



BoysTown

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Response to the Draft Aboriginal and Torres Strait Islander Justice Strategy 2011–2014

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Executive Summary

This paper offers BoysTown's response to three questions that were identified in the Queensland Government's summary of the *Draft Aboriginal and Torres Strait Islander Justice Strategy 2011–2014*. In particular, this paper responds directly to the following questions:

1. How can the Queensland Government best engage with community leaders to ensure that we are all working together to support the directions for reform set out under the strategy?
2. Who should be represented on the taskforce overseeing the Indigenous Justice Strategy and providing advice to government, for example, gender balance, and/or a balance between community, government and business?
3. What are your views on the actions proposed in this Strategy to reduce offending and reoffending of young people and Aboriginal and Torres Strait Islander adults and what other actions should be considered to further this objective?

BoysTown is of the view that effective policy and prevention strategies need to address the current social disadvantage experienced by Aboriginal and Torres Strait Islander people's, if the systemic issues causing offending and reoffending are to be successful in addressing the over-representation of Indigenous Australian's in incarceration or detention. It is also imperative that policies and strategies acknowledge and act on the root causes of this behaviour including experiences of: poverty and social disadvantage; child abuse; bullying; drug misuse; homelessness; and domestic violence. Consequently the effective implementation of strategies that are designed to reduce the social disadvantage of Indigenous youth such as COAG's *National Indigenous Reform Agreement* and the *National Framework for Protecting Australia's Children* is critical to the long term reduction in offending behaviour by Indigenous youth.

BoysTown also believes that the causes of Indigenous offending behaviour are multiplicative in nature. Consequently community development approaches that are accountable to Indigenous people need to be implemented, to reduce the incidence of offending. An example of such an approach is provided through a description of our partnership with Indigenous people living in the Balgo community and the key processes being used to ensure that this work is undertaken in an accountable manner to the whole community.

Furthermore it is proposed that work-integrated social enterprise initiatives have a proven track record in reducing Indigenous offending behaviour. In this report research data from a current Australian Research Council sponsored project being undertaken with Griffith University is presented, which demonstrates the reduction in offending behaviour by Indigenous young people participating in BoysTown's social enterprise projects.

Based on this evidence, BoysTown makes the following recommendations to the Queensland Government which we believe will make a difference in regard to improving the living conditions of Indigenous communities and consequently reduce the number of young Aboriginal and Torres Strait Islanders entering or re-entering the juvenile and adult justice systems.

Recommendation 1:

That the Queensland Governments *Aboriginal and Torres Strait Islander Justice Strategy 2011–2014* involves an engagement process with Aboriginal and Torres Strait Islander communities, through the establishment of community-based representative bodies.

Recommendation 2:

That the Queensland Government include targets and actions within the *Aboriginal and Torres Strait Islander Justice Strategy 2011–2014* for the provision of support services, to ensure that every young person and adult has access to accommodation upon their release from detention or jail.

Recommendation 3:

That the Queensland Government investigate the implementation of “Transition Plans” to assist persons leaving detention or prison, in order to: provide appropriate support; increase the individual’s ability to succeed post-release; and reduce the risk of recidivism.

Recommendation 4:

That the Queensland Government commits to removing all 17 year olds from adult Queensland prisons and that 17 year olds with outstanding sentences are transitioned to youth detention centres.

Recommendation 5:

That the Queensland Government consider the implementation of social enterprises as a method of re-introducing recently released persons into a supportive environment that enables them to: engage in paid employment; establish social supports and networks; provides them with assistance to arrange accommodation; and provides appropriate counselling where necessary as a transition strategy to mainstream employment.

Introduction

BoysTown is a youth specialist agency, and our mission is ***'to enable young people, especially those who are marginalised and without voice, to improve their quality of life'***.

BoysTown has delivered services to disadvantaged and 'at risk' young people, children and families for 50 years. We work with people who have been excluded from full participation in family life, community activity and the labor market due to family conflict, trauma, mental health and substance misuse issues, intergenerational unemployment and disrupted education.

BoysTown currently provides a range of services to young people and families seeking one-off and more intensive support including:

- Kids Helpline which provides a national 24/7 telephone and on-line counselling service for five to 25 year olds with special capacity for young people with mental health issues
- Accommodation responses to homeless families and women and children seeking refuge from Domestic/Family Violence
- Parenting Programs offering case work, individual and group work support and child development programs for young mothers and their children
- Parentline, a telephone and on-line counselling service for parents and carers in Queensland and the Northern Territory
- Paid employment to more than 400 young people each year in supported enterprises to prepare them for transition to the mainstream workforce
- Training and employment programs that skill young people allowing them to re-engage with education and/or employment

In 2007, BoysTown entered a partnership with remote Indigenous communities in the Tjurabalan–Kutjungka area of Western Australia to implement a holistic community development strategy. The key objectives are to: improve community housing standards, increase employment opportunities through the establishment of social enterprises and skill development and reduce Indigenous people's level of disadvantage.

In 2008, work commenced in Queensland to promote Parentline services within four remote Indigenous communities. Subsequently BoysTown's experience in partnering with remote communities and in directly delivering services to Indigenous young people informs this response.

In 2008, BoysTown also partnered with Griffith University Queensland in an Australian Research Council (ARC) Linkage Project (LP0776519) entitled *Reconnecting Disaffected Youth Through Successful Transition to Work*. The aims of the research project are to:

- Identify the key variables that assist marginalised young people to achieve employment or educational outcomes;
- Assess the personal change and improvement in marginalised young people as they progress through social enterprises; and
- Disseminate these findings across Government and the Community sectors to increase the effectiveness of services in engaging with this demographic group

The following response to the *Draft Aboriginal and Torres Strait Islander Justice Strategy 2011–2014* has been developed in consultation with BoysTown staff based on our direct experiences of working with Aboriginal and Torres Strait Islander people, their families and communities.

How can the Queensland Government best engage with community leaders to ensure that we are all working together to support the directions for reform set out under the strategy?

The need for a Community Empowerment and Development Focus

The factors associated with offending behaviour are complex, interdependent and interactive and also relate to the general social disadvantage experienced by Indigenous people. Subsequently a 'whole of community' intervention model is required to reduce crime. However current Government administration processes often inhibit the development of 'whole of community' interventions.

BoysTown's experience in working with Indigenous communities' supports findings from the *Senate Select Committee on Regional and Remote Indigenous Communities*; that the complexity of Government arrangements has a negative impact on service delivery to remote communities. As noted in other evaluations of services delivered in remote communities, Indigenous people in dealing with community issues are expected to liaise with three tiers of Government, each with their own policy silos¹. This complexity in the governance of services can result in piece-meal responses to social issues such as crime and crime prevention, and reduces accountability to service users and their communities as there is confusion regarding portfolio responsibilities. Furthermore this situation can lead to a sense of loss of power amongst senior community people.

As previously noted, in the Tjurabalan–Kutjungka region of the East Kimberley, BoysTown is partnering with local communities to implement a holistic community development strategy with the objective of improving community housing standards, increasing employment and reducing Indigenous people's level of disadvantage. This strategy involves a range of different interventions including strategies to encourage school retention, vocational training, social enterprise development as well as family support initiatives.

As part of this initiative, BoysTown is in discussion with the Community Council and other service providers about the development of a 'Service Alliance Agreement'. This community governance model involves:

1. The development of a Service Alliance Agreement between local services and the Community Council specifying expected outcomes and performance standards. Local services are accountable to the local community through the Community Council for meeting these performance standards.
2. Joint local planning and the delivery of services to respond to 'joined-up' complex community issues
3. Review and evaluation of the Service Alliance Agreement against performance standards on a yearly basis by all signatories.

The Service Alliance Agreement is a mechanism to ensure the direct accountability of services to the local community.

It is BoysTown's view that the development of Service Alliance Agreements in individual Indigenous communities that included strategies targeting crime and its prevention would be an effective response to reducing offending behaviour. The concept of local community sponsored justice initiatives is not new. However the Service Alliance Agreement concept may provide a valuable framework for these projects as it will enhance the direct accountability of these initiatives to the local community, thereby increasing their effectiveness.

¹ East Kimberley COAG Trial Formative Evaluation. 14 September 2006. Final.

Who should be represented on the taskforce overseeing the Indigenous Justice Strategy and providing advice to government, for example, gender balance, and/or a balance between community, government and business?

Ownership of the strategy through the establishment of community-based representative bodies

The Queensland Governments *Draft Aboriginal and Torres Strait Islander Justice Strategy 2011–2014* outlines the establishment of a Queensland Aboriginal and Torres Strait Islander Justice Taskforce to oversee the implementation and direction of the strategy.

BoysTown's experience in working with remote Indigenous communities' supports the Governments attempt to engage with Aboriginal and Torres Strait Islander people, but is of the opinion that the establishment of local community-based representative bodies would be more effective in achieving real progress than the proposed state-wide taskforce. Through the establishment of local representative bodies, the process of engagement has the potential to be both empowering and encourage ownership of the Strategy and actions at a local level.

BoysTown believes that recognition and respect for the diversity of culture, politics, demographics, language, communication style, historical context, cultural protocol and community-specific issues in each of the Indigenous communities identified in the Strategy, is imperative to developing trusted and sustainable relationships between Aboriginal and Torres Strait Islander communities and individuals, government and non-government agencies.

The challenge for all organisations partnering and working with remote and urban Indigenous communities is to ensure that their strategies will strengthen and not further fragment the relationships within and between Indigenous families and communities. One approach to this challenge is the recognition that the issues impacting on individual children and their families cannot be addressed without reference to their cultural and community context. In this sense, each Aboriginal and Torres Strait Islander community is unique and should be treated as such. By addressing the over-representation of Indigenous people in the juvenile and adult justice systems at a community level, each community has the opportunity to identify both the problems and strengths within their own community and determine how these issues can be best addressed.

The establishment of community-based representative bodies for the Strategy may be initiated by recognising and utilising existing networks and identifying experienced local Aboriginal and Torres Strait Islander employees. Communities may already have established councils that could be approached to be involved with the Strategy. BoysTown believes that each community-based representative body may consist of members including Community Elders, elected local representatives, senior community members and local Aboriginal and Torres Strait Islander social and youth workers, but acknowledge that the community is best-placed to identify appropriate representatives. Once established, it may be possible for each community to develop a Service Alliance Agreement between local services, Government, private industry and the community-based representative body to deliver the services that the communities require.

It is therefore recommended:

Recommendation 1:

That the Queensland Governments *Aboriginal and Torres Strait Islander Justice Strategy 2011–2014* involve an engagement process with Aboriginal and Torres Strait Islander communities, through the establishment of community-based representative bodies.

What are your views on the actions proposed in this Strategy to reduce offending and reoffending of young people and Aboriginal and Torres Strait Islander adults and what other actions should be considered to further this objective?

Building the strength and resilience of family

The *Draft Aboriginal and Torres Strait Islander Justice Strategy 2011–2014* includes five actions that involve engagement with Aboriginal and Torres Strait Islander families. Falling under the target of “Addressing the causes of crime through crime prevention and early intervention for children, young people and families”, these actions include strategies to: encourage parents to support early childhood education; provide parental support; and promote positive parenting.

Through BoysTown’s work with Aboriginal and Torres Strait Islander communities, it is our view that initiatives focused on improving Indigenous well-being and reducing the over-representation of Indigenous young people and adults must focus on family: the strengths; building the resilience of family; identifying and addressing the problems that exist within families; and acknowledging the historical factors impacting on families and parenting.

Indigenous people have a network of interactive and reciprocal relationships across family, the broader kinship group and their identified community. Interventions within Indigenous families need to take into account the systemic impact of these intercessions across the relationship system. It is the view of BoysTown that intervention strategies need to be developed, implemented and evaluated at an individual, family and community level. It is the view of BoysTown that this will only be achieved by engaging and strengthening Aboriginal and Torres Strait Islander families, extended families and communities through mutual respect, cultural awareness and the investment of time.

Accommodation

The *Draft Aboriginal and Torres Strait Islander Justice Strategy 2011–2014* includes a number of targets and actions concerning the education and employment of Aboriginal and Torres Strait Islander people upon leaving jail or detention, but does not address the issue of homelessness amongst this vulnerable population. The transition from detention into the community can be period of immense mental and emotional anguish, and for some persons, the start of homelessness.

In April 2010, BoysTown provided a submission to the Discussion Paper on 'A National Quality Framework to Support Quality Services for People Experiencing Homelessness'. In this submission we outlined the high vulnerability of people experiencing homelessness, particularly children and young people and the need for the community to ensure that special protection is provided to them. The highest proportion of the homeless population is now the 12-18 years old group – 21% of the homeless population. For some young people who are leaving detention, homelessness may occur because: the family environment is not a safe place to return; the child or young person may not be welcome at home; or the community in which they lived prior to detention is somewhere they want to leave behind in order to reduce their risks of reoffending.

It is BoysTown’s experience that services need to be resourced to deliver a continuum of care to vulnerable and homeless people. BoysTown’s San Miguel Family Centre in North Richmond, New South Wales, provides short-term accommodation for families experiencing homelessness. San Miguel is one of the only refuges in Australia that supports large family groups, including fathers and adult males. BoysTown provides more than temporary, emergency accommodation; we offer support, counselling and guidance to help families tackle the issues creating their homelessness. Our staff work with families to develop their life skills such as parenting, family relationships, budgeting, cooking and communication.

The children receive support from child development workers and are enrolled in the local schools.

We believe that this holistic approach to addressing the cause of homelessness and supporting individuals and families to find appropriate, long term, sustainable housing is a model that should be adapted for all young people and adults who are homeless upon their release from detention or jail. It is therefore BoysTown's recommendation that:

Recommendation 2:

That the Queensland Government include targets and actions within the *Aboriginal and Torres Strait Islander Justice Strategy 2011–2014* for the provision of support services, to ensure that every young person and adult has access to accommodation upon their release from detention or jail.

Transition Plans

The over-representation of Aboriginal and Torres Strait Islander young people, both entering the juvenile justice system and in rates of reoffending, highlights the importance of providing young people who are leaving detention with appropriate supports. BoysTown believes that the period of transition for young people leaving detention or jail reflects many of the same daunting challenges faced by young people leaving the out-of-home care system.

The Department of Communities (Child Safety) released the following statement concerning young people leaving out-of-home care.

"The transition into adulthood can be both exciting and daunting, particularly for young people who have been in out-of-home care. Young people who are in, or transitioning from, out-of-home care have the same developmental needs as those young people who are not in care, but they also face a range of unique issues and circumstances that highlight their particular need for support during this time. Young people leaving care are often confronted by issues such as reconnecting with their families and communities, coming to terms with the reasons why they came into care or finding themselves alone, without the security of a family or community to fall back on. A well-planned, gradual and flexible process for transitioning young people from care is very important, including the potential provision of support for a period of time after they have left care, until all the goals have been met"
Department of Communities (Child Safety), 2008.

It is the view of BoysTown that all young people leaving remand, detention or incarceration, should receive the same level of support and assistance as young people transitioning from out-of-home care into independence. BoysTown believes that "Transition Plans" should be mandatory and completed by youth or support workers known to the young person both while they are in detention and in the month(s) post-release. It may therefore be necessary for "Transition Plans" to be included in the legislative and/or policy documents of the Department of Communities² (Youth Justice) and the Department of Community Safety³ (Adult Corrective Services).

Through the provision of appropriate services based on the completion of a "Transition Plan" for every young person entering and exiting Queensland detention centres or jails, it is hoped that many of the following challenges facing this vulnerable population may be addressed, including:

² *Youth Justice Act 1992 and Youth Justice Regulations 2001*

³ *Corrective Services Act 2000 and Corrective Services Regulation 2006*

- registering for services and benefits;
- finding a job;
- finding a place to live;
- getting further education or training; and,
- getting access to health, counselling, support or legal services.

Removing 17 year olds from Queensland's adult prisons

It is also our view that systemic reform of the criminal justice system is required to reduce offending levels amongst Aboriginal and Torres Strait Islander youth. In 2010, the Queensland Commission for Children, Young People and Child Guardian released a position statement concerning the treatment of 17 year olds as adults in the Queensland criminal justice and corrections systems. This paper highlighted that Queensland is the last Australian State or Territory to include 17 year olds in the adult criminal justice system and that in doing so; the Queensland Government is in breach of Australia's obligations under the United Nations *Convention on the Rights of the Child*.

While BoysTown is in support of the Strategy's aim to reduce Indigenous offending and reoffending in Queensland, we believe that the removal of 17 year olds from Queensland's adult prisons must occur.

The inclusion of 17 year olds in the youth justice system by the Queensland Government would acknowledge that the emotional, developmental and physical needs of this population are different to those of adults. BoysTown is of the view that the inclusion of 17 year olds in youth detention would ensure improved access to rehabilitation, literacy and numeracy programs, access to schooling and community-based orders for this vulnerable population which are necessary to reduce re-offending.

It is therefore the recommendation of BoysTown:

Recommendation 3:

That the Queensland Government investigate the implementation of "Transition Plans" to assist young people leaving detention or prison, in order to: provide appropriate support; increase the individual's ability to succeed post-release; and reduce the risk of recidivism.

Recommendation 4:

That the Queensland Government commits to removing all 17 year olds from adult Queensland prisons and that 17 year olds with outstanding sentences are transitioned to youth detention centres.

The use of Social Enterprises to promote education, work and to reduce crime

The *Draft Aboriginal and Torres Strait Islander Justice Strategy 2011–2014* includes a number of actions aimed at reducing offending through employment, education and training opportunities. BoysTown believes that the empowerment of young people through education, training and employment is pivotal to reducing offending and reoffending, but also acknowledges the many challenges facing Aboriginal and Torres Strait Islander people on release from incarceration or detention. The expectation of the Strategies program "From Jail to Jobs", placing recently released Indigenous adults into immediate employment post-release, fails to recognise the social, mental and emotional challenges facing this marginalised population. All Aboriginal and Torres Strait Islander young people may not be ready for open employment on their release from imprisonment.

An emerging trend in the UK and Europe has been the development of what are known as

'work integration' social enterprises (WISE). These types of enterprises are also known as 'intermediate labour markets' (ILMs) because they provide long term unemployed and marginalised people with a transitional period of paid employment in a genuine work environment, combined with supervision, coaching and mentoring to assist them in making a successful transition to the mainstream labour market (BSL 2007).

The concept is based on evidence based research about the benefits of engaging marginalised unemployed people in productive, paid employment as a means of promoting social inclusion. In addition to providing income, paid work helps disadvantaged people to build self esteem, status and personal identity, to develop on-the-job skills and to expand their social experience (Spear & Bidet 2005). WISE also produce longer term benefits for the local community which would otherwise experience the negative impact of high crime rates, skills shortages and increased public health and social security costs (Nyssens 2006). In Australia this concept is increasingly being used by not for profit organisations as a response to social exclusion. For example, St Vincent de Paul, the Brotherhood of St Laurence, Mission Australia, the Salvation Army and BoysTown use social enterprises as a strategy to assist in facilitating the social inclusion of their clients.

An example of a work integration social enterprise is a project currently operating in Blacktown, Western Sydney. With the support of New South Wales Housing, BoysTown removes graffiti from public housing areas in Western Sydney on a fee for service basis. This Graffiti Removal Enterprise employs Aboriginal and Torres Strait Islander people living in social housing. These contracts provide local young people with the opportunity to learn and earn. Vocational and non-vocational training is provided to increase their work skills and to provide accreditation. Some young people in these communities feel an overwhelming sense of hopelessness about the future. Consequently, Indigenous young people participating in these programs are also being supported by the provision of case management, counselling and personal development programs that focus on key issues currently impacting on the quality of their lives such as anger, drugs and alcohol and relationships. A literacy and numeracy program is also embedded into this social enterprise program as it has been found that the lack of these skills are a major barrier confronted by these young people in securing employment.

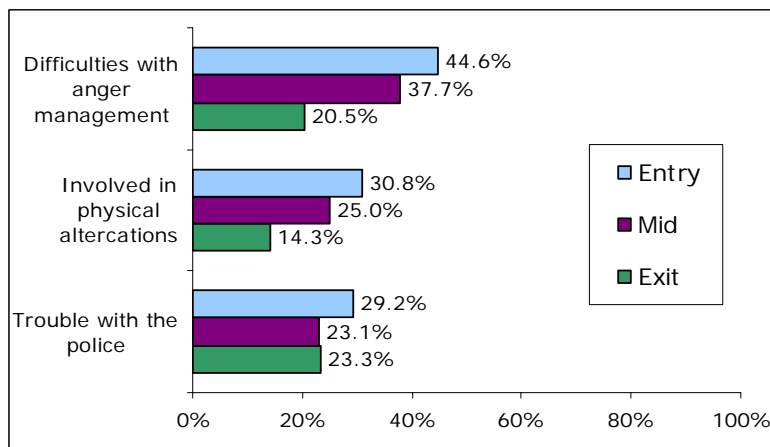
The outcome of these social enterprises is that vulnerable young people will gain accredited qualifications that they can use to either continue this work within their community on an independent basis or to enter open employment. The following data was obtained from 123⁴ Aboriginal and Torres Strait Islander young people that have participated in BoysTown's social enterprises and the ARC linkage project entitled, *Reconnecting Disaffected Youth through Successful Transition to Work*. Of the trainees interviewed, 30.3% had been in juvenile or adult detention before coming to BoysTown.

Antisocial and Offending Behaviour

Aboriginal and Torres Strait Islander young people showed improvements in antisocial and offending behaviour as they progressed through BoysTown's social enterprises (see figure below). Almost half (44.6%) of the young people commencing BoysTown programs had anger management issues which decreased to one-in-five young people by the time of exit. Offending behaviour was seen in 30.8% of Aboriginal and Torres Strait Islander young people on entry to BoysTown which decreased to 14.3% upon exit. There was also a 6% decrease in the Aboriginal and Torres Strait Islander young people who were getting into trouble with the police. In addition, 93% of Aboriginal and Torres Strait Islander young people managed to stay out of detention after coming to BoysTown. The graphs below include data collected at three different stages: firstly, upon entry into the BoysTown program; at the mid-point of their program; and finally, upon their exiting of the program.

⁴ Due to the mobile nature of socially excluded young people, not all participants could be contacted for the research at all three stages of research. Hence, 67 young people were surveyed on entry, 54 young people were surveyed midway through and 45 young people were surveyed upon exiting the program.

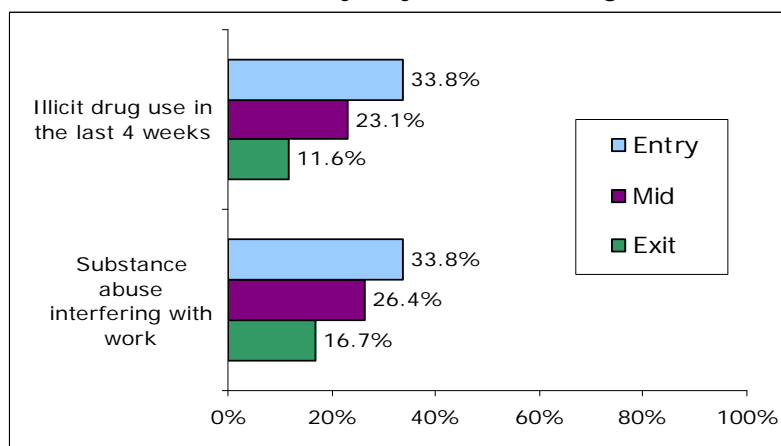
Table 1: Antisocial and Offending Behaviour by BoysTown's Aboriginal and Torres Strait Islander trainees



Substance Abuse

One-third of Aboriginal and Torres Strait Islander young people in BoysTown had a substance abuse problem when they first came to BoysTown (see figure below). This figure was halved by the time the young people were exiting BoysTown.

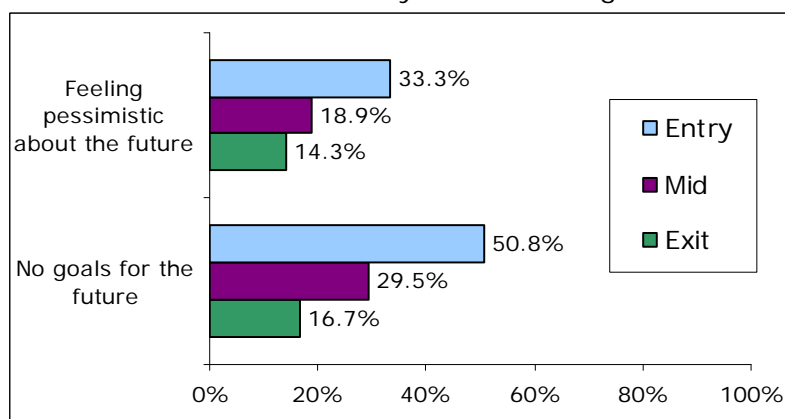
Table 2: Substance use by BoysTown's Aboriginal and Torres Strait Islander trainees



Future Outlook

The majority of Aboriginal and Torres Strait Islander young people participating in or upon exiting BoysTown's programs were optimistic about their future. Furthermore, 83.3% of young people had developed specific future goals as part of their engagement, as shown in the figure below.

Table 3: Future Outlook of BoysTown's Aboriginal and Torres Strait Islander trainees



Employment Outcomes

Three quarters of Aboriginal and Torres Strait Islander youth participants in BoysTown social enterprises achieved an employment outcome on exit. This compares favorably with the current level of employment and education outcomes being achieved by Job Services Australia for Stream Four clients which is currently 28%⁵

It is our view that the development of social enterprises providing real work opportunities in communities, linked to vocational training and further education can make a positive difference. It is therefore recommended:

Recommendation 5:

That the Queensland Government consider the implementation of social enterprises as a method of re-introducing recently released persons into a supportive environment that enables them to: engage in paid employment; establish social supports and networks; provides them with assistance to arrange accommodation; and provides appropriate counselling where necessary.

⁵ Source: DEEWR 2010, Tables 2.3 & 2.4

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