

Submission  
No 54

**INQUIRY INTO COMMUNITY BASED SENTENCING  
OPTIONS FOR RURAL AND REMOTE AREAS AND  
DISADVANTAGED POPULATIONS**

**Organisation:** Commonwealth Attorney General's Department  
**Name:** Mr Craig Harris  
**Position:** Assistant Secretary, National Law Enforcement Policy Branch  
**Telephone:**  
**Date Received:** 5/09/2005

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**Australian Government**  
**Attorney-General's Department**

**Criminal Justice Division**

05/11056, MC05/8897

23 August 2005

The Hon Christine Robertson MLC  
Chair  
Standing Committee on Law and Justice  
Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Ms Robertson

Thank you for your letter to the Attorney-General, the Hon Philip Ruddock MP, dated 26 July 2005, seeking information relevant to the NSW Government's inquiry into community based sentencing options for rural and remote areas and disadvantaged populations. The Attorney-General has referred your letter to me for response.

Your letter requested information on specific programs and services in certain areas of New South Wales, currently funded or administered by the Attorney-General's Department, either separately or jointly with other Departments.

On 1 July 2004, four on-going programs previously administered by the Indigenous Law and Justice Branch of the Aboriginal and Torres Strait Islander Services (ATSIS) were transferred to the Attorney-General's Department. These programs fund Aboriginal and Torres Strait Islander organisations that deliver services designed to assist Aboriginal and Torres Strait Islander Australians to achieve equality before the law.

In 2005–06, the Indigenous Justice and Legal Aid Division of the Attorney-General's Department will administer more than \$260m in programs - more than 60% of the total program budget for the entire Department. As part of the National Community Crime Prevention Programme, the Government is also contributing funding of \$148,760 over two years to the *Ancestral Trek Project*. Information about the programs and services relevant to your inquiry is attached.

Thank you for the opportunity to provide information for your inquiry. I hope the attached material is of assistance.

The action officer for this matter in the Attorney-General's Department is Gregory Parkhurst who can be contacted on (02) 6250 5410.

Yours sincerely

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## **PROGRAMS ADMINISTERED AND FUNDED BY THE ATTORNEY-GENERAL'S DEPARTMENT**

### ***1. Legal Aid for Indigenous People***

1 July 2005 marked the commencement of the new administrative arrangements for the Legal Aid for Indigenous People (LEGA) programs located in Victoria, Queensland and Western Australia.

Requests for tender for the provision of Indigenous legal services to Northern Territory and South Australia were released on 3 August 2005 with contracts set to commence on 1 February 2006. For New South Wales and Tasmania, the requests for tender will be released on 28 January 2006 with contracts commencing on 1 July 2006.

The revised tender selection process:

- requires that prospective tenderers respond to a range of criteria including their ability to provide Indigenous leadership and culturally sensitive legal services;
- adopts a simple means test to ensure funds are allocated to those who need them most;
- maintains current service priorities that address Indigenous incarceration; and,
- maintains current priorities in terms of geographical coverage so that people in areas serviced by a Legal Aid Commission will have a genuine choice of provider.

The new providers of legal services to Indigenous Australians have been, or will be, selected through a competitive tendering process. Three-year performance based contracts will replace the annual grant funding structure under which Aboriginal and Torres Strait Islander Legal Services (ATSILS) have been operating.

The objective is to deliver easily accessible, high quality and culturally appropriate legal services to Indigenous Australians most in need. There are quotas and specific funding for family and civil law services and clear guidelines on identifying Indigenous persons with priority needs. The process is also intended to provide best value for money by requiring the providers of legal services to Indigenous Australians to compete in an open market, stating their claims against clear selection criteria, in accordance with the Government's New Policy Directions and in co-operation with other community and legal service providers.

As noted above, providers of legal services to Indigenous Australians in NSW will soon take part in a tendering process. Currently in NSW there are six regional Aboriginal Legal Services (ATSILS):

- Kamilaroi Aboriginal Legal Service (KALS);
- Many Rivers Aboriginal Legal Service (MRALS);
- Western Aboriginal Legal Service (WALS),
- Wiradjuri (Central Southern) Aboriginal Legal Service (CSAC),
- Southern Eastern Aboriginal Legal Service (SEALS); and,
- Sydney Regional Aboriginal Corporation Legal Service (SRACLS)

*ATSILS servicing Inverell*

**KALS** covers the North, Central West region of NSW. It has three general legal practice offices, located in Moree, Armidale and Tamworth.

There are two Solicitors and one Community Development Officer and one Administrative Officer located in each office. Local Courts serviced on a regular basis include, Mungindi, Narrabri, Wee Waa, Boggabilla, Moree, Armidale, **Inverell**, Tenterfield, Glen Innes, Gunnedah, Quirindi, Walcha, Muswellbrook, Scone and Tamworth.

District Court in the region sits regularly at Moree, Inverell, Tamworth and Armidale.

Priority is given to representing Aboriginal people in criminal matters.

General advice in all legal matters is given wherever possible. Advice and assistance in some Family Law matters is also provided, including in particular Child Protection Applications, but usually contested Family Law matters are ultimately referred to Legal Aid.

*ATSILS servicing Bourke/Brewarrina*

**WALS** provides legal assistance to Aboriginal people in the Central West, North West and Far West of New South Wales. Its principal office is located in Dubbo where six criminal lawyers, two civil lawyers and 2 field officers are based.

The General Manager and the Principal Solicitor are based in Dubbo. There are two solicitors, one field officer and a secretary based in each of the Broken Hill and Walgett offices and a field officer based in the **Bourke** sub-office.

WALS provides legal representation for Aboriginal people in criminal matters in the Local Courts at Dubbo, Narromine, Warren, Nyngan, Cobar, Bourke (including Enngonia), **Brewarrina**, Wellington, Mudgee, Gulgong, Gilgandra, Dunedoo, Coonabarabran, Walgett (including Collarenebri), Coonamble, Lightning Ridge (including Goodooga), Broken Hill (including Menindee), Wilcannia (including White Cliffs) and Wentworth (including Dareton and Buronga), and at the District Courts at Dubbo, Mudgee, Bourke, Coonamble, Broken Hill and Wentworth. WALS' two civil solicitors provide assistance to Aboriginal people in the areas of family law, child protection proceedings, debt recovery, bankruptcy, discrimination claims, consumer claims advice and tenancy advice.

The civil solicitors are unable to offer legal assistance where both parties to the proceedings are Aboriginal.

*ATSILS servicing Griffith*

**CSAC** is an independent organisation governed by an Indigenous Board of Directors of nine elected by members from throughout the region.

CSAC covers the Central-Southern region of NSW and currently has three offices, located in Wagga Wagga, Cowra and **Griffith**.

Local Courts serviced on a regular basis include Albury, Balranald, Bathurst, Condobolin, Cootamundra, Corowa, Deniliquin, Finley, Forbes, Grenfell, Griffith, Gundagi, Hay, Hillston, Holbrook, Junee, Lake Cargellico, Leeton, Lithgow, Moama, Moulamien, Narrandera, Oberon, Orange, Parkes, Peak Hill, Temora, Tumbarumba, Tumut, Wagga Wagga, West Wyalong and Young. District Court in the region sits regularly at Albury, Bathurst, Cootamundra, Cowra, Griffith, Orange, Wagga Wagga, Yass, Young and Parkes.

Priority is given to representing Aboriginal people in criminal matters. Advice and assistance in some Family Law matters is also provided subject to resources. General advice in all legal matters is given where possible.

### *ATSILS servicing Bega*

**SEALS** covers the Queanbeyan Regional Council area of South Eastern NSW. The Principal Office is located in Nowra, with other offices in Canberra and Moruya.

Each office has solicitors, a field officer and support staff. Local Courts serviced by SEALS from Nowra are Nowra, Milton, Moss Vale, Bowral and Jervis Bay.

Local Courts serviced by the Canberra office are Queanbeyan, Canberra, Goulburn, Yass and Cooma.

The Moruya office services Local Courts at Batemans Bay, Moruya, Narooma, **Bega** and Eden. District and Higher Courts are also serviced at Nowra, Bega, Goulburn, Yass, Queanbeyan and Canberra.

SEAL provides legal advocacy and/or representation in legal proceedings. Its principal focus is to represent Aboriginal people in the criminal justice system. Initial advice and assistance is given wherever possible to Aboriginal persons who have non-criminal legal problems.

## ***2. Law and Justice Advocacy***

The Law and Justice Advocacy (LJAD) program supports Aboriginal and Torres Strait Islander Australians in their pursuit of social, cultural, economic and political rights through the legal system. The aim is to achieve improved justice outcomes for Indigenous Australians.

ILJB provides support through policy development, advocacy activities and project funding including advisory committees and test cases. The LJAD program has a budget of \$2.2 million for the 2005–06 financial year.

Some of the activities funded include: Aboriginal Justice Advisory Committees, Deaths in Custody Monitoring Units, research, law reform and community legal education.

There are no LJAD funded activities in Bourke, Brewarrina, Bega, Griffith or Inverell.

### ***3. Prevention, Diversion Rehabilitation and Restorative Justice***

The Prevention, Diversion Rehabilitation and Restorative Justice (PDRR) program aims to address the underlying causes of offending in an effort to reduce the unacceptably high rate of adverse contact with the justice system experienced by Indigenous Australians.

PDRR supports early intervention activities in four main areas - community night patrols, programs for children and youth at risk, prisoner support and rehabilitation initiatives and restorative justice mechanisms. Approximately 130 community level projects relating to diversion, prevention, education, rehabilitation and restorative justice are currently funded by the program.

In 2004-05 funding was provided to 46 night patrol services, 75 youth initiatives and 16 prisoner support services across Australia, including through negotiated Shared Responsibility Agreements with local agencies and governments (SRAs).

#### *Target Group*

Aboriginal and Torres Strait Islander people are the target group.

More specifically, the PDRR Youth Initiatives recognise the importance of serving the needs of Indigenous children and young people. 40% of Indigenous Australians are under the age of 15 and it is vital that the requirements of this group are met in every social and cultural facet in order that cycles of offending can be broken as early as possible.

The Night Patrols program funds groups to patrol streets and/or local community areas where Indigenous persons may be at risk of coming into adverse contact with the criminal justice system. The patrols obtain suitable shelter for Indigenous persons in an effort to address their immediate needs.

The Prisoner Support & Rehabilitation Services program aims to reduce recidivism and to assist in the rehabilitation of incarcerated Indigenous Australians, aiding their return into the community.

#### *Youth Initiative - Inverell*

South Inverell Residents Association runs a youth initiative called "Kick Start 2". The program provides workshops designed to educate young people on better ways to live, giving strong examples of alternatives to committing crimes and becoming parents at an early age. This financial year's workshops focus on Anger Management, Sexual Health, Domestic Violence and Drug/Alcohol. Last year's activities were aimed at young males; the focus of the 2005-06 programs will be young females.

The Inverell Indigenous community has identified a high need for youth diversionary activities. The program would be further strengthened by the involvement of NSW Health, Police, Drug and Alcohol Counsellors and Psychologists. There is possibility this activity could be included in a SRA.

AGD funding for this program in 2005-06 is \$12,450.

#### *Night Patrols and Youth Initiatives - Bourke*

Within the Bourke region for 2004/05, the planned number of clients for the Youth Initiative Program was 17,831 clients and the planned number of clients for the Night Patrol Program was 6,810.

#### *The outcome of any evaluations undertaken*

The Department is not aware of any evaluations undertaken of the Bourke PDRR programs.

#### *Whether the service or program is a pilot project, short-term or on-going*

AGD funds most of the programs it supports on a yearly basis. Advertisements are published every year to inform organisations of the funding procedure. The applications are coordinated by the Office of Indigenous Policy Coordination (OIPC) through the local Indigenous Coordination Centres (ICCs).

The budget for the PDRR program in the 2005–06 financial year is \$6.4 million.

#### ***4. Family Violence Prevention Legal Services***

The Family Violence Prevention Legal Services (FVPLS) program provides specialist, culturally appropriate assistance Aboriginal and Torres Strait Islander adults and children who are victims of family violence, including sexual abuse, or who are at immediate risk of such violence. The program is ongoing and improves the access of Indigenous women to legal services and provides holistic and culturally sensitive responses to family violence in Indigenous communities.

The following services are available to clients, listed in order of priority:

1. Legal advice and casework assistance
2. Counselling to victims of family violence and sexual assault
3. Assistance and support to victims of sexual assault
4. Child protection and support
5. Information, support and referral services
6. Community awareness and prevention initiatives
7. Referral to mediation services, and
8. Referral to perpetrator programs.



There is a new FVPLS unit in Bourke that services the Bourke/Brewarrina area. It is currently operating under an acting coordinator as it is set up by the auspice body. There are, as yet, no client statistics available for the Bourke/Brewarrina FVPLS unit, however, each service is required to operate in accordance with the Operational Framework which includes upholding service standards and undertaking to submit quarterly reports against the eight priority areas listed above.

FVPLS units must manage the costs incurred on any individual case bearing in mind the potential consequences for the client and the relative needs of all applicants for assistance.

The FVPLS program was piloted in 1998 following a process of reform to legal services initiated in 1996, including improving access to legal services for Indigenous Australians.

Recently the program was expanded from thirteen FVPLS units to twenty-six. In December 2004, with reference to stakeholder feedback and the findings of the Crime Research Centre based at the University of Western Australia, the Attorney-General identified the thirteen new locations for FVPLS units, based wholly on need.

The program will spend \$10.9 million in 2005–06.

*Summary table of FVPLS units by State and service region*

<b>STATE/ TERRITORY</b>	<b>FVPLS UNIT</b>	<b>LOCATION</b>	<b>REGION SERVICED</b>
NSW	<b>Many Rivers Violence Prevention Unit</b> Many Rivers Administrative and Legal Services Ltd (auspice body)	Kempsey	Many Rivers region
NSW	<b>Kamilaroi Family Violence Prevention Service</b> Kamilaroi Aboriginal Legal Service Incorporated (auspice body)	Moree	Kamilaroi region
NSW	<b>Name of unit tba</b> Yoorana Gunya Family Violence Healing Centre Aboriginal Corporation (auspice body)	Forbes	Dubbo LGA and Binaal Billa region
NSW	<b>Bourke/Brewarrina Family Violence Prevention Legal Service</b> Women's Legal Resource Centre (auspice body)	Bourke	Bourke and Brewarrina
NSW	<b>Walanbaa Yinnar Wahroo – Walgett Family Violence Prevention Unit</b> Women's Legal Resource Centre (auspice body)	Walgett	Walgett region

## ***5. Ancestral Trek Project***

The Australian Government has committed \$64 million to the National Community Crime Prevention Programme (NCCPP) which features a national community grants programme and another specifically for the Greater Western Sydney region. The NCCPP amount includes \$6 million funding announced by the Prime Minister on 30 September 2005 for security related infrastructure, including Closed Circuit Television (CCTV) Systems.

The NCCPP provides funding for grass roots projects designed to enhance community safety and crime prevention by: preventing or reducing crime and anti-social behaviour, improving community safety and security, and reducing the fear of crime.

The programme was launched by the Prime Minister on 7 May 2004 and provides funding under three streams:

*Community Partnerships Stream* - up to \$500,000 per project;  
*Indigenous Community Safety Stream* - up to \$150,000 per project; and  
*Community Safety Stream* - up to \$150,000 per project.

The Ancestral Treks project on the NSW far south coast was one of the successful applicants in the second round of the programme. It aims to decrease incarceration of Aboriginal offenders, reduce recidivism and decrease contact with the criminal justice system. The trek operates as a cultural camp using ancestral walking tracks for durations of 5 to 15 days.

The project targets young men referred through local criminal justice and community agencies. During this time participants are introduced to a number of culturally appropriate programs delivered by trained workers, volunteers and community elders.

The treks provide an opportunity for participants who are at risk, to disengage from the environment and patterns of at risk behaviour.

The Attorney-General's Department is contributing funding of \$148,760 over two years.