

To: The Director
General Purpose Standing Committee No. 3
Parliament House
Macquarie St
Sydney NSW 2000

6 April 2016

Re: Inquiry into Reparations for the Stolen Generations in NSW

I am writing to provide information I took on notice at the Committee's Walgett hearing as requested by the Hon. Ben Franklin.

He asked *"What ideas / strategies might we be able to pursue for healing and rehabilitation for those intergenerational survivors of the stolen generation within the criminal justice system itself? What can we do in the prisons?"*

The following recommendations were endorsed in principle by the Chief Executive Officer (CEO) of the Walgett Aboriginal Medical Service Limited (WAMS), Christine Corby, 5 April 2016.

1. Access for NSW Prisoners and Juvenile Justice detainees to therapeutic & education services

I understand that NSW prisons are overcrowded and as I write the NSW Government is considering the need for new prisons¹. It is my understanding that therapeutic, health and education resources have not increased to service increased prisoner numbers. Those in juvenile justice centres and prisons today need access to services that use structured routines to promote health and learning so that re-offending is reduced and inmates can detox both physically and mentally to later rejoin their communities with fresh starts.

The Truth and Reparations Commission recommended by the Dharriwaa Elders Group ("DEG") in its original submission would oversee a number of activities that must "reach-in" to, and be promoted to intergenerational survivors of the stolen generations in the criminal justice system including:

- Identifying the "Stolen Generations" individuals and apologising personally in writing and publicly in community ceremonies and memorials
- Identifying and acknowledging relevant NSW policies and practices that caused children to be stolen
- Investigating and prosecuting crimes and human rights violations that occurred in the children's institutions and from results of implementation of NSW policies
- Investigating the financial and economic impacts of family disruptions to NSW Aboriginal communities
- Investigating the economic contributions of the consequent slave workers
- Providing pro-bono legal advice for victims and their estates
- Researching, identifying and understanding ongoing damage to NSW from family disruptions
- Making recommendations to NSW Government to furnish reparation, rehabilitation and other healing actions for the NSW Stolen Generations; to ensure the future wellbeing of Aboriginal children in state care; and to strengthen, not retraumatise Aboriginal communities in all their future dealings with the NSW Government

¹ Daily Telegraph *"Prison overcrowding: Government will upgrade two jails"*, 1 February 2016.
<http://www.dailytelegraph.com.au/news/nsw/prison-overcrowding-government-will-upgrade-two-jails/news-story/54ae813d322d7d504c0fb9d490d8277d>

- Introducing a Stolen Generations Health Care Card
 - Supporting the Aboriginal Community Controlled Health Organisation (ACCHO) sector and their expert partners to design and implement evidence-based healing and therapeutic strategies for the Stolen Generations, including those now in the criminal justice system
 - Overseeing a Stolen Generations Reparation Fund from a Stolen Generations Levy, gambling, alcohol taxes to provide (as detailed further in the earlier submission):
 - compensation to families
 - economic development supports for communities
 - community-driven education programs
 - tertiary education programs for service providers
 - long-term place-based community-driven initiatives for NSW Aboriginal youth
 - support for the sustainability of locally based Aboriginal leadership in the form of secretariat and research assistants so initiatives can be truly locally-driven
 - Support for long-term place-based funding for Aboriginal community Elders Groups to undertake language and other cultural education and knowledge maintenance activities.
2. It is important to urgently address the child “protection” system that continues to remove children from their families and communities, and which doesn’t seem to “protect” many of these children in the long run because many end up in the criminal justice system.
3. It is crucial to start providing more pathways out of prisons and juvenile justice centres into alternative community solutions.

Currently the Walgett Gamilaraay Aboriginal Community Working Party (WGACWP)² is developing the *“Moving Forwards to Healthier Communities”* Social and Emotional Wellbeing Framework for Walgett and surrounding Aboriginal communities to turn around the situation whereby the intergenerational trauma caused by past and current government policies and practices is a problem only managed by the police and criminal justice system³, and the cycle of “reinfected” children and youth means that the health of NSW Aboriginal communities is allowed to deteriorate further.

The Framework, if it receives support from your Committee and others in NSW and Commonwealth governments, aims to achieving the following:

- heal and re-engage Elders
- intervene in Early Childhood
- address trauma-induced cognitive impairment and accommodate FASD
- provide youth supports including:-
 - Parenting
 - education
 - accommodation and employment support services
 - address mental health, drug and alcohol and other health issues
- provide Stolen Generations trauma healing activities and therapeutic interventions

² (of which the Dharriwaa Elders Group is a member alongside the Walgett AMS, Walgett AECG and Walgett LALC)

³ *A predictable and preventable path: Aboriginal people with mental and cognitive disabilities in the criminal justice system*, Baldry, McCausland, Dowse, McEntyre, University of NSW, 2015

- provide alternative sentencing options
- trial new employment initiatives
- address health issues so that people are diverted from the criminal justice system in the future – at all ages.

It is noted that innovative staff recruitment and retention strategies to attract the brightest and the best to work with local Aboriginal organisations alongside local Aboriginal trainees, have necessarily been devised.

These initiatives will stimulate depressed economies, by locally- driven properly-resourced Aboriginal governance structure. This structure can be evaluated according to a strong evidence-based, data-driven framework to be delivered by DEG’s UNSW partners, with your help⁴.

Professional development offered to police and courts, magistrates invoking alternative sentencing options, including MERIT and Drug Court, will mean that envisaged Framework initiatives, if supported, will ensure that those suffering from cognitive impairment and other mental health, including drug and alcohol issues will be diverted from the criminal justice system.

I formally request an appointment for myself and Christine Corby OAM, Chairperson of the Walgett Gamilaraay Aboriginal Community Working Party, and CEO of Walgett Aboriginal Medical Service, to make a presentation to the Committee about how your support of the proposed Social and Emotional Wellbeing Framework would provide community solutions in North West NSW, for dilemmas the Committee is considering.

4. The NSW ACCHO sector can provide the NSW Government with local solutions

DEG’s submission to the Committee called for NSW to support *“the Aboriginal Community Controlled Health Sector and their expert partners to design and implement evidence-based healing and therapeutic strategies for the Stolen Generations, including those now in the criminal justice system”*. For Walgett and surrounding communities, this means the Walgett AMS and DEG. The skills and knowledge to address this task do not live in government, but with the Aboriginal organisations that are in the inmates’ home communities now, and can hit the ground running with appropriate supports and resources. Scarce resources should no longer be sunk into the administrations of FIFO NSW public service employees and NGOs. Instead, local Aboriginal skills should be used, and jobs promoted, so that deep understandings and local solutions are applied.

The following plan outlines how DEG and the WAMS, with their expert partners⁵, would begin to provide services to intergenerational survivors of the stolen generations in jails and juvenile justice institutions.

In order to do this our ACCHO organisations would need high level support to negotiate our way through MoUs and funding agreements already in place with TAFE, Justice Health and other large institutional service providers. The departments of Juvenile Justice and Corrections would also need instructions from a high level regarding our access and service integration.

Our organisations have the family links with Yuwaalaraay and Gamilaraay and some Ngayimbaa individuals, and cultural knowledge handed down from their Elders needed to form the base for stitching back together families and cultural identities. Other Aboriginal Elders Groups and ACCHOs

⁴ I ask that DEG be invited to make a presentation to the Committee and other NSW Parliamentary colleagues regarding the Framework, because there are useful actions the Committee can assist with. For example we currently need to obtain high level access to Walgett data from NSW Treasury and other agencies in order to set up our baseline and evaluation measurements.

⁵ LinkUp NSW, Legal Aid NSW, Aboriginal Legal Service, universities

around NSW would need to address other Aboriginal nation groups within their expertise. If resourced, DEG's "Elders Teach Families" project could be continued⁶ and expanded to:

- Identify current Walgett and surrounding communities' Aboriginal inmates of juvenile and adult corrections facilities in NSW, including those on remand, their crimes and sentences, in order to base the design of interventions around inmates' ages, genders, and receptiveness.
- Identify current diagnostic methods to assess social and emotional wellbeing of inmates, and evaluate their adequacy to ascertain the therapeutic needs of prisoners.
- Identify and evaluate current education, cultural and wellbeing interventions offered to Gamilaraay / Yuwaalaraay inmates, in order to understand what works and warrants expansion, and what needs to be modified or newly offered.
- Identify and evaluate the current access to education, cultural and wellbeing interventions for juvenile and adult Gamilaraay / Yuwaalaraay prisoners, including for people on remand.
- Collect information re best practice adult and juvenile therapeutic interventions from local, national and international models, and ensure this information regularly informs service delivery into the criminal justice institutions using professional development webinars and other knowledge transfer opportunities.
- Design suitable language, cultural identity, literacy, numeracy and mental health / cognitive impairment therapeutic interventions for Yuwaalaraay / Gamilaraay young men, young women, adult men and women and fine tune designed programs with the advice of Elders, education and health experts. Program delivery to include face to face and remote VOIP delivery. These programs will have an Aboriginal cultural front end and many could be developed using programs already successfully delivered by DEG in local schools and community settings. Programs to include:
 - Strong family belonging elements so that inmates have the support they need to know who their family is and where they belong. This will require assisting them with their family trees, obtaining birth certificates of themselves and sometimes of their parents too.
 - Family reunions and contact via VOIP delivery which can occur using safe community facilities provided by WAMS and DEG.
 - Provision of remedial literacy and numeracy learning, computer and other workskills, obtaining drivers licences etc. so that when they are released they have a better chance in life.
 - evidence-based and evaluated therapeutic interventions including drug and alcohol detox and counselling, recognising depression and other social and emotional conditions and learning resilience strategies in order to cope with their conditions.
- Produce resource materials for remote and face to face delivery – DEG has the demonstrated ability to achievement this .
- Collate a team to deliver interventions on a rotating basis to Gamilaraay / Yuwaalaraay inmates.
- Negotiate discharge planning procedures so that handovers to caseworkers, schools, TAFEs and family and community re-engagement services occurs to ensure a continuum of care after release.
- Negotiate pathways 'out' of prisons and juvenile justice centres 'into' alternative community sentencing options in Walgett and district.

⁶ This program was similar in scope and was discontinued by the Dept. Prime Minister and Cabinet at the end of June 2015. DEG would be delighted to continue offering this program to the Walgett community and expand it to reach-in to our young and adult prisoners held in institutions around NSW. Naturally, resourcing would be required.

- Continue developing and advocating the Framework for Social and Emotional Wellbeing in order to prevent the cycle of imprisonment and promote wellbeing for communities of NSW.
- Evaluate and revise initiatives with partners UNSW.
- Advocate on a continuing basis to the NSW government re needs of Yuwaalaraay / Gamilaraay prisoners with cognitive impairment and mental health issues.

Please do not hesitate to contact me for further information.

Yours sincerely



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