



Redfern Statement

Joint Communique – Preventing Violence and Justice Workshop

27 June 2017

As part of the Redfern Statement process, the National Family Violence Prevention and Legal Services Forum (NFVPLS) and National Aboriginal and Torres Strait Islander Legal Services (NATSILS) convened a workshop on 27 June 2017 to develop calls for action in relation to both the *Preventing Violence* and *Justice* sections of the Redfern Statement. This communique highlights the key points of discussion at the workshop, including the high-level principles required for achieving better justice outcomes for Aboriginal and Torres Strait Islander communities and specific calls for action in the justice and preventing violence sectors.

Principles

Ensuring better justice outcomes for Aboriginal and Torres Strait Islander men, women and children requires respect for the following key principles:

- Aboriginal and Torres Strait Islander communities, their organisations and representative bodies must be directly involved in decision-making about matters that affect Aboriginal and Torres Strait Islander peoples.
- Aboriginal and Torres Strait Islander Community Controlled Organisations are the preferred provider of culturally safe services and supports that understand and are, therefore, responsive to the particular needs and requirements of Aboriginal and Torres Strait Islander peoples.
- Aboriginal and Torres Strait Islander Community Controlled Organisations, including legal services, must receive adequate levels of funding to have the capacity to respond to community needs and demand;
- More flexible funding models should be established to enable Aboriginal and Torres Strait Islander Community Controlled Organisations to deliver holistic wrap around services that are responsive to community needs and to ensure the collaboration of unique expertise across sectors;
- Governments must shift away from punitive and law enforcement focused approaches, and towards approaches that prioritise prevention, early intervention and diversion from the criminal justice system.



Specific Calls for Action

NFVPLS and NATSILS have identified the following specific calls as priorities for urgent action.

1. **Adopt Justice Targets as part of the Close the Gap Framework**

Disproportionate rates of imprisonment and violence experienced by Aboriginal and Torres Strait Islander peoples is a national crisis. National justice targets should be established to end the disproportionate rates of over-imprisonment and violence experienced by Aboriginal and Torres Strait Islander peoples. National Justice Targets must also address concerning trends involving the relationship between incarceration and experiences of disability and child protection. National justice targets, which are aimed at promoting community safety and reducing the rates at which Aboriginal and Torres Strait Islander people come into contact with the criminal justice system, should include targets to reduce incarceration and violence rates, as well as child removal and disability in Aboriginal and Torres Strait Islander communities. In addition, these targets should be accompanied by a National Agreement that includes a reporting mechanism, as well as measurable sub-targets. It is pertinent that forming part of the development of Justice Targets should be development of sub targets that focus on resourcing of Aboriginal and Torres Strait Islander community controlled organisations, who deliver front line services that would assist in meeting an identified and agreed upon Justice Targets.

These targets should be developed in a partnership with Aboriginal and Torres Strait Islander community controlled organisations and Government, and adopted as part of the refresh of the Close the Gap framework and must be committed to by all federal, state and territory governments.

2. **Develop a truly cooperative intergovernmental framework focusing on law and justice outcomes for Aboriginal and Torres Strait Islander peoples**

The previous National Indigenous Law and Justice Framework ended in 2015 and failed to provide an effective framework and basis for concrete action by Australian governments to address issues relating to the interaction between Aboriginal and Torres Strait Islander peoples and the justice system. In genuine partnership with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies, the federal, state and territory governments should develop a truly cooperative intergovernmental framework that sets relevant targets and timeframes, provides for reporting and accountability mechanisms, identifies strategies based on solutions developed at the local/community level and provides for direct engagement of affected Aboriginal and Torres Strait Islander communities.



3. Develop a National Action Plan to prevent Aboriginal and Torres Strait Islander children being pushed into the juvenile justice system

Seizing upon the national exposure of the mistreatment of young people in the justice and child protection systems in the Northern Territory and many other states and territories, the federal, state and territory governments should develop a National Action Plan to prevent Aboriginal and Torres Strait Islander children being pushed into the juvenile justice system. Such a plan must be developed in genuine partnership with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies and contain concrete actions to both prevent and, where appropriate, divert young people from contact with the criminal justice system.

This National Action Plan should engage Aboriginal and Torres Strait Islander kids with lived experience, their communities, their organisations and representative bodies to achieve Indigenous participation in, and equal access to alternatives to imprisonment for Aboriginal and Torres Strait Islander children and resource place-based community-led early intervention programs.

4. Co-locate disability support workers within community controlled legal services and disability organisations

The interaction of people with cognitive and mental health disability and the justice system has been identified by the Australian Government as an issue of national concern. The lack of available supports and services for Aboriginal and Torres Strait Islander people with disability, including FASD, is placing an increasing over-reliance on the criminal justice system. The federal, state and territory governments must work with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies to develop responses to the unique nature of disability that ensures that people with a disability, especially children and those at risk of being found unfit to stand trial, have access to culturally appropriate disability and legal support services before, during and after they come into contact with the justice system.

5. Monitor and report against the implementation of the recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody

Despite the comprehensive recommendations contained in the report of the Royal Commission into Aboriginal Deaths in Custody in 1991, implementation of the recommendations by the federal, state and territory governments remains largely incomplete. Over this time, the disproportionate rates of imprisonment of Aboriginal and Torres Strait Islander men, women and children have continued to increase substantially. The Royal Commission's recommendations remain a blueprint for working with Aboriginal and Torres Strait Islander communities and their organisations to address the underlying social and economic drivers of over-imprisonment. A comprehensive national mechanism must be established that ensures annual reporting by all Australian governments on the state of



implementation of the recommendations contained in the Royal Commission's report. There must be adequately resourced independent oversight of the reporting and implementation by the Aboriginal and Torres Strait Islander Social Justice Commissioner and civil society.

6. Establish a national taskforce to investigate the deaths of Aboriginal and Torres Strait Islander women in contact with the justice system

The 1991 Royal Commission report was largely silent on the experiences of Aboriginal and Torres Strait Islander women. A national taskforce should be established to investigate and report on the causes of deaths of Aboriginal and Torres Strait Islander women and girls in contact with the justice system, including the role played by experiences of family violence. The composition of the national taskforce should include Aboriginal and Torres Strait Islander women and the taskforce should be tasked with making comprehensive recommendations for systemic change.

7. Enact a national Aboriginal and Torres Strait Islander child protection notification and referral system

A nationally consistent mandatory notification and referral system (akin to the Custody Notification System) should be established to refer Aboriginal and Torres Strait Islander families in contact with the child protection system to culturally appropriate supports and services, especially where family violence is a factor in potential child removal. Family violence is one of the primary drivers of the disproportionate and escalating rates of Aboriginal child removal and out of home care placement. Access to independent, culturally safe, preventative legal services at the earliest possible stage would support families to understand their legal rights and take proactive action to avoid or minimise Aboriginal and Torres Strait Islander children being removed from families and placed in out-of-home care.

Such a system is proposed to recognise and respond to both high rates of Aboriginal and Torres Strait Islander children in out of home care and the magnitude of family violence as one of the leading drivers of Aboriginal and Torres Strait Islander children's forced removal from their families and communities.

8. Jointly establish, or task, an independent central agency with Aboriginal and Torres Strait Islander oversight to co-ordinate a comprehensive, current and consistent national approach to data collection and policy development

Using an intergovernmental agreement, create an intergovernmental agency to direct (among other things) the collection and publication of data on all thematic areas of the Redfern Statement including, for example, in relation to health and wellbeing, law enforcement, prison and corrective services.

The Central Agency should focus on the acquisition of qualitative as well as quantitative data from all states and territories to ensure that the unique and complex trends affecting Aboriginal and Torres Strait Islander people's contact with the justice system are captured.



Currently most metrics in the justice system are deficit based. However, as well as identifying service delivery gaps in the justice system, there must be an emphasis on acquiring data that details and identifies positive outcomes and trends in our communities.

9. Establish an independent Aboriginal and Torres Strait Islander community controlled evidence intermediary

There are few examples of Aboriginal and Torres Strait Islander community designed outcomes frameworks and evaluation methods. Evaluations of Aboriginal and Torres Strait Islander initiatives are often conducted by Government-appointed consultants that do not understand the unique holistic methods and cultural protocols of service delivery designed and delivered by Aboriginal and Torres Strait Islander community controlled organisations.

While there is evidence to support the achievement of positive outcomes within Aboriginal and Torres Strait Islander communities, it too often fails to influence smarter policy and commission decisions, which in turn prevents a number of Aboriginal and Torres Strait Islander organisations being able to deliver effective programs and service delivery on the ground.

We must have a resourced network to share insights and evidence of what works in our communities. Aboriginal and Torres Strait Islander organisations must be provided the opportunity to articulate the effective measures of elements such as cultural immersion and cultural strengthening.

10. Enact mandatory custody notification systems

Recommendation 224 of the 1991 Royal Commission into Aboriginal Deaths in Custody (RCIADIC) articulated the importance of developing state and territory custody notification systems (CNS). CNS operate variably across different states and territories, but in general, they require that police notify the appropriate ATSILS when an Aboriginal or Torres Strait Islander person is taken into police custody.

A CNS developed in partnership with Aboriginal and Torres Strait Islander people saves lives. Had a resourced and effective CNS been in place in Western Australia in 2014, Ms Dhu may have had a lawyer to advocate for her welfare and she may have survived. Every Aboriginal and Torres Strait Islander person taken into custody must be guaranteed appropriate safeguards to prioritise their health and wellbeing and they must have access to culturally responsive legal advice.



11. Establish an Annual National Aboriginal and Torres Strait Islander Women's Gathering

It has been 30 years since the last national gathering of Aboriginal and Torres Strait Islander women. Aboriginal and Torres Strait Islander women often bear the disproportionate impacts of socio-economic disadvantage, family violence and the removal of children, and remain the most legally disadvantaged group in Australia. The Prime Minister and Minister for Indigenous Affairs should support and fund an annual national gathering for Aboriginal and Torres Strait Islander women to come together to share knowledge, promote leadership, build networks and relationships, and identify priority issues for change.

12. Establish an Annual National Aboriginal and Torres Strait Islander Men's Gathering

We recognise the need for a safe culturally responsive space for both men and women to conduct business and to discuss priorities that are affecting their rights, freedoms, safety and wellbeing. The need for an Aboriginal and Torres Strait Islander Men's Gathering has never been greater given that nine in ten (90% or 9,534 prisoners) Aboriginal and Torres Strait Islander prisoners are male (ABS statistics 2016) and younger Aboriginal men have the highest rate of suicide in the world.