



The Hon. Adam Searle MLC  
Chair, High Level of First Nations People in Custody  
and Oversight and Review of Deaths in Custody  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

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Dear Chair

**Inquiry into High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody: response to question on notice to Aboriginal Affairs**

When Ms Lillian Gordon, Head of Aboriginal Affairs, appeared before the Committee on 8 December 2020, she was asked a question on notice about programs to assist with the compliance of apprehended domestic violence orders (**ADVOs**). She referred this question to me, as these programs are in the remit of the Department of Communities and Justice (**the Department**).

Attached is the Department's response.

If you would like more information, please contact Rani Young, Principal Project Officer, at [redacted], or on [redacted].

Yours sincerely

**Michael Coutts-Trotter**  
Secretary

**Department of Communities and Justice response to Question on Notice taken by Ms Lillian Gordon at the 8 December 2020 hearing of the Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody**

**The Hon. TREVOR KHAN:** Before you go on, sorry, we have now heard a lot of evidence relating to some of the causes of the increase in incarceration rates. At least in more recent times that would seem to be—I perceive greater enforcement by the police of ADVOs. That is leading to particularly more men ending up in custody for breach of their ADVOs and also more domestic assaults being charged and resulting in prison. To an extent that is Government decisions resulting in an increase in incarceration rates, but that is an editorial comment that I make. I do not necessarily say that the way of fixing the incarceration rates should be at the expense of women getting beaten up at home. But where you are talking about programs that encourage greater compliance with ADVOs, what is the nature of those programs and how widespread are they?

**Ms GORDON:** I will have to take that on notice. I do not have that in my notes.

**Answer:**

The Department of Communities and Justice (**DCJ**) has co-designed and delivered a world first Domestic Violence intervention. “What’s Your Plan?” (**WYP**) is an Aboriginal-specific pilot that uses culturally informed behavioural interventions to help Aboriginal defendants understand their Apprehended Domestic Violence Order (**ADVO**) conditions and improve their compliance.

WYP is a voluntary program offered to ADVO defendants by Aboriginal Client and Community Support Officers (**ACSSO**) from DCJ at 50 local courts across NSW.

The 50 courts are: Armidale, Ballina, Batemans Bay, Blacktown, Bourke, Broken Hill, Brewarrina, Campbelltown, Casino, Coffs Harbour, Condobolin, Coonabarabran, Coonamble, Cowra, Downing Centre, Dubbo, Forbes, Forster, Gilgandra, Gosford, Griffith, Inverell, Kempsey, Lake Cargellico, Lismore, Maclean, Macksville, Mount Druitt, Moree, Moruya, Narrandera, Narramine, Newcastle, Nowra, Orange, Parkes, Parramatta, Penrith, Port Kembla, Tamworth, Taree, Toronto, Wagga Wagga, Walgett, Wellington, Wentworth, Wilcannia, Wollongong, and Wyong.

The program helps defendants:

1. understand their ADVOs,
2. address any obstacles that prevent them from complying, and
3. take positive steps to change their behaviour.

WYP availability in these 50 local courts has been significantly impacted by COVID-19 work and travel restrictions. However, WYP continued to be delivered while COVID-19 restrictions have been in place when social distancing was possible, and in some instances plans were made via phone.

Despite the restrictions and changes to court sitting schedules in 2020, from 1 January 2020 to 1 December 2020, 181 plans were made from 26 local courts.

WYP is being evaluated by the NSW Bureau of Crime Statistics and Research (**BOCSAR**) by comparing the outcomes of those who participated against those who did not, during a set trial period which ran from September 2017 to December 2019. BOCSAR will consider whether those who participated were any less likely to reoffend or breach their ADVO. BOCSAR is expected to complete a preliminary report of its findings mid-2021.

BOCSAR also completed a process evaluation of WYP in 2019, finding that the trial was implemented as intended. These findings are being used to inform future Aboriginal domestic violence program development.

Even though the evaluation is not yet complete, DCJ's Aboriginal Services Unit (**ASU**) has embedded the intervention into its suite of programs offered by ACCSOs to Aboriginal defendants attending court for AVDOs in 50 locations across NSW.