

Hello there

I write to you in the context of the ERA Prisons Inquiry 2014

<https://www.erawa.com.au/inquiries/industry-and-resources-inquiries/prisons-inquiry-2014>

We have had the opportunity of reading over the key relevant documentation, including the Draft Report:

<https://www.erawa.com.au/cproot/13718/2/Inquiry%20into%20the%20Efficiency%20and%20Performance%20of%20Western%20Australian%20Prisons%20-%20Draft%20report.pdf>

In the draft report KALACC notes in particular the following words on page 3 of the draft report:

“A challenge in conducting this Inquiry is that many of the drivers and decisions that affect the cost and performance of the prison system involve parties outside the prison system, and are beyond the Terms of Reference of this Inquiry.....

Stakeholders have told the ERA that it is important to consider the interactions between the prison system and the justice and human services systems in conducting this Inquiry. The ERA has sought to do this by thinking about the broad costs to society of the prison system, rather than just the narrow costs of delivering the prison system. In particular, in its proposed approach the ERA has recognised the importance of prisons that focus on rehabilitation.”

KALACC has little to say on issues that sit within the narrow scope of the Inquiry’s Terms of Reference. Indeed, we would go so far as to say that the narrow scope of the terms of reference severely limit the value of the Inquiry.

We have much to say about the broader justice system – including in regards to economic efficiencies and a desperate need to undertake wholesale change in service delivery models.

Attached are recent letters from Ministers Redman and Francis. Those letters advise as follows:

- DCS spent an ADDITIONAL \$42 million on an expansion of its Remote Youth Justice Services in the Kimberley and the Pilbara over a four year period;
- At the end of the four years, the Juvenile offending rate in the Kimberley had RISEN by 10%;
- The Government is now looking to undertake a major restructure of its delivery of juvenile justice services in the Kimberley and the Pilbara.

In that context, KALACC wrote to Ministers Francis, Collier and Redman on 27 June 2015.

Sadly, the matters which we raise in our correspondence to the Ministers seemingly all sit outside of the narrow scope of the Terms of Reference for the ERA, even though the central theme of our correspondence is the economic [and social] costs of the broken service delivery model currently employed by the Department of Corrective Services in regards to its remote youth justice services strategies and programs.

Regards

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From: Wes Morris [<mailto:coordinator@kalacc.org.au>]

Sent: Saturday, 27 June 2015 1:43 PM

To: 'Minister.francis@dpc.wa.gov.au'

Cc: 'Minister.Redman@dpc.wa.gov.au'; 'minister.collier@dpc.wa.gov.au';

Subject: KALACC Questions in Regards to Premier's Comments on Aboriginal Justice Issues

Hon Joe Francis

Minister for Corrective Services

CC: Hon Peter Collier

Hon Tony Redman

KALACC Questions in Regards to Premier's Comments on Aboriginal Justice Issues

27 June 2015

Dear Minister

We begin by expression our pleasure and satisfaction at the decision of the Department of Corrective Services to award a grant of \$440, 000 to the national – award – winning Yiriman Youth Project, auspiced and managed by KALACC.

We look forward to delivering some excellent youth justice outcomes over the coming two year period of that funded agreement.

However, that \$440, 000 from DCS to KALACC represents about one percent of the ADDITIONAL \$42 million which DCS has spent on an expansion of its Regional Youth Justice Services in the Kimberley and the Pilbara Regions. The outcome from that \$42 million was that juvenile offending rates INCREASED by 10% over that period of time. One might have hoped that \$42 million would have coincided with a reduction of youth offending rates, not a 10% INCREASE in offending rates.

In that context, KALACC notes with considerable interest the recent media statements from both the Premier and from the Commissioner for Corrective Services.

The Premier's Media Statement of Wednesday, 24 June 2015 is titled '**Government sets agenda for Aboriginal reform - Path forward in response to Deaths in Custody and Aboriginal Over-Representation in the Justice System**'

<https://www.mediastatements.wa.gov.au/Pages/Barnett/2015/06/Government-sets-agenda-for-Aboriginal-reform.aspx>

Part of what the Premier says is: "the State Government will focus its attention, including the creation of safer custody environments; avoiding incarceration for low level offending, and supporting prevention and diversion initiatives that keep people out of the criminal justice system."

And we note that at the same time the Department of Corrective Services has issued a statement, dated 18 June, with the title of '**Contestability to give offenders purpose New**

program delivery frameworks for young people and adult offenders to specify standards that focus on rehabilitation and reintegration' <http://www.correctiveservices.wa.gov.au/news/default.aspx?id=1169&page=1> Part of what the Departmental statement of 18 June [as attached] says is as follows:

"The Department has drafted a Program Delivery Framework for youth justice. This will inform the tender, contracting, delivery and evaluation of programs for young people in detention and in the community. The Department has begun consultation with WACOSS and the Youth Affairs Council of Western Australia (YACWA)."

Attached is a very recent Amnesty International Report in regards to juvenile justice - ***There is always a brighter future - Keeping Indigenous kids in the community and out of detention in Western Australia***. The word "Yiriman" appears some 29 times in this report, but the main references to Yiriman are to be found on pages 22 and 29. Some of the recommendations in that report, are as follows:

- Recommendation # 2: That the Department of Corrective Services' Youth Justice Division increase its focus on and investment in early intervention, prevention and diversion, in conformity with international legal obligations;
- Recommendation # 3: That the Western Australian Government commit to funding Aboriginal organisations and communities, including through preferential tendering, to support Aboriginal designed and led programs at all stages of the justice system;
- Recommendation # 4: That the Minister for Corrective Services issue the Youth Justice Division a clear direction to work with local Aboriginal organisations throughout Western Australia to: encourage and, where necessary, assist them to apply for funding for the programs mentioned in Recommendation 3

If the Department of Corrective Services was to fund Yiriman at a level greater than the 1% of the level of funding which it provides to its own Juvenile Justice services in the Kimberley, then that would be a significant step towards achieving implementation of the recommendations contained in this Amnesty International Report.

Across Australia there are something like 300 Aboriginal Medical Services, each one with a partnership with a hospital or a clinic. The hospital provides downstream clinical services and the AMS provides upstream preventative and holistic services. The Law Reform Commission of WA envisaged something similar to this model to be established in the justice space and recommended such a model in a major report delivered to Government – in September 2006 ie nearly 9 years ago.

Thus, from KALACC's perspective, if the Government is serious in regards to delivering on the Premier's statement of 24 June and the Department of Corrective Services statement of 18 June, then rather than reinventing the wheel, the Government should look back over the clear messages consistently delivered to Government over the last 9 years by the Aboriginal people of Western Australia.

In November and December 2006 KALACC wrote to the then Carpenter Labor Government, seeking to understand the Government's responses to the 131 recommendations contained in the September 2006 Law Reform Commission ***Final Report on Aboriginal Customary Laws***. We have been actively writing to the Government in relation to Aboriginal justice issues ever since. In light of the Government's two recent Media Statements and in light of

our correspondences to Government since November 2006, we now seek clarification on the following specific issues:

1. The Law Reform Commission of Western Australia recommended, as Recommendation # 50, the establishment of Aboriginal – owned and controlled juvenile justice programs in its September 2006 **Final Report on Aboriginal Customary Laws**. Does the Government accept this recommendation and, if so, what action will it take to implement this recommendation?
2. Amnesty international has in June 2015 similarly recommended the establishment of Aboriginal – owned and controlled juvenile justice programs. Does the Government accept this recommendation and, if so, what action will it take to implement this recommendation?
3. KALACC provided to the WA Government a **Yiriman Business Plan** in November 2010. To this day, some four and a half years later, we have never received any written response, critique or feedback from the Government. Will the government now provide such a response to KALACC?
4. KALACC provided to the WA Government a Murdoch University external three year **Review and Evaluation of the Yiriman Project**, provided to Government in December 2013. To this day, some two and a half years later, we have never received any written response, critique or feedback from the Government. Will the government now provide such a response to KALACC? [Note, this Evaluation was funded by the State Government to the value of \$150, 000 and yet to this day we still have no written response to it]
5. KALACC provided to the WA Government a **Kimberley Juvenile Justice Scoping Study** in October 2013. To this day, over two and a half years later, we have never received any written response, critique or feedback from the Government – despite repeated requests from KALACC. Will the government now provide such a response to KALACC? [Note, this Evaluation was funded by the State Government to the value of \$80, 000 and yet to this day we still have no written response to it]
6. KALACC delivered a presentation on the Yiriman Project to the Aboriginal Affairs Coordinating Committee Sub Committee on Aboriginal Health, on 19 May 2015. This is relatively recently, being just over a month ago. We await clarification as to a) when we might receive a response to that presentation and b) what the State Government’s response will be to 8 years of requests from KALACC for support for the Yiriman Project. [Clearly we are aware of the recent commitment of \$440, 000 from the Department of Corrective Services]
7. On 28 April 2015 Minister Terry Redman wrote to KALACC advising us of a major restructure of the model for the Regional Youth Justice Services program. When will the community and when will Aboriginal organisations, such as KALACC, be consulted in regards to the development of this new model for future delivery or Regional Youth Justice Services?

8. On 18 June 2015 the Department advised on the internet that “The Department has drafted a Program Delivery Framework for youth justice” and was commencing consultations with WACOSS and with YACWA. Has the Department consulted to date with the judiciary in regards to this Framework? When will the Department consult – not just WACOSS and YACWA – but with Aboriginal communities and Aboriginal organisations such as KALACC in regards to feedback and comment on the draft of the new Program Delivery Framework for Youth Justice?

9. On 16 April 2015 Christine Lewis, Assistant Director – Youth, Women, Aboriginal Policy and Strategy, Office of Reform, Department of Corrective Services, advised KALACC via email that a) “The development and delivery of the Kimberley Custodial Plan, which will include the future of the Broome Regional Prison, is part of the Department of Corrective Services’ Creating Value through performance Strategic Plan 2015 – 2018 (Plan)” and b) “At this time there is no further information available as the development of the Kimberley Custodial Plan has not commenced.” Between 16 April and the present time has there been any advancement of or progress towards development of a Kimberley Custodial Plan?

We conclude by once again expressing our pleasure and satisfaction at the decision of the Department of Corrective Services to award a grant of \$440, 000 to the national – award – winning Yiriman Youth Project, auspiced and managed by KALACC. Whilst we are naturally very pleased by this imminent support, we note that we have been writing to the Government about such matters since November 2006 and as the Premier himself has acknowledged on 24 June, much action needs to take place and many structures and systems need to be changed in order to witness genuine and long – overdue improvements in Aboriginal justice outcomes

Regards



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