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Contact Name: Kay Elphick  
Telephone: 9219 9410

Ms Rachel Simpson  
Committee Director  
Standing Committee on Social Issues  
Legislative Council  
Parliament House  
Macquarie St  
SYDNEY NSW 2000

Dear Ms Simpson

**Inquiry into Overcoming Indigenous Disadvantage**

I refer to your correspondence regarding the Standing Committee's Inquiry into Overcoming Indigenous Disadvantage, conducted on 12 February 2008.

Attached please find the Department of Juvenile Justice's responses to questions that were taken on notice and a copy of the amended transcript.

Should you have any further queries, please do not hesitate to contact Ms Kay Elphick, Director Policy and Government Relations on 9219 9410 or email [kay.elphick@djj.nsw.gov.au](mailto:kay.elphick@djj.nsw.gov.au)

Yours sincerely,

Peter Muir  
**A/Director General**

**DEPARTMENT OF JUVENILE JUSTICE**  
**Question on Notice**

**SUBJECT:**           **Legislative Council Inquiry into Overcoming Indigenous Disadvantage**

**Current as at:**     **11 April 2008**

**Background:**

- On 12 February 2008 Ms Jennifer Mason, the then Director General, Mr Peter Muir, Deputy Director General, Operations and Mr Joe Hedger, Manager Aboriginal Strategic Coordination Unit, appeared before the Legislative Council Standing Committee's Inquiry into Overcoming Indigenous Disadvantage representing DJJ.
- As well as providing a copy of the transcript for consideration, a number of Questions on Notice were taken. These Questions and the department's responses are attached.
- The department has been granted an extension of time for the submission of responses to the Inquiry.

**Suggested Position:**

- The Minister notes the department's responses to the Questions on Notice.

**Attachments:**

- Correspondence to the Legislative Council's Standing Committee on Social Issues
- Suggested answers to Question on Notice
- Amended transcript

Prepared by: Roberta Burgess  
A/Coordinator Ministerial & Parliamentary Services

Endorsed by: Kay Elphick, Director Policy & Government Relations  
Anne Meagher, A/Deputy Director General Operations  
Stephanie Cross, Deputy Director General, Management Services  
Megan Wilson, Executive Director Conduct, Policy & Government Relations

Peter Muir  
**A/Director General**

**MINISTER**

## **QUESTION TAKEN ON NOTICE**

**Dr John Kaye:** I want to ask both you and Ms Mason at the same time a question on drug rehabilitation programs. What percentage of Aboriginal inmates has access to drug rehabilitation programs? What is your sense of how successful those programs are?

**Ms Mason:** We would probably have to take a little bit of that on notice. We do, in all our centres, have drug and alcohol counsellors and we have psychologists. As you may appreciate, we work with Justice health, which is a significant service provider in our centres as well. In terms of ultimate success, I think, as Mr Muir said earlier, it is the case that the detainees have frequent records of relapse and come back into custody, depending on what their drug addiction is, of course. They tend to be multi-drug users or drug users of convenience with alcohol. ... With alcohol being the major, or I would say, the overwhelming cause of their involvement in crime in many cases.

**Question:**

**Dr John Kaye:** What percentage of Aboriginal inmates has access to drug rehabilitation programs? What is your sense of how successful those programs are?

## **SUGGESTED ANSWER**

The Department of Juvenile Justice (DJJ) employs 34 specialist Alcohol and Other Drug (AOD) Counsellors, including 12 who are located in Juvenile Justice Centres (JJC's) and 5 in the Youth Alcohol and Drug Court (YADC). These counsellors are located across the state and have a presence in all JJC's.

All admissions to JJC's are screened for AOD use within a week of admission. Aboriginal young people currently make up 52% of clients in detention.

Young people both in custody and on supervision by DJJ in the community are provided with services that include the following components:

- Assessment
- Psycho-educational groups
- Individual counselling
- Therapeutic groups
- Family work
- Community liaison
- Workshops
- Referrals to external services.

Specifically, the department provides:

### **Rural and Regional AOD Counsellors**

This program commenced in 2001 and is jointly funded by the Commonwealth. It provides for the assessment, intervention and referral needs of young offenders and their families (with alcohol and other drug issues) in rural and regional areas. AOD Counsellors provide individual counselling, group work, brief interventions, client and

community alcohol and other drug education. The specialist counselling services are provided in both community and juvenile justice centre settings.

The program is targeted to assist young people from 10 to 18 years of age to reduce or abstain from their drug use, and to divert these young people from custody to specialist counsellors by referrals from courts and Youth Justice Conferencing.

Since its inception in 2001 until December 2007, 1688 young people have received an AOD service. In the last quarter of 2007, 75% were Aboriginal young people. The program provides evidence-based interventions to clients and has facilitated better access to other services and better management of complex problems (including co-morbidity). The addition of the AOD Counsellor positions in 2001 has resulted in more intense support services to departmental clients and an ability to be more responsive to their AOD issues.

The department also funds:

#### **Adolescent Residential Rehabilitation Units at Coffs Harbour and Dubbo (PALM)**

This program provides residential drug rehabilitation for young people who are under the department's supervision, or at risk of entering the juvenile justice system as a result of their drug and alcohol misuse.

The program is designed to admit and support young offenders in the later stages of detoxification and after detoxification, which are critical risk periods for re-offending. Without this diversionary scheme, many of these young offenders would be, or remain, in custody. It includes assessment, treatment and post-intervention aftercare.

Young offenders in rural and regional areas can be referred to this program to treat their alcohol and/or other drug use in their local area. These interventions increase diversionary options, both before and after custody. Referrals are made through Youth Justice Conferencing, courts, case management of young people on community orders and on release from custody.

PALM Coffs Harbour is a medium term residential drug and alcohol service, which accommodates up to 8 young people aged from 14–18 years for a period of 8–12 weeks. It also incorporates a three months aftercare component aimed at supporting the gradual and positive integration of its participants back into the community.

Since 2003, the Coffs Harbour Rehabilitation Program has had 150 admissions to the program. Admissions include Aboriginal young people and in the last quarter of 2007, for example, 5 Aboriginal young people entered the program in a total cohort of 10.

Since 2003, the Dubbo Rehabilitation Program has had 163 admissions to the program. Admissions include Aboriginal young people and in the last quarter of 2007, for example, 3 Aboriginal young people entered the program in a total cohort of 6.

#### **Youth Drug and Alcohol Court**

The Youth Drug and Alcohol Court (YDAC) commenced in July 2000 in response to recommendations from the 1999 NSW Drug Summit. The Court was set up to address the needs of young offenders between 14 and 18 years of age who have alcohol and

other drug (AOD) problems. The aim of the Court is to divert young offenders from further drug use and re-offending by providing specialist assistance in a number of areas.

Referrals are made by Children's Court Magistrates. The YDAC sits at three locations - Parramatta, Campbelltown and Bidura (Glebe) Children's Courts.

The Youth Drug Court program aims to:

1. Reduce drug and alcohol misuse by young offenders
2. Reduce the level of criminal activity that results from misuse of drugs and alcohol
3. Reduce other problematic behaviour, including violence, by young offenders as a result of their misuse of drugs and alcohol
4. Develop a best practice model for diversion of young offenders with demonstrable drug or alcohol problems from the Children's Court into programs designed to eliminate or reduce those problems.

Currently, 9 out of 30 program participants are Aboriginal.

### **Dthina Yuwali**

In October 2007, the Department of Juvenile Justice finalised an Aboriginal Alcohol and other Drugs group work program called 'Dthina Yuwali' (tracking footprints). The program is evidence-based and focuses on the relationship between substance use and pathways to offending. The program consists of three stages, which provide a platform for skill development and support in considerations of change. As well, the program allows for transferability between custody and community.

The program is based on cultural learning and intergenerational learning; involving community Elders and local community members throughout the program. The program promotes positive connections, communicating with respect, modelling and positive identity. It is responsive to the needs of Aboriginal young people and utilises Aboriginal representations of concepts to facilitate learning. To date the program has been piloted on five occasions with young men & women from rural, regional and metropolitan locations. Process evaluation to date supports high participation and completion rates and the use of cultural / intergenerational learning.

## QUESTION TAKEN ON NOTICE

**The Hon. Trevor Khan:** Let me deal with another issue. A number of you have raised the remand population issue that, clearly, has been going through the roof. I am interested to know – and you can take this question on notice – whether you can indicate over the last half dozen years the number of prisoners on remand, both juvenile and adult, and male and female? On average, what length of time have those persons - I will not call them offenders – been in custody or on remand? Are you capable of identifying the length of time that those persons have been on remand by reference to whether they are appearing in metropolitan courts as opposed to non-metropolitan courts? You would be aware that a significant percentage of our Aboriginal population comes from rural and regional areas. I suggest to you that I anticipate the length of time those members of the Aboriginal community from rural and regional areas are on remand is greater than those appearing in metropolitan courts. Do you have a comment at this stage?

### Question:

**The Hon. Trevor Khan:** I am interested to know – and you can take this question on notice – whether you can indicate over the last half dozen years the number of prisoners on remand, both juvenile and adult, and male and female? On average, what length of time have those persons - I will not call them offenders – been in custody or on remand? Are you capable of identifying the length of time that those persons have been on remand by reference to whether they are appearing in metropolitan courts as opposed to non-metropolitan courts?

## SUGGESTED ANSWER

**Table 1: Number of Young People and Average Length Stay on Remand from the Children's Court by Court Region, Indigenous Status and Gender for 2006-07**

### REMAND

Jurisdiction	Court Region	Indigenous Status	Gender	Number	Average Length of Stay/days
Children's Court Metropolitan		ATSI	Female	82	10
Children's Court Metropolitan		ATSI	Male	377	26
Children's Court Metropolitan		Non-ATSI	Female	161	17
Children's Court Metropolitan		Non-ATSI	Male	755	26
Children's Court Metropolitan		Unknown	Male	n.p.	n.p.
Children's Court Regional		ATSI	Female	62	13
Children's Court Regional		ATSI	Male	614	32
Children's Court Regional		Non-ATSI	Female	57	9
Children's Court Regional		Non-ATSI	Male	438	26
Children's Court Regional		Unknown	Male	n.p.	n.p.

**Source:** DJJ Live Database. Extracted 18 March 2008. As this is taken from a live database, figures are subject to change.

**n.p.** Not publishable (some cells have been suppressed to protect confidentiality and/or indicate small cells that may not be statistically reliable).

**Table 4: The Number of Remand Admissions for  
2001-02 to 2006-07 by Gender and Indigenous Status**

Financial Year	Gender	Indigenous Status	Number
2001-2002	Female	ATSI	221
		Non-ATSI	293
		Unknown	n.p.
	Male	ATSI	923
		Non-ATSI	1656
		Unknown	15
2002-2003	Female	ATSI	224
		Non-ATSI	300
		Unknown	n.p.
	Male	ATSI	1087
		Non-ATSI	1757
		Unknown	11
2003-2004	Female	ATSI	219
		Non-ATSI	232
		Unknown	n.p.
	Male	ATSI	1101
		Non-ATSI	1704
		Unknown	13
2004-2005	Female	ATSI	194
		Non-ATSI	306
		Unknown	12
	Male	ATSI	1180
		Non-ATSI	1769
		Unknown	17
2005-2006	Female	ATSI	209
		Non-ATSI	316
		Unknown	12
	Male	ATSI	1276
		Non-ATSI	1812
		Unknown	24
2006-2007	Female	ATSI	229
		Non-ATSI	417
		Unknown	19
	Male	ATSI	1430
		Non-ATSI	2133
		Unknown	34

**Source:** DJJ RPELive Database. Extracted 15 April 2008. As this is taken from a live database, figures are subject to change.

**n.p.** Not publishable (some cells have been suppressed to protect confidentiality and/or indicate small cells that may not be statistically reliable).

## **QUESTION TAKEN ON NOTICE:**

### **Question:**

How many recommendations made by previous inquiries, including previous social issues inquiries, have been implemented within your department? What were those recommendations and how did you implement them?

### **SUGGESTED ANSWER**

Over the years there have been numerous recommendations arising from a number of reports and inquiries. The recommendations from previous reports that relate to the Department of Juvenile Justice primarily cover accommodation options for Aboriginal young people on bail, and ensuring that the selection methods and training of departmental staff take into account Aboriginal cultural and historical issues.

The key reports relating to the Department of Juvenile Justice are *The Royal Commission into Aboriginal Deaths in Custody* (1991), *Juvenile Justice in NSW* (1992), the Ombudsman's *Inquiry into Juvenile Justice Centres* (1996), *Children of Imprisoned Parents* (1997) and *Breaking the Silence* (2007).

In relation to bail options, the department has recently introduced the Intensive Bail Supervision Program (a program which aims to reduce the increasing numbers of young people being held on remand pending a court outcome who could be supervised on bail more effectively and efficiently in the community, and is based on the recognition that the period between arrest and sentencing presents a unique window of opportunity for the Department to intervene effectively in order to divert young offenders from further offending) and arrangements with accommodation service providers. Both strategies have shown success in assisting with bail accommodation and support concerns for Aboriginal young people and providing a level of flexibility for Aboriginal young people that previous strategies were unable to deliver.

These alternative models are proving far more effective in reducing reoffending and in supporting young people while they are on bail in the community.

In relation to staff training, induction and development training for staff includes issues of cultural and historical significance to Aboriginal communities.

As well, departmental field staff and management position descriptions require position holders to have an understanding of Aboriginal issues relevant to the department.

In 2006 – 2007, 13 community based staff participated in a 30 day pilot community professional development program. Included in this program is training for staff regarding disabilities, mental health issues, indigenous issues, working with communities, staff supervision, OH&S and bail intervention.

Other major training programs in which Department of Juvenile Justice staff participate include:



- Casework skills
- Drug and alcohol awareness
- Aboriginal cultural awareness
- Child protection
- Occupational health and safety
- Professional conduct

The Aboriginal Child Sexual Assault Taskforce (ACSAT) was established in response to concerns raised by government agencies and communities regarding the extent of child sexual assault in Aboriginal communities.

The primary aim of ACSAT was to examine child sexual assault in Aboriginal communities, review how government and non-government agencies respond and make recommendations about how these responses could be improved.

The Department has lead agency responsibility for three Actions under the Implementation Plan and these have been incorporated as specific strategies under the Aboriginal Strategic Plan.

The three lead agency recommendations are:

#### Recommendation 54

Review the child sexual assault training package for DJJ staff and supervisors to improve and fill gaps in training for "screening, detecting, responding and referring" clients who are victims of child sexual assault.

DJJ Response: Operational Development offers a child protection training package that includes training on child sexual assault as one of the categories for mandated reporting. This training is delivered to all potential new Youth Officers and also is delivered to existing youth officers.

There is a new set of 'NSW Interagency Guidelines for Child Protection Intervention' 2006, that were prepared under the auspices of the Child Protection Senior Officers Group. Operational Development is aware of the new guidelines and the training that is required to be roll out. At this stage a training officer is looking at what is required to be delivered to staff. Operational Development is also preparing a skills maintenance session for frontline staff, which will include relevant information within training packages.

The NSW Interagency Guidelines for Child Protection Intervention is available to all DJJ staff via a link on the department's intranet site to the Department of Community Services.

DJJ will review the child protection training package to incorporate the 2006 NSW interagency guidelines for child protection intervention which should result in improved training for "screening, detecting, responding and referring" clients who are victims of sexual assault.

DJJ staff are trained to screen, detect and refer clients who are victims of sexual assault. This includes making appropriate referrals to Department of Community Services and Sexual Assault Counselor's where necessary.

DJJ psychologists, counselors and Alcohol and Other Drug workers are trained to detect and manage disclosures of sexual assault for all DJJ clients.

Justice Health screen DJJ clients for sexual abuse and have determined referral pathways, which include referrals to the Department of Community Services, DJJ psychologist and Area Health Services.

#### Recommendation 68

Introduce mandatory personal safety/protective behaviours courses in juvenile justice centres, programming with an Aboriginal component.

DJJ Response: The Department of Juvenile Justice employs a range of specialist staff to support the child protection needs of young people in custody. The department, in conjunction with Justice Health, undertakes a comprehensive assessment of all detainees within 48 hours of their admission to a Juvenile Justice Centre. This assessment identifies issues associated with child protection and includes the taking of appropriate action if and when such matters arise.

The Department of Education and Training manages a school (education and training unit) in each of the eight juvenile justice centres across NSW.

Detainees who are enrolled in the education and training units and studying PDHPE as part of their pattern of study may access personal safety, protective behaviour, child protection education strategies as part of that course.

The Department of Juvenile Justice, in conjunction with the Department of Education and Training, has identified that young people on short remand do not readily access personal safety, protective behaviour, child protection education outside their initial assessment to a centre. To fill this gap, both departments are jointly developing a personal safety/protective behaviours induction strategy that will target short-term remandees.

#### Recommendation 69

Review current Juvenile Sex Offender Programs provided in juvenile detention and where necessary adapt programs to the needs of Aboriginal young sex offenders aged 10 –17 years and encourage completion of treatment programs. Link to community-based treatments to encourage continuity of treatment post-release.

DJJ Response: The department has recently undertaken a comprehensive review of its Sex Offender Program. The revamped program is soon to be rolled out across the department.

Following from the recently completed review of its Sex Offender Programs, the department is undertaking a review of the effectiveness of its current programs in addressing criminogenic needs of Aboriginal sex offenders.

