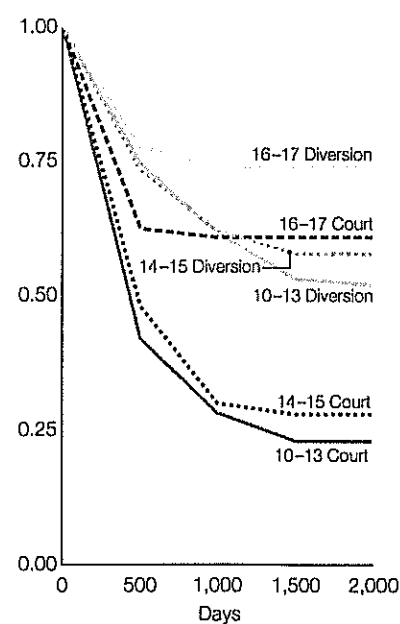
Significance of model logrank $\chi^2=214$, $df=3$, $p<.000$

Figure 2: Survival time to second apprehension by Indigenous status and first event (proportion)



Significance of model logrank $\chi^2=235$, $df=3$, $p<.000$

Figure 3: Survival time to second apprehension by age group and first event (proportion)



Significance of model logrank $\chi^2=163$, $df=5$, $p<.000$

the findings were also significantly different, as those who had a diversion were about half as likely to reoffend (CMHR=.52, $p<.00$) as those who attended court.

Only around 50 percent of the 10–13 and 14–15 year old court groups would not have reoffended by 400 days compared with nearly 80 percent of the same age groups who were diverted. In relation to the 16–17 year olds, by 400 days 68 percent of the court group would not have reoffended compared with 80 percent of those who had a diversion.

At the end of the five years, 28–30 percent of both 10–13 and 14–15 year olds who went to court would not have reoffended compared with just over half (55%) of those who were diverted. Again, the 16–17 year olds who were diverted were at least risk of reoffending (77%) in that age group, and in fact, of all age groups.

Figure 4 provides survival rates in relation to location of the juvenile. The risk of reoffending was greatest for juveniles

in Other NT who had attended court. They were slightly more than twice as likely to reoffend as juveniles who had been diverted (CMHR=.53, $p<.000$). The result was similar for juveniles from Darwin who had been to court. They were twice as likely to reoffend as those who had been diverted (CMHR=.50, $p<.000$).

The length of time taken to reoffend was also least for the Other NT group. At 600 days 50 percent of this group would not have reoffended compared with 70–75 percent of those either in Darwin or Other NT who had been diverted. At the end of the five years, results were similar for the juveniles from Darwin who had been to court and those in Other NT who had been diverted, as around 50 percent would not have reoffended. This is compared with only 38 percent of juveniles in Other NT who had been to court. The juveniles in Darwin who had been diverted reoffended least – 59 percent at the end of the five year period.

Figure 5 provides survival times by offence type. The two offence types included in the analysis were crimes against the person and property crime. Differences have been found when comparing property crime and crimes against the person with regard to event type – court or conferencing (Hayes 2005).

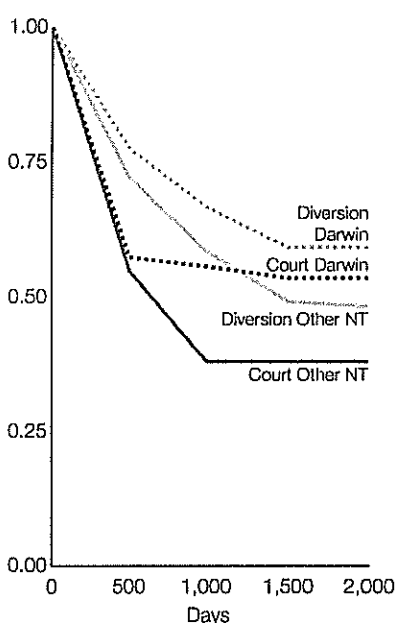
There was little difference in the risk of reoffending or the length of time to reoffend for the two groups who had received diversion (CMHR=.NS). There were, however, significant differences between the two court groups. Property offenders were just over 30 percent more at risk of reoffending than those who had committed a violent crime (CMHR=.69, $p<.000$). At 400 days just over half (53%) of the juveniles who had attended court for committing a property offence would have reoffended, compared with 63 percent of those who had attended court for committing an offence against the person. In relation to those who received a diversion, the extent of reoffending at 400 days was similar for both offence groups, in that around 80 percent of juveniles would not have reoffended within that period (81% person offences and 79% property offences). At the end of the reporting period, however, the percentage of juveniles who had committed a violent crime and gone to court was similar to that of the group who committed property offences and had been diverted. Only 32 percent of those who had committed a property offence and had appeared in court would not have reoffended.

Discussion

This analysis of juvenile offenders and their reoffending behaviour in relation to the juvenile pre-court diversion scheme in the NT provided several key findings for the development of policy in relation to juvenile offenders.

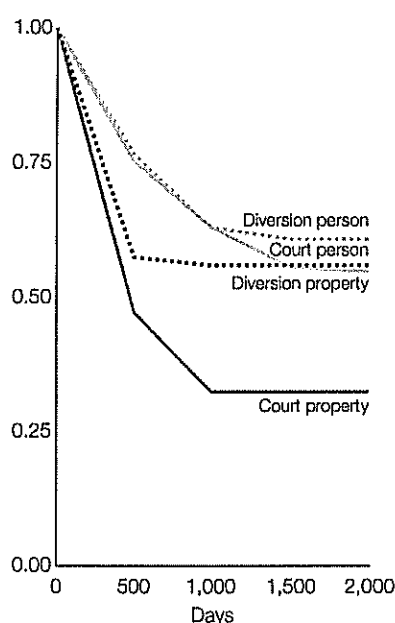
First, most juveniles did not reoffend during the first year after completion of

Figure 4: Survival time to second apprehension by location and first event (proportion)



Significance of model logrank $\chi^2=129.4$, $df=3$, $p<.000$

Figure 5: Survival time to second apprehension by offence group and first event (proportion)



Significance model logrank, $\chi^2=155.7$, $df=3$, $p<.000$

the initial event. The implication of this is that making these juveniles go through the court process exposes them to an unnecessary and possibly damaging experience for them, and is an unnecessary use of time and resources for the criminal justice system. It could be argued that 'the finding of apparent desistance suggested that it was neither necessary nor desirable to respond harshly or intrusively to young offenders who have not committed serious offences or shown any tendency to persist in crime' (Vignaendra & Fitzgerald 2006).

Second, the majority of offenders were Indigenous males, indicating the level of over-representation of this group of juveniles in the criminal justice system in the NT. This supports findings elsewhere in Australia (e.g. Hayes & Daly 2004, 2003; Snowball & Weatherburn 2006). While this is a complex issue, it points to providing more support at individual, family and community levels for these groups of juveniles at risk.

Third, there were significant differences in the outcomes at the end of the five year period in gender and Indigenous status of those who would have reoffended. There were also significant differences in age groups, with the younger groups who had a court appearance as their first event reoffending to a much greater extent – up to two times more – than offenders of the same age who have been diverted.

The majority of juveniles committed property offences and those who did so and who attended court reoffended to a much greater extent than other groups.

This group of juveniles had committed more serious property offences or were persistent offenders, but it would appear that the court process does not deter them from reoffending. This points to the need to develop alternatives to provide better responses to offending behaviour for these groups of juveniles. Alternatives to court attendance may require the development of different types of diversions, conferencing or programs, and better adapting the existing interventions to introduce more flexibility.

To further develop interventions to deter offending and persistent offending, it is important that future research examine other factors that impact on the offending behaviour of juveniles in the NT. These should include family and cultural background, education, other socioeconomic factors and the persistence of offending into adulthood. However, even given the limitations of the present research which did not address these factors, the findings provide some evidence that pre-court diversion had a positive impact on reducing reoffending. Policy should focus on better identifying children at an early age, who are at risk of developing antisocial behaviour. Given the level of over-representation of young Indigenous males in the criminal justice system, particular care should be taken to address the needs of this group. Because of the multitude of factors which can lead to offending behaviour, policies should involve not just the criminal justice system but a wide range of relevant government and nongovernment sectors, including the wider community, as the responsibility

to address the needs of Australian children lies with society as a whole.

Acknowledgment

The assistance of NT Police in allowing use of their data is acknowledged.

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Promising results from pre-court diversion scheme in the Northern Territory

<http://www.aic.gov.au/media/2007/20070725.html>

- Media Release, no. 2007/05
- 25 July 2007

An evaluation of the juvenile pre-court diversion scheme introduced in the Northern Territory in 2000 that uses warnings and conferences to divert selected juveniles from the court process has found significant differences in the reoffending patterns between juveniles who attended court and those who were diverted from the court process:

- Males who received a diversion were 44 percent less likely to reoffend than those who went to court
- Females who were diverted were more than twice as likely (57%) not to have reoffended as those who made a court appearance.

The scheme gives police powers to divert juvenile offenders away from the court process. Offences classified as minor received either a verbal or written warning and more serious offences were dealt with through family conferences and victim offender conferences. Certain offences such as murder, manslaughter and serious physical assault were excluded from diversion. The offender has the option to decline diversion and go to court.

Data were taken from police records of 3,597 juveniles who had been apprehended by the police between August 2000 and August 2005 and found significant differences in offending related to age, gender, Indigenous status and location. Fifty-nine percent of offenders were Indigenous and Indigenous juveniles were almost twice as likely to reoffend than non-Indigenous juveniles within 12 months.

'Given the level of over-representation of young Indigenous males in the criminal justice system, particular care should be taken to address the needs of this group', Dr Makkai said.

The paper also found that juveniles in regional or Indigenous communities had higher probabilities of re-offending regardless of whether they were diverted or went to court. However those who were diverted in those communities had better outcomes than if they went to court.

'Juveniles who are sent to court reoffend more frequently and more quickly, which could reflect the more serious nature of their offending and prior criminal record', Dr Makkai, Director of the Australian Institute of Criminology, said in releasing the findings. She said, 'This particular finding suggests that the court process alone does not seem to deter persistent offending'.

Dr Makkai said, 'This study highlights the need for long term evaluations of criminal justice interventions to better understand what works, what doesn't and what looks promising in dealing with juvenile offenders'.

Overcoming Indigenous Disadvantage in Western Australia – 2005 Report by the Department of Indigenous Affairs.

Key Comments in the Report in relation to Juvenile Diversion

The Ratio of Indigenous Diversion p. 89

The ratio of indigenous to non-Indigenous juvenile detention rates has increased in the last decade. In other words, Indigenous juveniles are more over-represented in detention facilities in 2003 than they were in 1994. Figure 1□34 below indicates that Indigenous juveniles were 40-50 times more likely to be detained in juvenile facilities than non-Indigenous juveniles in the year to June 2003.

Juvenile diversions as a proportion of all juvenile offenders p. 136

Key Message – Indigenous juveniles are over five times more likely to come in contact with police than non-Indigenous juveniles and, when they do, are more likely to be apprehended and charged.

Funding Information Paper

2007- 08

Young Offender Community Response Service
(including Bail Support Service)



Queensland Government
Department of Communities

1 Aug 2007

1. Background

The Queensland Government, through the Department of Communities, will provide funding of up to \$1,175,000 per annum over four years, under the Young Offender Community Response Service, including Bail Support Service Funding Initiative, to an eligible agency to supply two types of services to young offenders and young people at risk of offending in Cairns and other locations in Far North Queensland. One service will deliver interventions and support to at-risk young people and their families. The other service will assist young people charged with offences to establish and maintain stable accommodation and successfully comply with bail conditions.

These services will formally partner with government operated Youth Justice Service Centres to deliver holistic and integrated case management and intervention services to young people and their families. While this is a new approach to addressing young people's offending and re-offending in Queensland, it is based on successful models that have been implemented in other jurisdictions. The partnership approach, service principles and expectations are all informed by research regarding national and international approaches.

Far North Queensland is an area of high demand for youth justice and related support services due to the large number of young people appearing in court for offences. Other factors contributing to this high demand are the large number of Aboriginal and Torres Strait Islander young people already on juvenile justice orders, of whom a significant proportion have complex needs and live in isolated communities distributed across a large geographical region.

The Far North Queensland Region is the pilot site for implementing the two new initiatives - the Young Offender Community Response Service and the Bail Support Service. Both services are expected to reduce the rate of offending in this region by adopting an integrated and culturally appropriate approach that targets the risk and protective factors contributing to young people's offending. A comprehensive evaluation will be conducted of the new initiative during the pilot period to assess the achievement of this outcome as well as provide feedback to strengthen and improve the delivery of the services.

Facts and figures about young people who offend in Far North Queensland

The following data provides an overview of characteristics of young people in Far North Queensland who appear in court and are placed on supervised orders.

- The Cairns Youth Justice Service Centre catchment had the highest number of young people admitted to youth justice orders of all Youth Justice Service Centre locations in Queensland — 146 as at 30 June 2006. The Rural and Remote Youth Justice Service, which includes Cape York, had 120 young people on youth justice orders.
- The Rural and Remote and Cairns Youth Justice Services had the highest proportion of Aboriginal and Torres Strait Islander young people admitted to youth justice orders of all Youth Justice Service Centre locations as at 30 June 2006. Ninety per cent of young people using the Rural and Remote service were Indigenous and 72% of those using the Cairns service were Indigenous.
- Indigenous males are significantly over-represented in contacts with the youth justice system and make up about 80% of all young people subject to supervised orders.
- There has been a large increase in the number of Aboriginal and Torres Strait Islander young people admitted to detention orders in the last three years.
- Nearly half of the young people admitted to youth justice orders, including detention orders were 10 to 14 year olds.
- Far North Queensland consistently has the highest number of referrals to existing Bail Support and Conditional Bail Programs of all departmental regions.

Each year, significant numbers of young people are referred to youth justice conferences in Far North Queensland. For the past few years, the number of conference referrals has been between 110 and 130. Of these referrals, between 70 and 80% were for Indigenous young people.

Current youth justice service provision in Far North Queensland

Statutory youth justice services are provided by two Youth Justice Service Centres and two outpost services in Far North Queensland:

- the Rural and Remote Youth Justice Service Centre, which provides services to the Cape York and Torres Strait area;
- the Cairns Youth Justice Service Centre, which provides services to Yarrabah, Cairns and Mossman;
- an outpost office located in Atherton, which provides services to the Tablelands area; and
- an outpost office located at Innisfail, which provides services to Innisfail, Cardwell and Tully.

The Youth Justice Service Centres and outpost offices provide a range of services to young people who have been charged with offences and who are dealt with under the *Juvenile Justice Act 1992*. These services are:

- advice and support for young people who are appearing before the courts. Advice and support is also provided to family members of the young person;
- advice to courts to inform decisions about bail and sentencing;
- support for young people to assist their compliance with the conditions of bail;
- youth justice conferencing services to young people who have been referred to youth justice conferencing by the police or courts; and
- supervision and interventions to help address offending behaviour by young people who have been convicted and placed on supervised orders (i.e. Probation, Community Service, Intensive Supervision Orders, Conditional Release Orders and Supervised Release Orders).

The Cleveland Youth Detention Centre, located in Townsville, provides custodial supervision for young males who have been remanded in custody or sentenced to a period of detention. In Queensland, young females are detained in the Brisbane Youth Detention Centre (located near Wacol) and this is the only Youth Detention Centre with accommodation for females. This centre also accommodates male offenders. The Youth Detention Centres provide interventions to young people sentenced to detention to address their offending behaviour.

In addition, the Department of Communities provides funding to non-government agencies for services to address the developmental needs of young people at risk of offending and those who have offended, as well as services to support young people who have been granted bail.

Evidence of need for the Young Offender Community Response Service

Addressing the needs of young people and their families

Anecdotal information and early data that has emerged from recent implementation of the Youth Justice Assessment tool¹ indicates that the needs of young offenders are becoming more complex. Interventions that address the causes of offending are necessary to effect significant and sustained changes in the behaviour of young people. Factors that increase the likelihood of offending, often referred to as risk factors, include poor social skills, education, family functioning, cultural identity, and engagement with recreation and education. Programs that seek to reduce risk factors and strengthen protective factors are essential in assisting individuals to resist both initial and continued participation in crime².

¹ The Youth Justice Assessment tool has been implemented in Youth Justice Service Centres to assess the risks and needs of youth justice clients and guide case management.

² In this context, protective factors may be defined as those that reduce the probability of offending (see for example; R. Homel, et al, 1999, Pathways to Prevention: Developmental and Early Intervention Approaches to Crime in Australia, Attorney-General's Department, Canberra).

Addressing the needs of Aboriginal and Torres Strait Islander young people who are over-represented among the offending population, including those on statutory juvenile justice orders, is a major challenge. The needs of these young people are more complex and deep-rooted than their non-Indigenous counterparts due to their long-standing experiences of disadvantage across all social, economic and health indicators. This challenge is likely to continue and may intensify in line with anticipated population projections that predict increases in the 10 to 17 year old population of Aboriginal and Torres Strait Islander young people.

Research shows that the siblings and family members of those already in the youth justice system may also be at high risk of entering the criminal justice system³. Indeed, some of the siblings and family members of young people may have come to the attention of police and other authorities, but have not yet been formally charged or convicted of offences. Without appropriate early intervention, there is a high risk that they may enter the justice system.

The research evidence demonstrates that a holistic approach to addressing the causes of offending, as well as offending related behaviour, is required to reduce offending behaviour in the long-term. There are a number of initiatives in place and under development that will increase the capacity of departmental staff to provide high quality youth justice interventions. However, the enhancement of community-based responses is also required to better address the causes of offending in a sustained and locally relevant way. Non-government agencies offer:

- local knowledge of, and connections to, other support services that are available in the community;
- flexibility to provide interventions to young offenders which extend beyond the timeframes of statutory orders; and
- ability to engage with and deliver interventions to the family members of young people.

Reducing the numbers of young people remanded in custody

In Queensland, high numbers of young people are being refused bail and are being remanded in custody as a result. Bail support programs are a cost-effective alternative to detention, particularly for young people who have committed less serious offences, but who are at risk of being refused bail as a result of family conflict and unstable accommodation. Community-based services can assist young people to locate stable accommodation and provide other forms of support during the period they are remanded on bail. It is likely that a greater number of young people would be granted bail if more placement and support options were available. The involvement of non-government organisations to help identify suitable bail support options will help promote appropriate placement of young people.

Principles underpinning service delivery

The following principles underpin the proposed service delivery model. These principles are based on research and practice evidence about effective approaches to addressing offending behaviour by young people.

1. Culturally competent services for Aboriginal and Torres Strait Islander young people

Indigenous offenders tend to have high levels of both risk and need. Research indicates that programs specifically developed to meet the unique needs of Indigenous young people are more likely to be effective in reducing the risk of re-offending. This research suggests programs that are holistic in their approach, incorporate the young person's family and community, enhance self-determination and result in empowerment rather than dependency, are more effective for Indigenous young people⁴. Therefore, intensive and well-resourced programs are required.

³ A. Fagan and J.M. Najman, 2003, Sibling influences on adolescent delinquent behaviour: An Australian longitudinal study, *Journal of Adolescence*, 26 (5), pp 546-558.

⁴ R. Jones, 2001, Indigenous programming in correctional settings: A national and international literature review. Paper presented at Australian Institute of Criminology conference - *Best Practice in Corrections for Indigenous People*, October 8-9 2001, Sydney, Australia.

The research literature identifies the following key principles for effective programs for Indigenous young offenders. These programs should:

- be culturally relevant — those which emphasise Indigenous heritage, culture and lore are particularly effective;
- adopt a holistic approach in working with Indigenous young people;
- involve significant others such as family and community and emphasise the need for everyone involved in the young person's life to work together;
- use consultative and partnership approaches; and
- be delivered by suitably trained staff who are culturally appropriate to participants.⁵

In addition, successful programs should:

- be developmentally appropriate;
- have meaningful (not tokenistic) involvement of Indigenous people;
- focus on remedying educational deficits and basic skills to raise social competence;
- help young people to develop market place work-skills, which can lead to further training opportunities, qualifications and real jobs; and
- assist in establishing and strengthening relationships with significant others who can become mentors and role models.

Cultural programs may be one component of a suite of interventions for Indigenous young people. For cultural programs to be meaningful and effective, they need to be individually tailored to the Indigenous young person and reflect their family, community and culture. Indigenous staff within the Department of Communities emphasise the importance of identifying where a young person is from in order to define what and who is appropriate to include in a cultural program. The development and delivery of successful cultural programs needs to involve the appropriate Elders, Indigenous staff, community agencies and relatives of the young person.

2. Family involvement and family focussed interventions

The research evidence recommends that families are involved in case management processes. Families may also need access to support services and specialist interventions that enhance family functioning. Harmful family relationships and dynamics can contribute to young people's anti-social behaviour, while positively functioning families can protect young people from further harm when they are taking risks. The evidence indicates that individually focussed interventions with the young person should be supported by interventions with family members⁶. These interventions should focus on the needs of the entire family and be delivered in ways that build on family strengths, such as:

- enhancing parenting skills and assisting family members to manage the behaviour of the young person;
- addressing relationship issues within the family; and
- providing assistance to the family to access services, including psychological interventions for individuals, family therapy, material support and housing assistance.

3. Effective transitional support from detention to communities

Release from detention is a high-risk time, particularly for those who lack stable family support. Effective transitional support must begin soon after entry to detention and continue for at least several months following release⁷. Holistic transitional support contributes to lower re-offending rates. This support should commence well before a young person is released and involve those who will be responsible for assisting the young person to reintegrate into the community following their release. Furthermore, holistic transitional support should be adapted to meet the special needs of each person — Indigenous young people, young women and the youngest in age may

⁵ D. Singh and C. White, 2000, *Rapua Te Huarahi Tika – Searching for Solutions. A review of research about effective interventions for reducing offending by Indigenous and ethnic minority youth*. Ministry of Youth Affairs, Wellington, New Zealand.

⁶ D. Singh and C. White, 2000.

⁷ Walsh, 2004, *Incorrections: Investigating prison release practice and policy in Queensland and its impact on community safety*, Faculty of Law, Queensland University of Technology.

have different needs to those living in mental distress, dependent on alcohol and drugs, or experiencing diverse intellectual functioning, coping, motivation and attention spans. Therefore, effective transitional support must address a range of needs including:

- safety needs — shelter, income;
- educational and training needs — schooling and employment;
- health needs — physical health and substance dependencies; and
- psychosocial needs — mental and emotional distress, healing from grief, loss and trauma and supportive connections with family, friends, community.

In summary, research evidence^{8,9} indicates that effective transitional support requires:

- integrated case planning between community services and detention centres, based on thorough assessment producing a transition or reintegration plan;
- early planning and engagement of community supports such as family, friends and school;
- access to continuing intervention programs after release in the community;
- sustainable connections built with communities of origin; and
- the involvement of those who will be assisting them to reintegrate back into the community — families, school, training, recreational activities and Elders to ensure continuity of support upon release.

4. Coordinated responses

Service integration is an effective way to address offending by young people. Service integration involves the pooling of resources and knowledge between several agencies to better address the diverse needs of young people. Collaborative partnerships between government, Indigenous communities and non-government agencies are essential to address the various influences on behaviour — peers, family, community, and different systems that young people interact with including the criminal justice system.

Effective coordination can be achieved by:

- commitment and support from government at a high level;
- clear objectives, achievable goals and operational procedures guided by memoranda of understanding;
- sufficient time and support provided to develop networks between local agencies at operational and management levels;
- trust and communication between agencies at all levels; and
- dedicated funding and clear administrative arrangements.

Service integration can occur at different levels of intensity — from cooperation to coordination and full integration. A high level of integration is required for young people with complex and severe needs to ensure that they are assisted and do not fall through the gaps in the service system.

5. Effective bail support services

Different approaches to bail support are currently available in Australia. They range in intensity from support services to out of home care with intensive support. A successful non-government bail support service, the Youth Bail Accommodation Support Service, operates in South East Queensland. This service supports young people to reside at home. Where this is not possible, the service links young people to other families and community accommodation options. Brokerage funds are available to purchase accommodation in these circumstances. The availability of suitable and supportive accommodation is a critical factor for successful bail outcomes.

Key success factors of the Youth Bail Accommodation Support Service identified by an evaluation of the service¹⁰ include:

⁸ McGinness, B, 2005 Churchill Fellow, Report prepared for the Winston Churchill Memorial Trust of Australia.

⁹ Keys Young Pty Ltd. 1997 *Juvenile Justice Services and Transition Arrangements. Report to the National Youth Affairs Research Scheme*. Milsons Point, N.S.W.

¹⁰ J. Gilmore, 2004, *Youth Bail Accommodation Support Service – Service evaluation*.

- credibility in the non-government service sector, which enables the organisation to facilitate collaborative working relationships with other agencies;
- brokerage funds, which enable the service to be flexible and responsive to the individual needs of young people;
- workers with a high level knowledge of the statutory youth justice system; and
- a client-focussed approach that prioritises the needs of young people.

Brokerage funds are used in a number of ways. They are used to provide material support for the families and caregivers of young people to assist them maintain the young person in accommodation. These funds can also be used to purchase specialist support and intervention services for family members. Brokerage funds are also used to purchase beds from supported accommodation services for young people who do not have access to appropriate accommodation with family or friends.

2. Purpose

A. Young Offender Community Response Service

The purpose of the Young Offender Community Response Service is to address the developmental needs of young people who are at significant risk of committing criminal offences as well as young people who have been convicted of criminal offences and are subject to statutory youth justice orders.

The Young Offender Community Response Service, in partnership with Youth Justice Service Centres, is expected to provide a comprehensive range of developmental and offence specific interventions to achieve the following outcomes:

Long-term outcomes

- reduced re-offending by young people, and
- reduced over-representation of Indigenous young people in the criminal justice system.

These long-term outcomes are consistent with the Department of Communities strategic intent of *"supporting young people to achieve their full potential and providing high-quality youth justice services"*.

Medium-term outcomes

The Young Offender Community Response Service will ensure that young people in the target group:

- engage positively with their families, peers, school and communities, and
- are able to access community and government resources as required.

Short-term outcomes

Through participating in a range of services, supports and interventions provided by the Young Offender Community Response Service, the following outcomes will be achieved for young people and their families:

- young people have personal and social skills useful for personal and social functioning;
- young people have the knowledge and skills useful for independent living;
- families of young people have the knowledge and skills to supervise and support their children;
- young people have the knowledge and skills to locate, access and participate in education; training and/or employment;
- young people have a strengthened sense of cultural identity and connection to their cultural communities;
- young people have access to the practical support necessary to achieve their objectives; and
- young people are linked to and engaged in positive recreational and leisure activities.

These outcomes will be achieved by a range of functions performed by the Young Offender Community Response Service, or brokered where necessary from other services in the community. Key functions will include:

- advice to Youth Justice Service Centres about relevant aspects of the young person's circumstances, including cultural advice, which may contribute to decisions made by courts;
- assessment and planning of responses to meet the needs of individual young people;
- intervention and support services to young people that include:
 - preventative and diversionary work including the provision of pro-social activities;
 - programs that target protective factors including specialised cultural programs to Aboriginal and Torres Strait Islander young people;
- support and intervention to the families of young people, including referral to specialist services where required; and
- intensive intervention and support to young people who are making the transition from detention into the community.

Transition services for young people from the region who are in youth detention centres are an important component of the service model. Transition intervention and support will require the following activities to be undertaken by the Young Offender Community Response Service:

- contribute to the reintegration planning of young people in youth detention centres;
- support young people to maintain community and family connections while in detention;
- contribute to case planning of young people following their release from youth detention;
- intensively support and assist young people to maintain stability following their release, address the underlying factors contributing to their offending behaviour (including their developmental needs) and ensure that they are linked appropriately to education and training; and
- assist family members to support their young people and address any family issues contributing to the young person's offending behaviour.

In addition, the following functions will be undertaken by Young Offender Community Response Services in conjunction with Youth Justice Service Centres through formal partnership arrangements:

- provide interventions and programs that may be included in supervised orders and Conditional Bail programs;
- participate in case planning and case reviews of young people subject to statutory orders;
- contribute to the development of evidence about the effectiveness of different preventative, diversionary and intervention approaches through participation in monitoring and evaluation processes; and
- develop, coordinate and participate in local networks to address the needs of young people with complex needs, as well as to exchange information, monitor local trends and identify key community issues requiring collaborative responses.

B. Bail Support Service

The purpose of the Bail Support Service is to provide the courts and police with a viable alternative to remanding young people in custody. This will be achieved by supporting young people in existing accommodation arrangements and facilitating new placements for those who have been granted bail by the courts and who require additional assistance to meet bail conditions.

Outcomes to be achieved by the Bail Support Service are:

- young people will be able to maintain stable accommodation arrangements whilst subject to bail;
- young people will be able to meet the conditions of their bail; and
- Youth Justice Service Centres will be able to provide high quality advice to courts that will contribute to informed decisions about the granting of bail for young people.

The following functions will be provided by the Bail Support Service:

- assessment of individual circumstances of young people and identification of support and accommodation needs during bail;
- assistance to young people to maintain suitable accommodation arrangements through direct support, practical support and/or access to other community resources;
- information, advice and/or referral and practical support to the families of young people to assist them to maintain suitable accommodation arrangements;
- brokerage to assist young people and their families to access specialist support services that will contribute to the stability of the young person's circumstances;
- support, coordination and referral of young people to accommodation and placement options where family or self-selected placement options are not available; and
- pre-sentence and pre-placement advice, including cultural advice to Youth Justice Service Centres about young people who have been charged with offences.

Service delivery expectations - Young Offender Community Response Service and Bail Support Service

1. The Young Offender Community Response Service and Youth Justice Service Centres will have complementary responsibilities for young people who are subject to statutory supervision. Youth Justice Service Centres will retain responsibility for statutory supervision and addressing the criminogenic factors that contribute to young people's offending behaviour. In most cases, the Young Offender Community Response Service will have responsibility for addressing the developmental needs of young people. These roles will ultimately depend upon the assessed needs of the young person and the negotiated case plan. It is therefore expected that the Young Offender Community Response Service will engage in collaborative casework with the Youth Justice Service Centres for young people who are subject to statutory supervision. This will involve participation in case planning and subsequent case review processes. Youth Justice Service Centres will retain case management responsibility for these young people. The Young Offender Community Response Service may continue to provide support and intervention to young people beyond the duration of their orders where this has been assessed as appropriate, for example, in circumstances where the needs of the young person are very complex and require sustained intervention.

2. The service will need to participate in the development of protocols with relevant Youth Justice Service Centres and Youth Detention Centres to ensure that there are clear communication channels and processes that respect individual rights to privacy but that uphold effective collaborative responses and ensure the best possible outcomes for clients.

3. It is critical that both the Bail Support Service and the Young Offender Community Response Service provide culturally competent services for young people who originate from diverse Aboriginal and Torres Strait Islander communities in the region. The service will need to adopt policies and practices that enhance access by Aboriginal and Torres Strait Islander young people and their families, including cultural engagement strategies, cross-cultural training and strategies to recruit Aboriginal and Torres Strait Islander staff. The development of partnerships with Aboriginal and Torres Strait Islander agencies will be an important component of service planning and delivery.

4. Services will be expected to assess young people's needs and circumstances, plan and manage the functions and activities provided to young people and their families in accordance with their needs and document the performance of these functions.

5. Services should be provided in a flexible manner including the provision of some activities and interventions out of business hours. This may be the case where family members of young people are unavailable to participate in interventions during business hours. Furthermore, in some cases bail support may be required on weekends where young people have been charged with offences during these periods.

6. Services will be responsive to both the developmental needs of young people and the needs of families and caregivers to effectively support and supervise young people. Family

engagement and support strategies will be required to ensure that families can participate in or access interventions.

7. Brokerage funds may be utilised by the Young Offender Community Response Service to access specialist services that cannot be provided by the service. Examples of services where brokerage funds might be used include; professional specialist services such as mental health services, health services, family therapy and interpreting services. The expenditure of funds on brokerage will be monitored to ensure appropriate usage and this information will contribute to the ongoing development of the service model.

For the Bail Support Service, brokerage funds are likely to be frequently used to purchase a range of practical, financial and material supports to establish and/or maintain placements, including the purchase of household goods, clothing and furniture. It is also likely that brokerage funds will be used to purchase specialist support and intervention services for families to assist them to address family conflict and other family issues in order to support young people residing with their families.

8. The Young Offender Community Response Service and Bail Support Service are innovative approaches to addressing the offending and re-offending behaviour of young people in Queensland. For this reason, both services will be the subject of a rigorous evaluation process. Services will be required to contribute data and information and participate in the evaluation.

9. Services will be expected to facilitate the development and maintenance of effective network arrangements to improve outcomes for at risk young people in Cairns and the other target communities.

3. Target Clients and locations

Clients

Young Offender Community Response Service

Young people who are:

- subject to a juvenile justice order under the *Juvenile Justice Act 1992*; or
- are transitioning from a juvenile justice order; or
- who are at risk of being placed on a juvenile justice order, and
- who require intensive support and intervention to meet their developmental needs.

Bail Support Service

Young people who have been charged with an offence, and for whom bail is being considered and who require stable accommodation to assist them meet the requirements of bail.

Both services will be expected to target predominantly Aboriginal and Torres Strait Islander young people due to their over-representation in the criminal justice system in this location. In Far North Queensland, Aboriginal and Torres Strait Islander young people comprise between 65% and 70% of young people being charged with offences and between 75% and 90% of young people admitted to supervised youth justice orders. It is therefore expected that the proportion of Aboriginal and Torres Strait Islander clients utilising this service will be at least 65%.

Caseload capacity

In the first year of operation, the Young Offender Community Response Service is expected to have a caseload capacity of approximately 85 young people. In addition, the Bail Support Service is expected to have a caseload capacity of approximately 40 young people. Caseload capacity will be reviewed annually.

Target locations

It is desirable that the Young Offender Community Response Service targets clients residing in the greater Cairns area, Yarrabah and Mossman with an outpost service located at Weipa to service the neighbouring Indigenous communities of Napranum, Old Mapoon and Aurukun.

It is desirable that the Bail Support Service provides bail support to clients in Innisfail, the greater Cairns area, Yarrabah, Mossman, Cape York and the Torres Strait.

4. Important Information Regarding Funding

Funds of up to \$1,175,000 per annum over four years are available for these services. The funding includes operating and salaries expenses. During 2007-08 it is expected that the services will be fully staffed and fully operational by 30 June 2008. Up to \$594,000 is available for funding during 2007-08, which allows for a period of establishment. The proportion of brokerage funding will be negotiated with the successful organisation during the development of the service agreement and re-negotiated on an annual basis.

Due to the geographic coverage and the spread of functions required of these services, it may be appropriate for a consortium of organisations to provide the combined services. However, it is expected that one organisation will lead and coordinate the delivery of services and auspice the funding.

Organisations that are successful in obtaining funding will be required to enter into a Service Agreement, comply with the Department of Communities conditions of funding as contained in the Service Agreement and participate in performance monitoring processes.

A copy of the Service Agreement is available from the department's web site at <http://www.communities.qld.gov.au/department/funding/resources/index.html> , or from your local regional office (see attached list).

Successful agencies will be required to ensure that all employees undergo a Working With Children Check and obtain a blue card as regulated by the *Commission for Children and Young People and Child Guardian Act 2000*.

Evaluation

It is a requirement of the funding that the successful agency participates in an evaluation process. Due to this being a new and innovative approach to addressing offending behaviour in Queensland, the implementation and outcomes of this initiative will be the subject of an extensive evaluation. The successful organisation must be prepared to collect the information necessary for this evaluation and participate in other processes that contribute to the completion of the evaluation. Data collection requirements, performance measures and indicators will be negotiated with the successful agency during the development of the service agreement.

This evaluation will examine a number of factors including:

- key success factors that influence the successful implementation of the services;
- the effectiveness of the collaborative approach between the Young Offender Community Response Service and the statutory Youth Justice Service Centres;
- the short and medium-term outcomes for young people in the region who have been clients of the services;
- the extent to which the initiatives have been able to reduce offending and re-offending rates in the region; and
- key success factors that contributed to positive outcomes for clients, including a specific focus on the key success factors for Aboriginal and Torres Strait Islander young people.

Funded Outputs and Activities

Funded activities for the Young Offender Community Response Service initiative may include the following categories from the National Classification of Community Services (NCCS)¹¹:

¹¹ Australian Institute of Health and Welfare, 2003, *National Classifications of Community Services Version 2*, <http://www.aihw.gov.au/publications/index.cfm/title/8431>.

Funded Outputs	Funded Activities	Alignment to NCCS
Information, Advice and Referral	General service information, advice and referral	A01.1.06
	Housing/tenancy information advice and referral	A01.1.05
Personal Support	Individual advocacy	A01.2.01
	Needs Assessment and management of case/service plans	A01.2.02
	Mutual support and self-help	A01.2.03
	Development and maintenance of cultural identity and links to cultural community	A01.2.99
	Brokerage (1)	A01.2.99
Community Living Support	Social and personal development	A01.3.01
	Recreation/leisure	A01.3.02
	Living skills development	A01.3.03
Daily living support	Transport (individual) and/or escorting	A01.4.05
Family and child assistance	Development of family/household management skills	A02.5.02
Pre-vocational/vocational training	Pre-vocational training (including literacy and numeracy programs and English as a second language).	A03.1.01
	Re-integration into education (see definition)	A03.1.99
Employment, job placement and support	Job search skills development	A03.2.01
Service support and development	Coordination/network development	A07.1.02
Community/group development and support	Cultural group development	A07.2.03

Funded activities for the Bail Support Initiative may include the following:

Funded Outputs	Funded Activities	Alignment to NCCS
Information, Advice and Referral	General service information, advice and referral	A01.1.06
	Housing/tenancy information, advice and referral	A01.1.06
Personal Support	Individual advocacy	A01.2.01
	Needs assessment and management of case/service plans	A01.2.02
	Brokerage (1) ¹²	A01.2.99
	Development and maintenance of cultural identity and links to cultural community	A01.2.99
	Personal/individual support (general)	A01.2.99
Community Living Support	Living skills development	A01.3.03
	Community placement	A01.3.06
	Brokerage (2) ¹³	A01.3.99
Daily Living Support	Transport (individual) and/or escorting	A01.4.05
Support for children, families and carers	Development of family/household management skills	A02.5.02
Financial and material assistance	Emergency financial assistance for accommodation	A04.1.02
	Household goods, clothing and furniture	A04.2.01

5. Assessment of Submissions

¹² Brokerage funds for specialist support services for young people and their families.

¹³ Brokerage funds for accommodation services for young people

Service providers for this initiative are being procured through a widely advertised tendering process in which organisations are invited to submit for funding.

The Department of Communities will assess all submissions in accordance with the Eligibility and Assessment Criteria, and in consideration of local needs and existing service provision. Recommendations will then be forwarded to the Minister for Communities for consideration.

All submissions must satisfy the following criteria to be eligible:

- It is expected that the funded organisation hold one of the following bona fides:
 - Incorporation under the *Associations Incorporation Act 1981*.
 - Incorporation under the *Religious, Educational and Charitable Institutions Act 1861*.
 - Incorporation under the *Cooperatives Act 1997* or any Act preceding this Act.
 - A Local Government Authority.
 - Corporations (*Aboriginal and Torres Strait Islander*) *Act 2006*
 - Recognised under the *Aboriginal Communities (Justice and Land Matters) Act 1984*.
 - Incorporation under the *Commonwealth Aboriginal Councils and Associations Act 1976*.
 - Incorporation under the *Local Government (Community Government Areas) Act 2004*.
 - Recognised under the *Community Services (Torres Strait) Act 1984*.
 - An organisation with non-profit objectives incorporated by an Act of Parliament, and approved by the Minister.
 - A company incorporated in Australia.
- The organisation must also:
 - Have no outstanding financial accountability, service delivery or performance issues for funding previously provided by the Department, and
 - Demonstrate financial viability by providing a copy of the organisation's most recent audited financial statement, and
 - Provide evidence that the organisation has the capacity to deliver the service and be sustainable.

Submissions will be assessed against the key criteria outlined below. Organisations may be asked to submit further details or provide clarification during the selection process. All criteria are equally weighted.

Assessment Criteria

Assessment criterion 1

Demonstrated ability to provide culturally competent services to Aboriginal and Torres Strait Islander young people and their families

Supporting evidence should include:

- *understanding of cultural issues impacting on service delivery to Aboriginal and Torres Strait Islander young people and their families in the youth justice system, and the role of cultural programs in service delivery;*
- *knowledge of Aboriginal and Torres Strait Islander cultures in Far North Queensland and knowledge of culturally appropriate services and interventions;*
- *demonstrated capacity to develop and maintain partnerships with Indigenous groups in the delivery of services in the target locations;*
- *information about services your organisation provides to Aboriginal and Torres Strait Islander young people and/or families with evidence of outcomes including references from Aboriginal and/or Torres Strait Islander Elders, organisations, or community members that provide evidence of positive and effective relationships; and*
- *information about organisational values, policies and principles (e.g. access and equity, valuing diversity, recruitment processes) the organisation uses/would use to ensure a culturally competent service.*

Assessment criterion 2

Demonstrated understanding of key issues affecting young people who offend and the ability to provide quality services across a broad geographic area

Supporting evidence should include:

- *a demonstrated understanding of the needs and factors influencing young people who are at risk of offending and who have offended and the services required to meet their needs;*
- *the capacity of the proposal to address the issues faced by young offenders in this region;*
- *examples of similar services provided to the target group or other groups of young people with high levels of risk;*
- *demonstrated ability to achieve positive outcomes in working with the target group or other groups of young people with high levels of risk; and*
- *demonstrated ability to work with clients across a broad geographic area and an ability to deliver the required services in the target locations.*

Assessment criterion 3

Demonstrated capacity to work collaboratively with other community and government agencies to provide coordinated services

Supporting evidence should include:

- *ability to develop collaborative partnerships that enhance the organisation's capacity to work with Aboriginal and Torres Strait Islander people and communities;*
- *demonstrated ability to work effectively with government agencies in a way that contributes to positive outcomes for young people;*
- *ability to work effectively with statutory Youth Justice Services (or similar statutory services) to deliver quality services to young people;*
- *capacity to facilitate and maintain collaborative networks; and*
- *a service model that articulates how a collaborative approach to the provision of the services would work in practice.*

Assessment criterion 4

Demonstrated capacity to deliver the required services consistent with the intended purpose and outcomes as outlined in Section 2 of the Funding Information Paper

Supporting evidence should include:

- *detailed explanation of the proposed service model and budget;*
- *an explanation of how the proposed service model aligns with the purpose and expected outcomes outlined in the funding information paper; and*
- *a budget that reflects the service delivery expectations and is within the limits of available funding.*

Assessment criterion 5:

Demonstrated capacity to deliver efficient, effective and high quality services to the target groups

Supporting evidence should include:

- *how the proposed service model aligns with the service delivery expectations outlined in pages 10 to 11 of the Funding Information Paper;*
- *a description of a practice framework, including principles and processes the organisation uses to document and support quality service delivery;*
- *evidence of the development and application of continuous improvement processes in service delivery including quality assurance and monitoring; and*
- *sound governance, financial management, risk management and human resource management policies and procedures.*

6. Timeframes

11 August 2007	Availability of Funding announced
24 September 2007	Funding submissions close
January 2008	Applicants notified
March 2008	Expected service start-up

7. Lodging Submissions for Funding

All submissions must be lodged with the Department by **4.00 pm on Monday 24 September 2007**. Late submissions may not be accepted.

Submissions **must** include:

- responses to the assessment criteria;
- a completed Funding Submission Form; **and**
- a copy of the organisation's Certificate of Incorporation; **and**
- a copy of the organisation's most recent Audited Financial Statement.
- a completed EFT Application Form and an Agreement To Issue Recipient Created Tax Invoices Form. These details will only be used for those organisations not already funded by the Department that are successful in their funding submission. (Attached to Submission Form)

The Funding Submission Form is contained within the Funding Information Package that is available with other related documentation on the Department of Communities web site at www.communities.qld.gov.au, or from the Cairns Regional Service Centre, Department of Communities or the Office for Youth, Department of Communities.

Should you require further information to assist you in developing your funding submission, please contact Ms Janice Tiller, Senior Resource Officer, Cairns Regional Service Centre on 4048 9333.

Submissions should be clearly marked "SUBMISSION FOR YOUNG OFFENDER COMMUNITY RESPONSE SERVICE (INCLUDING BAIL SUPPORT SERVICE) FUNDING INITIATIVE 2007-08", and can be lodged in one of the following ways:

Post: Cairns Regional Service Centre
Far North Queensland Region
Department of Communities
PO BOX 4626
Cairns QLD 4870

In Person: Cairns Regional Service Centre
Far North Queensland Region
Department of Communities
Level 3, 85 Spence St
Cairns Qld 4870

Submissions may be lodged to the Cairns Regional Service Centre between 9 am and 5 pm on normal working days. However, on closing date, submissions must be lodged by 4 pm. Submissions will not be accepted by any electronic means, eg email or facsimile.

Please remember to enclose one signed original and two copies of the full submission.

Submissions for Funding must be lodged by 4.00 pm on Monday 24 September 2007
--

Patricia Grimmatt - Fwd: FW: KALACC response to 1. Treasurer's Press Release 11 July and 2. Premier's 30 August speech to Parliament

RAC Sub 11c

From: Education & Health Standing Committee
To: Patricia Grimmatt
Date: 20/09/2007 3:02 pm
Subject: Fwd: FW: KALACC response to 1. Treasurer's Press Release 11 July and 2. Premier's 30 August speech to Parliament

Hello Mr Gordon and Dr Purdy.

I write to each of you in order to send correspondence to:

- Standing Committee on Community Development and Justice;
- Standing Committee on Health and Education.

In recent days KALACC has been corresponding with the Premier and the Treasurer.

We believe that our comments to those gentlemen are relevant to current investigations by the two Standing Committees.

Thus, we take this opportunity to forward those documents to the Standing Committees.

Regards

Wes Morris
 Centre Coordinator
 Kimberley Aboriginal Law & Culture Centre (KALACC)
 PO Box 110, Fitzroy Crossing, WA, 6765.
 Phone: (08) 91915317
 Fax: (08) 91915319
 Mobile: 0437809103
 Email: kalacc.wes@bigpond.com.au

This message may contain privileged and confidential information and is intended for the exclusive use of the addressee(s). You must not disclose this communication to anyone without the prior consent of the Kimberley Aboriginal Law and Culture Centre (KALACC). If you have received this email in error, please notify us by return mail, delete it from your system and destroy all copies. KALACC has exercised care to avoid errors in the information contained in this email but does not warrant that it is error or omission free.

(Original Message-----

From: Wes Morris [mailto:kalacc.wes@bigpond.com.au]
Sent: Thursday, 20 September 2007 2:56 PM
To: Alan Carpenter (acarpent@mp.wa.gov.au); Alan Carpenter (wa-government@dpc.wa.gov.au)
Subject: KALACC response to 1. Treasurer's Press Release 11 July and 2. Premier's 30 August speech to Parliament

Mr Alan Carpenter.
 Premier,
 Western Australia

Dear Premier,

On 17 September KALACC wrote to you in relation to your 30 August speech to Parliament.

Yesterday, 19 September, we forwarded that same correspondence to the Deputy Premier and Treasurer, Mr Eric Ripper.

Our letter to Mr Ripper not only forwarded to him our letter to you, but we also took the opportunity to link the issue of Indigenous Employment with the Treasurer's Press of 11 July in relation to the formation of a Northern Development Taskforce.

It appears self-evident to KALACC that Indigenous Employment, Northern Development and Indigenous Representative Structures are three issues that are inextricably linked.

As such, we take this opportunity to forward to you now our recent correspondence to the Treasurer.

Regards

Wes Morris
Centre Coordinator
Kimberley Aboriginal Law & Culture Centre (KALACC)
PO Box 110, Fitzroy Crossing, WA, 6765.
Phone: (08) 91915317
Fax: (08) 91915319
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-----Original Message-----

From: Wes Morris [mailto:kalacc.wes@bigpond.com.au]

Sent: Wednesday, 19 September 2007 1:42 PM

To: 'eric.ripper@dpc.wa.gov.au'

Cc: 'duncan.ord@doir.wa.gov.au'; Tom Stephens (tstephens@mp.wa.gov.au); 'tricia.hebbard@mp.wa.gov.au'; Carol Martin (cmartin@mp.wa.gov.au); Jodie Lynch; Shelley Archer (sarcher@mp.wa.gov.au); Shelley Eaton (seaton@mp.wa.gov.au)

Subject: KALACC response to 1. Treasurer's Press Release 11 July and 2. Premier's 30 August speech to Parliament

Mr Eric Ripper,
Treasurer, Deputy Premier

Dear Mr Ripper,

We write to you at present in relation to your press release of 11 July 2007, regarding the establishment of a Northern Taskforce, and in relation to the Premier's 30 August 2007 speech to Parliament in relation to Indigenous Employment.

It is KALACC's view that the issues of indigenous employment, resource development, economic and social development and regional representation are each intertwined. We note the following comment in your 11 July 2007 Press Release: "the immediate purpose of the taskforce was to manage cross – government planning processes and stakeholder consultation."

From that, we look forward to learning of the processes and structures which the Government will be employing in order to achieve a coherent and coordinated response to these development issues in the Kimberley. In particular, we look forward to learning of the Government's plans for the structural involvement of Kimberley Aboriginal people within these processes.

Regards

Wes Morris
Centre Coordinator
Kimberley Aboriginal Law & Culture Centre (KALACC)
PO Box 110, Fitzroy Crossing, WA, 6765.
Phone: (08) 91915317
Fax: (08) 91915319
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Statement Released: 11-Jul-2007

Portfolio: State Development

Northern Development Taskforce to guide Kimberley development

<http://www.mediastatements.wa.gov.au/media/media.nsf>

11/7/07

The State Government has taken the next step in safeguarding indigenous, environmental and heritage values in the Kimberley

State Development Minister Eric Ripper said today the Government had endorsed setting up a **taskforce** to co-ordinate the development of gas resources in the region.

Mr Ripper said the Northern Development **Taskforce** would ensure development of Browse Basin gas resources was balanced against the unique environmental and heritage values of the Kimberley.

"The Kimberley is a magnificent location and it also has significant offshore gas fields that are very attractive to investors," he said.

"There are several major investors who are proceeding with proposals for gas developments off the Kimberley coast, and the State Government is committed to ensuring this is done in an acceptable manner.

"The major focus for the **taskforce** is to identify suitable possible locations for at least one gas processing complex which would be used to process Browse Basin gas. This will be done in a way that ensures meaningful engagement of indigenous people in the region.

"The establishment of one or more locations will mean companies will use the same location for their processing facilities.

"It also ensures companies process their gas locally, giving the Kimberley community direct benefits from the projects through jobs and business opportunities."

The immediate purpose of the **taskforce** was to manage cross-government planning processes and stakeholder consultation regarding the selection and development of a suitable location for any gas processing hub.

It would also set the framework for how the State would protect and manage the area while still ensuring structured economic development benefits all Australians.

The Minister said the **taskforce** would ensure the traditional owners play a significant role in balancing economic development with environmental and heritage values.

"We will resolve native title issues as a part of the process and we aim to locate any hub on land where tenure has passed to the traditional owners and is subsequently leased back to the State," Mr Ripper said.

The **taskforce** would include senior staff from the Department of Industry and Resources, Department of Environment and Conservation, Department of Indigenous Affairs, Department for Planning and Infrastructure and the Office of Development Approvals Coordination.

Minister's office - 9222 8788

KIMBERLEY ABORIGINAL LAW AND CULTURE CENTRE

Aboriginal Corporation

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Mr Eric Ripper
Treasurer; Deputy Premier
Western Australia
eric.ripper@dpc.wa.gov.au

CC:
Mr Duncan Ord, OAED;
Kimberley Members of Parliament;
Standing Committee on Health and Education;
Standing Committee on Community Development and Justice

19 September 2007

Northern Taskforce; Premier Carpenter's Speech to Parliament, 30 August 2007

Dear Mr Ripper,

I write in response to your press release of 11 July 2007 and in response to the Premier's 30 August speech to Parliament.

Enclosed is a copy of a letter, dated 17 September, which KALACC has written to the Premier.

In our correspondence to the Premier we applaud the Government's commitment towards increasing indigenous employment. We also endeavour to illustrate areas of convergence between our own small endeavours in the Kimberley and some of the broad areas of potential that the Premier cites as being key areas for increasing indigenous employment. In particular, we refer to six requests which KALACC submitted in April 2007 to the Office of Aboriginal Economic Development.

In addition, you will note that our letter of 17 September also endeavours to link the issues of indigenous regional representation and economic development. These comments reiterated earlier recommendations which we had made to the Standing Committee of Health and Education in response to that committee's draft report on Successful Initiatives in Remote Aboriginal Communities.

Your press release of 11 July states:

"The immediate purpose of the taskforce was to manage cross – government planning processes and stakeholder consultation regarding the selection and development of suitable location for any gas processing hub.

It would also set the framework for how the State would protect and manage the area while still ensuring structured economic development benefits all Australians.

The Minister said the taskforce would ensure the traditional owners play a significant role in balancing economic development with environmental and heritage values.”

KALACC understands that ‘structured economic development benefits all Australians’ is a commitment to include indigenous employment as an important outcome to arise from development of the Browse Basin. However, we are unsure about what strategies the Northern Taskforce will be endeavouring to pursue in order to achieve the goal of indigenous employment.

One of the most pleasing aspects of the Premier’s speech of 30 August was the structured manner in which the Premier linked resource development with social issues and with a multi- faceted approach towards increasing indigenous employment. There was a strong commitment towards linking resource development and the booming economy to indigenous employment not only through direct involvement in resource projects but also in relation to cultural tourism, natural resource management and the government sector.

KALACC would be eager to understand the strategies that the Northern Taskforce will be pursuing in order to achieve a similar multi – faceted approach to indigenous employment related directly or indirectly to development of the Browse Basin.

KALACC notes the comment in the 11 July Press Release that :

“the taskforce would ensure that the traditional owners play a significant role in balancing economic development with environmental and heritage values.”

We believe that in order to appropriately link culture, heritage, economy, employment and social benefits, that it is crucially important that issues of indigenous representation also be addressed.

In our submission to the Standing Committee on Health and Education we called for the following recommendations:

Recommendation # One:

That the State Government urgently allocate appropriate resources to existing indigenous Regional Representative Structures

Recommendation # Two:

That the State Government urgently commence negotiations on the development of a Kimberley Regional Authority.

It is our view that in order for the Government to genuinely provide a significant role to the traditional owners, that the Government needs to seriously resource indigenous representation.

We look forward to learning of what recommendations the taskforce will be making to the Government in relation to this crucial issue of resourcing indigenous representative structures.

Regards

Wes Morris

KALACC Coordinator

KIMBERLEY ABORIGINAL LAW AND CULTURE CENTRE

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Fitzroy Crossing
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Fitzroy Crossing WA 6765

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www.kalacc.org.au



Hon Alan Carpenter
Premier, Western Australia
Via email.

CC.
Minister for Employment
Minister for Indigenous Affairs
Mr Duncan Ord, WA Office of Aboriginal Economic Development.

17 September 2007

Indigenous Employment initiatives in the Kimberley.

Dear Premier,

We write to you to congratulate you on your 30 August statement to Parliament in relation to Indigenous Employment.

KALACC notes the Government's desire to see Indigenous West Australians share in the current prosperity associated particularly with the boom in minerals and resource exploration. I am sure that all Aboriginal people share with you this aspiration. However, the Government is particularly to be commended not only for the aspiration but more particularly for the manner by which the Government seeks to fulfil the aspiration. Of particular note are:

- The rejection of fear and prejudice;
- The affirmation of shared goals and mutual respect;
- A commitment towards a framework for developing agreements at local levels;
- A commitment towards supporting life – changing experiences such as the Clontarf program;
- A commitment to developing representative structures in the post – ATSIC era;
- A recognition of the importance of protecting and respecting Aboriginal culture.

KALACC is one of the three Kimberley – wide Aboriginal organisations and as such we particularly applaud the Government on its affirmation of the importance of culture and on its commitment towards representative structures for Aboriginal people.

On 13 August 2007 KALACC wrote to the Parliament's Education and Health Standing Committee in response to the Committee's ***Report Number 6 on Successful Initiatives in Remote Communities***. We took the opportunity on that occasion to make a number of recommendations and several of these related to:

- Representative structures;
- Successful community development in remote communities;
- Successful youth programs;
- Culturally – based employment opportunities.

We noted in that submission also that KALACC had in April 2007 submitted to the Office of Aboriginal Economic Development requests for business plans for six separate projects. We believe that these plans have a high degree of convergence with the themes and the specific program areas which you have referred to in your speech of 30 August.

As such, KALACC takes this opportunity to highlight in this document the convergence between our requests to WA OED and your speech of 30 August. The six requests submitted to OED in April were as follows:

1. Development of the major KALACC indigenous cultural festivals
2. Employment of a Kimberley Indigenous Performing Arts Industry Development Officer
3. Development of indigenous Ranger projects in the Kimberley
4. Development of a \$3.5 million Fitzroy Crossing Community Services Centre
5. Development of a residential housing project in Fitzroy Crossing to provide accommodation for up to 16 persons for up to six months at a time ie short to medium term accommodation
6. Development of KALACC's web page.

We note that you will be convening a special conference in Perth on 30 November 2007 and we acknowledge statements that the conference is designed to be much more than a talk fest.

KALACC believes that it has a coherent and articulate economic, social and cultural agenda and we would mainly welcome an opportunity to participate in the 30 November conference.

Regards

Wes Morris

KALACC Coordinator.

Encl:

1. Attachment # One: KALACC August 13, 2007 Recommendations to the Standing Committee On Health and Education.
2. Attachment # Two: KALACC 25 May 2007 Expression of Interest to the Australia Council's Indigenous Employment in the Arts Strategic Initiative.

1. KALACC Request to OAED: Development of the Major KALACC Indigenous Cultural Festivals

Premier, in your speech of 30 August you stated:

“Tourism and the arts represent another avenue that provides a unique opportunity to develop new Aboriginal businesses and employment pathways whilst ensuring that Aboriginal cultural heritage is maintained. There are some exciting potential developments in Indigenous arts, but today I will focus on tourism.

KALACC has held five major indigenous festivals in the Kimberley in the last 21 years. The KALACC Executive have instructed the staff to explore all available avenues for developing the Festival on a more frequent basis - annually if possible.

In 2006 from May through to September we corresponded with ARTS WA on this matter (and through to the present we have continued to copy information to the Arts Department) but the Department advised that it was unable to assist with developing a Festival Model, this being a necessary precursor to the development of a Business Plan for the Festival. In 2006 we also contacted EventsCorp WA but again they were unable to provide the nature of support which we required. Accordingly, in April 2007 we requested that OAED assist KALACC to develop a Business Model and Business Plan for the major Festivals. We are currently awaiting OAED's response to our April request.

In 2007 we have been engaged in detailed dialogue with Helene George of Creative Economy. Helene is undertaking consultancy work for the Australia Council and is preparing for the Australia Council a Strategic Assessment of identified Indigenous Festivals. The only indigenous festival in Western Australia which is included in the Australia Council's current Strategic Assessment is the KALACC Festival.

Given our endeavours to engage with the Government since May 2006, and given that Creative Economy will complete a strategic report by November 2007, we repeat our calls for the Government (through OAED) to assist KALACC to develop a business model and plan for our major festivals.

Indigenous Employment:

Attached to this document is a copy of KALACC's May 2007 Expression of Interest to the Australia Council's Indigenous Employment in the Arts Strategic Initiative. You will note that in that document KALACC has identified the following objectives:

- increase employment in Indigenous arts enterprises
- increase income for Indigenous artists and communities
- increase skills attainment by Indigenous artists
- expand Indigenous workforce (i.e. skilled workers) for Indigenous arts.

Employment, training and career development opportunities relating to the festivals include the following:

- staff involved in event management and implementation;
- staff involved in delivery of cultural programs;
- career development for performers;
- career and employment outcomes relating to associated visual arts and craft industry sales;
- increased opportunities for cultural tourism and tourist operators.

The Expression of Interest to the Australia Council was unsuccessful and we believe that this was because the Proposal was largely conceptual in nature.

Thus, we renew our call to the State Government (through OAED) to assist KALACC to develop a Festival Model and Business Plan for the KALACC Festivals so that we can in future put stronger and more substantial proposals to funding bodies and so that we can in fact start generating some culturally – based employment outcomes for Indigenous people in the Kimberley.

2. KALACC Request to OAED: Employment of a Kimberley Indigenous Performing Arts Industry Development Officer

Premier, in your speech of 30 August you state:

“Tourism and the arts represent another avenue that provides a unique opportunity to develop new Aboriginal businesses and employment pathways whilst ensuring that Aboriginal cultural heritage is maintained. There are some exciting potential developments in Indigenous arts, but today I will focus on tourism. International demand for engagement with Aboriginal tourism is increasing. WA has a critical mass of diverse, authentic Aboriginal tourism attractions. Last year, the state government launched “Listening, Looking, Learning: An Aboriginal Tourism Strategy for Western Australia”, to provide a framework to market and develop Aboriginal tourism in Western Australia. Importantly, the strategy looks at employment opportunities within the Aboriginal tourism sector, and it looks also at providing support for existing Aboriginal tourism operators who wish to promote their businesses to the international travel trade. The Indigenous Better Business Blitz program will help build the capacity of existing Aboriginal tourism businesses. On a similar note, the Small Business Development Corporation has also been funded to develop and pilot an Indigenous business support program next year to help break down the current barriers for Aboriginal people in the establishment and management of small businesses. This is typical of how the state government agencies have been facilitating job development. The Office of Aboriginal Economic Development within the Department of Industry and Resources is playing its role in engaging with the private sector to create employment opportunities.

Earlier this year KALACC submitted requests to both the Commonwealth Department of Arts and to the Australia Council for the Employment of a Kimberley Indigenous Performing Arts Development Officer. The response from DCITA offered no real reason for the refusal to fund the request but the Australia Council did offer much more useful feedback in its decision not to fund KALACC’s request at this time.

As noted in section 1 above, KALACC’s May 2007 Proposal to the Australia Council is attached to this document.

We are working at present with WAITOC on assisting with the cultural performances for the National Conference of the Indigenous Tourism Operators – to be held in Broome on 23 October. We are also in correspondence with Tourism Australia and Tourism WA.

We share your belief that “Tourism and the arts represent another avenue that provides a unique opportunity to develop new Aboriginal businesses and employment pathways whilst ensuring that Aboriginal cultural heritage is maintained.”

Indigenous Employment:

The concept of employing an Industry Development Officer is somewhat broader than the concept of developing the major KALACC Festivals. It would be KALACC’s hope that the development of employment related to the major Festivals would be a major element within a broader framework of culturally – related indigenous employment in the Kimberley. This broader framework includes:

- Major Kimberley – wide festivals;
- Smaller sub- regional, local and district festivals;
- Cultural Tourism;
- Oversees and Inter- State Touring by Performers;
- Linkages with Indigenous Natural Resource Management and Heritage;
- Expanding indigenous performances in cultural venues such as Performing Arts Centres.

KALACC has attracted interest from some significant funding organisations. However, to translate the concept in to the reality we need a more concrete basis from which to operate ie we need a Business Plan for the proposed Kimberley Indigenous Performing Arts Development Officer.

We note the important role that the Indigenous Visual Arts industry now plays within Aboriginal communities. We note that the visual arts industry is supported by organisations like ANKAAA and Desart and the Industry Development Officers which those organisations employ. Similar exciting opportunities – culturally, economically and socially – are achievable for Indigenous Performing Arts but in order to fulfil these opportunities KALACC needs the ability to employ at least one Industry Development Officer.

3. KALACC Request to OAED: Development of Indigenous Ranger Projects in the Kimberley

Premier, in your speech of 30 August you state:

“We have used a similarly constructive approach to the joint management of parks and reserves. This initiative was developed in recognition of the importance of protecting and respecting Indigenous culture and the commitment to the meaningful involvement of Aboriginal people in the management of parks and reserves. Integral to the joint management initiative has been the creation of demonstration park councils. These address matters such as Aboriginal training, employment and enterprises, day-to-day operational management and promotion of cross-cultural knowledge and understanding. Eight of the 12 park councils have now been established, with the intention to create the remaining four by the end of 2008.”

KALACC is committed towards the goal of developing culturally, geographically and regionally appropriate economies. Cultural tourism, Pastoralism, indigenous visual arts and performing arts are all examples of appropriate economies. Another important culturally appropriate economy is the management of natural resources and the environment.

KALACC's sister organisation, the Kimberley Land Council, is committed towards the goal of establishing a network of 10 Indigenous Ranger groups across the Kimberley. KALACC currently manages one of these 10 groups.

The KLC is in negotiations with the State and Commonwealth in relation to the development of the 10 Ranger Groups and establishing funding for each of these groups. However, in relation to the one Ranger Group which KALACC directly manages we are keen to economically model the commercial opportunities and employment opportunities which can be achieved in small, remote communities.

On the larger scale we would also commend any endeavours by the State to develop economic and employment outcomes associated with climate change and, in particular, fire management.

Indigenous Employment:

The WA Environmental Protection Authority undertook a series of public consultations in August 2006, based on an issues paper released in October 2005. The EPA Press Release of 02 August 2007 reads in part:

“there were economic impacts of ineffective fire prevention and management as fighting fires takes up people's time and resources as well as destroying valuable pasture. Poor fire management is also a concern for the burgeoning tourist industry.”

And of course, those economic arguments are quite apart from the whole discussion of carbon trading.

The EPA Report recommended the establishment of three Kimberley Fire Teams. To date, the State has not agreed to this recommendation and hasn't funded this recommendation.

4. KALACC Request to OAED: Development of a \$3.5 million Fitzroy Crossing Community Services Centre

Premier, in your speech of 30 August you noted:

“Under the \$7.3 million regional co-location scheme, eight Indigenous communities have been funded to develop multifunction community facilities. The Department of Local Government and Regional Development is working with approximately 12 other Indigenous communities that are interested in developing similar community facilities.”

Of the six requests that KALACC presented to OAED, to date one has been funded and this is for the development of the Fitzroy Crossing Community Services Centre. In addition to the planning support of OAED we also acknowledge the support of the Department of Local Government and Regional Development.

Development of the project has been much slower than we would have hoped but nonetheless we acknowledge the support of the government for this important community project.

Indigenous Employment, Training, Leadership Development and Service Delivery:

The Fitzroy Crossing Community Services Centre is an innovative project which has three elements to it:

a). Co- Location of Service Facilities

The Co- location of Centrelink, Department of Community Development and a new Fitzroy Crossing Telecentre will bring with it significant community advantages in relation to much – improved levels of service delivery in Fitzroy Crossing. The fact that the Centre will be indigenous – owned also brings with it significant benefits in terms of the sustainability of indigenous organisations.

b). Fitzroy Crossing Youth Centre

Fitzroy Crossing suffered 13 suicides in 13 months, its alcohol issues are well known and it has a desperate shortage of recreational and leadership – development opportunities for young people. The development of the youth centre will not of itself solve all social problems. However, it will be an important part of an overall plan to provide better services to young people. It is also worth noting that the Derby TAFE has expressed interest in running alternative youth education programs from the centre.

c). Staff Accommodation.

It is extremely difficult to attract support staff to Fitzroy Crossing. The DCD position of Aboriginal Support Worker in Fitzroy Crossing has been filled for 12 weeks in the last two years. Part of the difficulty is the desperate shortage of staff housing. This project is integrating staff accommodation in to the development in order that service agencies might stand a reasonable prospect of attracting staff to fill the positions in the Community Services Centre.

5. KALACC Request to OAED: Development of a residential housing project in Fitzroy Crossing to provide accommodation for up to 16 persons for up to six months as a time ie short to medium term accommodation.

Premier, in your speech of 30 August you noted:

“This government also recognises that housing is a key area of need for Aboriginal people and communities. The current works of the Department of Housing and Works include providing housing, infrastructure and housing management services in remote and town-based Indigenous communities....

I have touched on just some of the government’s efforts towards establishing the fundamental preconditions that will enable Indigenous Western Australians to participate more successfully in the state’s economic future.”

KALACC readily acknowledges that in relation to housing issues we have a very small agenda. However, we do note your comment in relation to ‘establishing the fundamental preconditions for participation.’

In that context we believe that our request for assistance for housing in Fitzroy Crossing is innovative and responsive to the realities of the nature of some needs in this town.

KALACC’s small project is not endeavouring to address the core issues of housing within the Fitzroy Valley. Instead, we are attempting to provide a response to the often transient and short term housing needs of employees, researchers, support workers, visiting members of the Executives of Kimberley – wide Aboriginal organisations.

Indigenous Employment, Training, Leadership Development and Service Delivery:

As stated above, it is extremely difficult to attract support staff to Fitzroy Crossing. In addition, it is costly and difficult for Kimberley – wide indigenous organisations to be able to conduct regular meetings of elected members of management committees because of the extremely high cost of overnight accommodation.

The short term accommodation project in Fitzroy Crossing is being developed in order to respond innovatively to the capacity constraints of indigenous organisations in the Kimberley.

6 KALACC Request to OAED: Development of the KALACC Web Page

This particular request to OAED does not have a great deal of relevance to your speech of 30 August. We mention it now simply to acknowledge that six requests were lodged with OAED in April.

Indigenous Employment

We do note, however, that one of the objectives of the revised web page would be to establish on – line presences for cultural tourism, for cultural performances and for the major KALACC festivals.

A Note on Regional Representation and Economic Development.

On 13 August 2007 KALACC wrote to the Standing Committee on Health and Education and we suggested a number of recommendations to that committee.

It is not our intent to reiterate all of that document in this context. However, we did endeavour in that submission of 13 August to link the issues of economic development and representative Structures.

In your 30 August speech to Parliament you had the following to say in relation to Indigenous Representative Structures:

“The Howard government’s decision to abolish ATSIC has left a void in representative structure for Indigenous people that land councils and other bodies struggle to fill, and has made more difficult coherent interaction at state level. Having no positive alternative to offer when abolishing ATSIC was typical of the entirely reactionary approach the Howard government has taken in Indigenous affairs.”

In your 30 August speech to Parliament you had the following to say about economic developments, particularly those related to resource development and native title issues:

“We are about to see announcements of massive new employment opportunities in the resources sector for Aboriginal people in this state...
We took an entirely different approach based on ensuring that native title delivered real benefits to Indigenous people while allowing mining and resources developments to continue...
This different approach has clearly been more successful in achieving positive outcomes for Indigenous communities, while also ensuring that taxpayers are not left with unnecessary litigation costs.
Determinations under our government now cover 435 702 square kilometres of Western Australian land, and, Mr Speaker, look at our economic performance.”

In KALACC’s 13 August submission to the Health and Education Standing Committee we recommended:

Recommendation # One:

That the State Government urgently allocate appropriate resources to existing indigenous Regional Representative Structures

Recommendation # Two:

That the State Government urgently commence negotiations on the development of a Kimberley Regional Authority.

In your speech of 30 August you stated:

“I anticipate massive developments very soon. We must and will as a state government play our pivotal part.”

We take it that the reference to the ‘massive developments very soon’ was a reference to developments such as the Browse Basin and the subsequent announcement by Woodside and the Chinese Government of a project worth up to \$45 billion. In addition, you would be aware that the Kimberley Land Council has agreed to a framework for negotiations with Inpex in relation to the development of the Bonaparte Basin.

Surely if ever there was a need for the State to ‘play a pivotal part’ it would be for the state to now work on development of a Kimberley Regional Authority, an entity which could be representative of the Aboriginal people of the Kimberley and which could work to maximise the economic, social and cultural benefits for the Aboriginal people of the Kimberley.

The remainder of this document consists of two attachments, these being

1. Attachment # One: KALACC August 13, 2007 Recommendations to the Standing Committee On Health and Education.
2. Attachment # Two: KALACC 25 May 2007 Expression of Interest to the Australia Council’s Indigenous Employment in the Arts Strategic Initiative.

1. Attachment # One: KALACC August 13, 2007

Recommendations to the Standing Committee On Health and Education.

We note the following comments contained in the report:

The Committee took the opportunity while in far north Queensland to visit the Torres Strait Islands. Of special interest to the Committee was the continuing role of an Indigenous regional representative authority, the Torres Strait Regional Authority, in the Torres Strait. This model of Indigenous administration was abolished on mainland Australia with the abolition of the Aboriginal and Torres Strait Islander Council (ATSIC) in 2005. The Committee's visit to the Torres Strait will be the subject of a later report. [page 31]

KALACC also notes that in relation to the Kimberley region that the State Government has in recent months indicated that it wishes to take an integrated and coordinated approach to issues relating to major resource development projects off the Kimberley coast.

It would encourage the Government to actively and urgently explore ways of linking these two issues.

It is absolutely the aim of the Aboriginal people of the Kimberley to achieve:

- Greatly improved structures for regional representation and interaction with both State and Commonwealth Governments;
- Ensuring that the opportunities for social, cultural and economic development arising from resource development opportunities are maximized and that the benefits arising from major resource developments off the Kimberley coast provide benefits to all the Aboriginal people of the Kimberley.

We believe that Lt General John Sanderson, Special Advisor on Indigenous Affairs, is actively exploring similar issues.

We note that the Government's consideration of this Committee Draft Report has been delayed because of issues associated with the Esperance Port Authority.

It is our concern that if the Government does not rapidly consider the issue of the establishment of a Kimberley Regional Authority then an opportunity may be lost to effectively synchronise the issues of resource development and regional representation.

KALACC also notes that in some parts of Western Australia there are existing, well – established regional, representative structures. In the Kimberley there is the Kimberley Land Council (established 29 years ago), KALACC (21 years) and the Kimberley Language Resource Centre (21 years). In addition, at local levels there are a number of established resource agencies.

If the government was seriously considering the establishment of Regional Authorities then in the Kimberley there is a solid basis for the development of such an authority. Given this headstart towards a Regional Authority one would have thought that the State Government would wish to invest significant resources in to the existing regional representative structures. Sadly, this is not currently the case and the State currently invests no resources towards this goal in the Kimberley.

KALACC has previously raised this issue with State politicians representing the Kimberley, including the committee's Chairman, HON T.G. STEPHENS, MLA. In response, Mr Stephens has indicated to KALACC that the State Government would not know how to handle such a request, let alone provide appropriate levels of resourcing to support regional representative structures.

This is not a situation which can be allowed to continue and the State Government urgently needs to invest resources in to existing indigenous regional representative structures as a precursor to the establishment of one or more Regional Authorities, including establishment of a Kimberley Regional Authority.

KALACC Recommendations 13 August 2007 to the Health And Education Standing Committee

Recommendation # One:

That the State Government urgently allocate appropriate resources to existing indigenous Regional Representative Structures

Recommendation # Two:

That the State Government urgently commence negotiations on the development of a Kimberley Regional Authority.

Recommendation # Three:

That the State Government:

- continue to develop inter- agency initiatives such as those currently present in Fitzroy Crossing and Halls Creek;
- undertake a review of its processes for coordinating inter- agency initiatives;
- that whole of community and inter- agency initiatives be appropriately resourced [normally including a district – based government officer]

Recommendation # Four:

That the State Government develop a network of one- stop Government offices throughout regional and remote Western Australia

Recommendation # Five:

That the State Government develop a succinct and coherent set of principles governing all of its interactions with Aboriginal people and Aboriginal communities.

Recommendation # Six:

That the State Government commit to a reasonable timeframe for responding to the 131 Recommendations from the Law Reform Commission's Customary Law Report;

Recommendation # Seven:

That the State Government commit to implementing Recommendation # 50 from the Customary Law Report ie Establishment of a Youth Diversionary Scheme

Recommendation # Eight:

That the State Government commit to implementing Recommendation # 24 from the Customary Law Report ie Establishment of an Aboriginal Court in the Kimberley.

Recommendation # Nine:

That the State Government resource Aboriginal people and Aboriginal organizations to take ownership of their own processes for supporting their people

Recommendation # 10:

That the State Government, through OAED, assist KALACC to develop its required Business Plans.

Recommendation # 11:

That the State Government respond to the E.P.A.'s Kimberley Fire Report and that it fund the implementation of the EPA recommendation to establish three Kimberley Fire Teams.

Recommendation # 12:

That the State Government, through the Department of Planning and Infrastructure, develop a pre-feasibility study and community layout plan for a Ngumpan Service Centre.

Recommendation # 13:

That the State Government immediately provide significant funding support towards the continuation and expansion of KALACC's highly successful Yiriman youth diversionary project.

Recommendation # 14:

That the State Government, through the Corrective Services Department, explore a range of models and locations for the development of the planned Kimberley Work Camp and that this study also explore the possible working relationships between the Department and Aboriginal – owned pastoral stations.

2. Attachment # Two: KALACC 25 May 2007 Expression of Interest to the Australia Council's Indigenous Employment in the Arts Strategic Initiative.

ABORIGINAL AND TORRES STRAIT ISLANDER ARTS BOARD

EXPRESSION OF INTEREST FORM FOR STRATEGIC PROPOSALS

SUBMISSION DATE: 25 MAY 2007

STRATEGIC PROPOSAL NAME: Indigenous Employment in the Kimberley
Performing Arts Industry

Name (Please mark the correct box below)	
<input type="checkbox"/> INDIVIDUAL	
OR	(Title) (Given Name) (Family Name)
<input type="checkbox"/> ORGANISATION	Kimberley Aboriginal Law and Culture Centre
Street Address	Great Northern Highway, Fitzroy Crossing State/ Territory: WA Postcode: 6765
Postal Address	PO Box 110 Fitzroy Crossing State/ Territory: WA Postcode: 6765
Telephone Number	Work: (08) 9191 5317 Home: () Mobile: () 0437 809 103
Fax Number	08 9191 5319
E-Mail Address	kalacc.wes@bigpond.com.au
Internet Address	

Strategic Initiative Outline: Employment Strategy, the KALACC Business Plan and the Kimberley Context

KALACC understands that the OZCO Employment Strategy objectives are to:

- increase employment in Indigenous arts enterprises
- increase income for Indigenous artists and communities
- increase skills attainment by Indigenous artists
- expand Indigenous workforce (i.e. skilled workers) for Indigenous arts.

There can be few if any regions in Australia which have greater need or greater opportunity to meet these objectives than the Kimberley.

KALACC is the Kimberley's peak indigenous cultural organisation and our current activities range from small scale community based artefact- making workshops through to the management of Australia's largest indigenous festivals (as measured by the number of performers) and the management of significant overseas (four in four years).

At present we endeavour to develop employment outcomes relating to our OZCO Business Plan. In particular, I refer to sections:

- 1.1, 1.2 and 1.3 pertaining to project management, mentorship and fostering the development of emerging artists;
- 4.8 and 4.9 pertaining to developing economic opportunities relating to cultural activities and developing relationships with the commercial sector;
- 5.1 and 5.2 pertaining to developing professional and technical skills within a productive workforce.

However, whilst we currently successfully undertake a wide range of cultural activities across the Kimberley it is also true that at present we:

- do not explicitly have the development of employment as part of our current business plan;
- have limited organisational capacity to respond to the enormous opportunities presenting themselves in the Kimberley.

('s current expression of interest seeks to redress those shortcomings.

Strategic Initiative Outline: Indigenous Employment in the Kimberley Performing Arts Industry

This expression of interest unashamedly and unapologetically seeks support for the three – year employment of a Kimberley Performing Arts Industry Development Officer. KALACC understands very well that:

- The Indigenous Employment in the Arts Strategy is predicated upon the creation and development of indigenous employment;
- That OZCO has a separate Indigenous Arts Workers Program Grant that would enable KALACC to employ an Industry Development Officer.

We proceed with this current expression of interest because we genuinely believe that with improved capacity, mainly through improved staffing capacity, develop significant levels of indigenous employment. In doing so we would seek to:

- build on our existing extensive range of cultural activities;
- develop existing cultural activities in order to provide employment outcomes;
- take advantage of the tremendous range of new opportunities which are arising in the Kimberley.

Specific activities we would develop include the following:

KALACC major festivals:

The KALACC Executive in May and December 2006 endorsed a strategy of developing business models for commercialising the major KALACC festivals. Staff have been in regular contact with the WA Department of Culture and the Arts, WAITOC (Western Australian Indigenous Tourism Operators Committee) and the WA Office of Aboriginal Economic Development. We have also commenced negotiations with commercial companies interested in being sponsors for the festival.

Employment, training and career development opportunities relating to the festivals include the following:

- staff involved in event management and implementation;
- staff involved in delivery of cultural programs;
- career development for performers;
- career and employment outcomes relating to associated visual arts and craft industry sales;
- increased opportunities for cultural tourism and tourist operators.

KALACC touring program:

KALACC is very proud of recent overseas tours to Korea, England and to the USA and of an upcoming small tour to France.

However, we have a limited capacity at present to fully develop such programs in to more regular events. We are also currently unable to leverage our existing program in to improved employment outcomes. For instance, in the January 2007 tour to Los Angeles and New York we initiated a dialogue with Olivia Wright in relation to OZCO's Oz Arts Online program but did not pursue this opportunity because a longer tour would have impacted too much on the overall management of KALACC.

With increased capacity we would be able to develop employment and career opportunities relating to:

- more frequent tours;
- longer tours providing more direct employment outcomes;
- more domestic tours by developing touring programs rather than costly one – off events.

Performing Arts Employment Opportunities in the Kimberley

There are a wide range of employment opportunities associated with Performances occurring within the Kimberley. These range from small – scale community based cultural tourism ventures through to much larger performances conducted in Performing Arts Centres.

With increased capacity we would be able to develop employment and career opportunities relating to:

- Emerging, community based cultural tourism across the Kimberley but initially involving Bidyadanga (Karrajari), One Arm Point (Bardi), Bedenburru and Jarlmadangah (Nyikina, Mangala), Brede (Bunuba);
- Shire of Broome: The shire is developing a Performing Arts Centre at present and at some future stage also an Aboriginal Culture Centre. Please refer to attached letter from the Shire indicating willingness to develop performance outcomes within these facilities.

Cultural Tourism:

Attached to this expression of interest are the following documents:

- WAITOC newsletter announcing that the Australian Indigenous Tourism Conference (AITC) 2007 will be held from 20 - 23 October, 2007 in Broome,
- Newspaper advertising feature relating to the promotion of the Kimberley Region;
- Letter of support from WAITOC.

KALACC is working closely with WAITOC and with WA Office of Aboriginal Economic Development to ensure that the national conference provides a major boost to local employment opportunities.

We also believe that there are significant employment opportunities associated with the development of indigenous Ranger Groups: In conjunction with the Kimberley Lands Council we are currently developing 10 indigenous ranger groups across the Kimberley. The last Commonwealth Budget contained an announcement of a \$47.6 million initiative called Working on Country. Whilst much of the focus for indigenous ranger groups is related to environmental management there are also significant opportunities for associated culture – based employment.

Strategic Initiative Outline: Development of Partnerships and Capacity to Build and Strengthen the Sector

KALACC is widely recognised as the Kimberley's peak indigenous cultural organisation. We have demonstrated over 21 years a strong capacity to manage cultural programs.

This expression of interest seeks support to enable KALACC to build our capacity to develop employment outcomes arising from cultural programs.

The development of this proposal commenced in February this year when KALACC submitted to DCITA within the ICC ESub processes a request for a sum of \$40, 000 to take the form of a contribution towards the employment of a Kimberley Performing Arts Industry Development Officer. That ICC ESub application emphasised to DCITA the close alignment of this position with:

- a). DCITA's Indigenous Culture Support Strategy and Action Plan 2007 – 2008; and
- b). New ATSIA initiatives of the Australia Council, including Indigenous Employment Strategy.

The Commonwealth Government accepts the efficacy and effectiveness of supporting Industry Development Officers for the Indigenous Visual Arts Industry and this current proposal seeks to apply those same features to the Performing Arts Industry.

Partner agencies which will support aspects of this proposal are:

- DCITA;
- WA Agencies including Department of Culture and the Arts, Office of Aboriginal Economic Development and WAITOC.

In addition, this expression of interest will be disseminated to the following organisations with a view towards seeking their material support for the initiative:

- Kimberley Lands Council;
- Indigenous Land Corporation;
- Corporations;
- DOTARS and Kimberley Area Consultative Committee;
- Kimberley Development Commission.

With regards to capacity and ongoing delivery of outcomes, we particularly refer readers to the attached letter of support from the WA Office of Aboriginal Economic Development.

“To support these aspirations, AED is collaborating with KALACC on the development of a business plan to guide the activities of the Performing Arts Officer and the potential of the KALACC festival.”

It is also important that projects operate within a framework of sound research and evaluation. The following section was written by Mr Steve Kinnane, Visiting Research Fellow with the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS):

“This proposal responds to principles and recommendations negotiated by key community groups, agencies and non- government organisations documented in the Kimberley Culturally Appropriate Economies Round Table Report, 2006. The position, aligned with a framework of three years intensive capacity building and economic development via performing arts, will benefit from current research being completed under a collaborative partnership between the Kimberley Development Commission, AIATSIS, and the Kimberley Appropriate Economies Roundtable. Economic opportunities through cultural activities in the Fitzroy Basin is a core focus within the terms of reference for this project.”

Strategic Initiative Outline: Cost of Supporting This Strategic Initiative.

Please refer to the detailed budget attached to this Expression of Interest.

The budget details expenditure in the order of \$413 360 over three years.

As above, KALACC is actively seeking project partners for this initiative -- both from government and commercial sectors and from community agencies.