

Building effective throughcare strategies for Indigenous offenders in Western Australia and the Northern Territory

Hilde Tubex
John Rynne
Harry Blagg

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Positioning statement

As non-Indigenous researchers we cannot and do not claim Indigenous knowledge. In this research we report on the stories and experiences of Indigenous peoples that were shared with us and see ourselves as the carriers of their message. In the report we use the terminology Indigenous and Aboriginal peoples interchangeably, however respectfully acknowledging the diversity and uniqueness of Aboriginal and Torres Strait Islander peoples in Australia, their histories, cultures and traditions. In the spirit of respect, we acknowledge and pay respect to the traditional custodians of this country, the Aboriginal and Torres Strait Islander peoples of Australia, and their continuing connection to land, waters, sea and community.

While we have consulted with as many participants as practically possible to seek support for our findings and interpretations, it is evident that all errors and omissions are the responsibility of the authors.



Acronym List

Australian Bureau of Statistics (ABS)

Australian Law Review Commission (ALRC)

Council of Australian Governments (COAG)

Non-government organisation (NGO)

Office of the Inspector of Custodial Services (OICS)

PriceWaterhouseCoopers (PwC)



Executive Summary

The aim of the research is to develop effective throughcare strategies for Indigenous offenders. It is based on a community-led approach, starting from the perceived needs of Indigenous peoples on return to their communities. The findings are the result of interviews with men and women in communities, with and without lived experience, community Elders and Respected people and local service providers. The research sites are the Kimberley region in Western Australia (Broome, the Dampier Peninsula, Derby and Fitzroy Crossing) and the Northern Territory (Darwin, Alice Springs and Melville on the Tiwi Islands).

In the literature review we provide data on the over-representation of Indigenous peoples in the prison population of both jurisdictions, as well as findings from other research related to throughcare needs. We explain the theoretical framework from which we start and the methodology used. The result section presents the main themes that emerged from the interviews after they were transcribed and analysed with NVivo (38 interviews, 59 people involved). These findings have been discussed with as many participants we could consult with and have been supported by them. As we find it important to present the perspectives and knowledges of the Indigenous peoples, the result section is built on what was shared with us in the interviews, as illustrated in numerous quotes, giving Indigenous peoples a voice without reframing through non-Indigenous perspectives.

The analysis of the interviews demonstrated that the starting point for any effective intervention needs to be based on the acknowledgment that interactions of Indigenous peoples with the criminal justice system in general, and with prison in particular, are different. This is related to the ongoing effects of colonisation and multiple forms of deprivation, but also to the importance and uniqueness of Aboriginal culture and lifestyle. At many occasions, people explained how the Indigenous community lifestyle and cultural obligations clash with Western world expectations and regulations. These conflicts impose an additional burden on Indigenous peoples during imprisonment and after release, and are risk factors for re-offending. Colonialist interventions also weakened the traditional structures of conflict resolution and the influence of Elders and Respected people being in charge of community control, which again create criminogenic risks.

Further themes that were discussed in the interviews were the lack of housing or a safe place to go to after release, overcrowding, family feuds and peer pressure, interfering with the attempts of ex-offenders to desist from criminal activity. There is a clear need for more and supported accommodation, providing assistance on how to deal with administration, family and community reintegration and budgeting. Another main area of need was access to the labour market and the need for flexibility if employment interferes with cultural obligations. In this respect, prison training should provide for activities that are relevant for Indigenous peoples, also addressing the underlying issues of criminal behaviour, and be developed and delivered by and with Indigenous peoples. Underlying issues are violence and substance abuse, but also dealing with grief, trauma and loss. With all aspects of service delivery, it was felt that assistance needs to be hands-on, beyond the bureaucratic approach of providing paperwork and referrals.

Interviews revealed a lack of collaboration and coordination between service deliverers inside and outside the prison, and between external service providers. There is a myriad of agencies active in the field, often based on unstable and short term funding, which creates confusion and overlap. A more structured approach with collaboration agreements and Memoranda of Understanding is needed. The need for culturally appropriate service delivery is even more outspoken when it comes to Indigenous women, given their significant increase in the prison population and their role in the family and their community.



Moreover, within the criminal justice system there are many traps and alleys leading Indigenous peoples more easily into punishment: over-policing, visibility and susceptibility to police intervention, lack of legal representation, and last but not least, the lack of engagement of Indigenous peoples with the Western criminal justice system. Traditional conflict resolutions are still strong practice in the regional and remote communities where we conducted the research, and more culturally valid to them. This, in combination with the complexity and opacity of the Western criminal justice system, prevents Indigenous peoples to fight for their rights, but just accept punishment as inevitable and sometimes the lesser of evils.

In the conclusion, these themes are further contextualised and linked to policy and other initiatives that could be taken to develop effective throughcare strategies for Indigenous offenders. They are further crystallised in more practical recommendations for reform. While our findings are place-based and therefore most valid for the regions where we conducted our research, the main underlying issues are also relevant for other places and jurisdictions.

However, it is not the intention of this report to provide a blueprint ready for implementation: the common thread throughout the findings is the recommendation that good practices can only be developed with and by Indigenous peoples and their communities, as well as their service providers. A true community-based approach can only be built from the grassroots, with respect for and understanding of Indigenous ontologies, epistemologies and axiologies.



Literature Review

Indigenous over-representation in the prison

Indigenous over-representation in the criminal justice system is a longstanding and well documented characteristic of the Australian penal landscape. The following data outline the concerning size of the problem.

According to the Australian Bureau of Statistics 2016 census data, 2.8% of the Australian population identified as Aboriginal or Torres Strait Islander peoples. The percentage of Indigenous peoples in the general population is the highest in the Northern Territory, (25.5% or 58,000 Indigenous peoples) while it is 3.1% in Western Australia (or 76,000 Indigenous peoples) (ABS 2016). Further, in the Northern Territory and Western Australia, most Indigenous peoples live outside of the capital area (respectively 80% and 60%), with problems of service delivery in regional and remote communities (ABS 2012).

In big contrast to the small proportion of Indigenous peoples in the Australian population is the percentage of the prison population that identifies as Aboriginal or Torres Strait Islander. Nationally their proportion is 28%, it is the highest in the Northern Territory (84%), followed by Western Australia (39%) (ABS 2018).

The Aboriginal and Torres Strait Islander age standardised imprisonment rate in 2018 is the highest in Western Australia (3,717 per 100,000 Aboriginal and Torres Strait Islander adult population), followed by the Northern Territory (2,579). In Western Australia, Indigenous peoples are 16 times more likely than non-Indigenous people to be imprisoned, while in the Northern Territory it is 12 times (ABS 2018).

Indigenous women

The picture looks even more perilous when it comes to Aboriginal women. On the 30th of June 2018, Indigenous women make up 47% of the adult female prison population in Western Australia and 83% of the adult female prison population in the Northern Territory. The Indigenous female imprisonment rate is the highest in Western Australia (1087), more than twice the national average (510), while there was a recent decline in the Indigenous female imprisonment rate in the Northern Territory (379), bringing it under the national average (ABS 2018).

Research (ALRC 2017: 162-163) demonstrated that Aboriginal and Torres Strait Islander women in prison are disproportionately more likely than their non-Indigenous counterparts to:

- have experienced family violence and sexual assault;
- be mothers and primary care givers of children;
- have mental illness or cognitive disability;
- have substance abuse issues;
- have entered into the child protection system as children;
- have earlier and more frequent criminal justice contact—including police contact and incarceration;
- be living in unstable housing or homeless;
- be unemployed; and
- have lower levels of educational attainment.



Further, the Human Rights Law Centre (2017: 12) found that, based on the little available data on Aboriginal and Torres Strait Islander women's interaction with the justice system, that they are:

- nearly twice as likely as non-Indigenous women to have been imprisoned previously, which in turn means a higher risk of being re-imprisoned;
- charged and prosecuted at high rates for minor offending, such as public order offences, driving and vehicle offences and shop-lifting offences, in some jurisdictions;
- more likely to be imprisoned for acts intended to cause injury than non-Indigenous women;
- more likely to be in prison serving shorter sentences than non-Indigenous women;
- being imprisoned on remand in growing numbers;
- at greater risk of being unable to pay fines and comply with bail and parole conditions and community sentencing orders.

Indigenous peoples and remand

One third of Indigenous peoples in prison are on remand (33%), while waiting for their trial or sentence, there are no jurisdictional data available (ABS 2018). Reasons for this are the fact that they are less likely to get bail and have an increased risk to breach bail conditions (for further detail, see ALRC 2017). Indigenous women are the fastest growing group within the remand population. According to a Inspector of Custodial Services report, in Western Australia their number grew with 170% between 2009 and 2014 (OICS 2015).

Indigenous peoples and short sentences / fine default

Indigenous peoples often serve short sentences: in Western Australia, 20% of sentenced Indigenous peoples in in prison served a sentence of less than 12 months, in the Northern Territory that is 43%, 23% of them serving a sentence of less than six months (ABS 2018). Short sentences are particularly damaging as they hardly allow for access to programs, courses and counselling, and have devastating impacts on the offender's community and family. This concern is even more outspoken when it comes to Indigenous women (ALRC 2017). Further, imprisonment for fine defaulters is most prevalent in Western Australia: according to a Office of the Inspector of Custodial Services report, Aboriginal and Torres Strait Islander men represent 38% of the male fine default prison population and Aboriginal and Torres Strait Islander women 64% of the female fine defaulter prison population – they constitute the fastest growing fine default population. Further, the report found that 73% of female fine defaulters in Western Australia were unemployed when imprisoned (OICS 2016). The Aboriginal Legal Service of Western Australia has stated that 'the complex underlying problems that exist for vulnerable fine defaulters (such as mental illness, cognitive impairment, homelessness, poverty, substance abuse, family violence and unemployment) will never be addressed by the current blunt fines enforcement system in Western Australia' (ALRC 2017: 113).

Indigenous peoples and mandatory sentences

Both Western Australian and the Northern Territory introduced mandatory sentences for non-violent offences. In the Northern Territory they were repealed after four years under international criticism from the United Nations. In Western Australia, the 'three strikes' legislation for repeat home burglary offenders still exists and has even been extended on several occasions. Over time, both the Law Council of Australia and the Law Society of Western Australia have taken a strong negative policy position against these sentences,



stating that they are undermining the fundamental rule of law and human rights principles, are ineffective, unjust, and mainly affect young Indigenous peoples (Law Council of Australia 2014; Law Society of Western Australia 2016). In a recent discussion paper, the Australian Law Reform Commission reports that it is difficult to make a direct correlation between high incarceration rates and mandatory sentences, due to lack of data. However, they state that ‘the two most common categories of offence recorded for Aboriginal and Torres Strait Islander offenders in WA are “acts intended to cause injury” and “unlawful entry with intent”, categories in which the above offences that attract mandatory penalties would fall’ (ALRC 2017: 76).

Indigenous peoples and parole

Indigenous peoples often do not apply for parole at the end of their non-parole period. It was reported that in Western Australia, 80% of the Indigenous peoples who were released in 2014-15 left the prison without parole (COAG 2016). According to the most recent statistics available on the Northern Territory (2016-17), 45% of Indigenous peoples served their full sentence in prison, while for non-Indigenous people this was 21% (Northern Territory of Australia 2018). Research published by the Australian Institute of Criminology suggests that people who receive parole have significantly lower rates of recidivism or commit less serious offences than those released unsupervised, and that parole is most effective when it involves active supervision that is rehabilitation focussed (Wan et al. 2014).

Indigenous recidivism

High rates of recidivism have been identified as one of the main drivers of Indigenous over-representation in the prison and are an important public policy and social justice problem throughout Australia.

In 2018, 80% of all sentenced Indigenous peoples in Western Australian prisons had a known prior imprisonment, compared to 49.5% of the non-Indigenous sentenced people; the figure is 81% compared to 29% in the Northern Territory (ABS 2018). Research into the release of Indigenous men incarcerated for violent offences has demonstrated that Indigenous offenders are more likely (55%) to be readmitted to prison within two years than non-Indigenous offenders (31%) and more than twice as likely to return to prison for assault (44% against 20%) (Willis & Moore 2008).

The cost of Indigenous incarceration

Incarceration is not only a very intrusive form of punishment, but also very expensive: a recent report calculated that, based on economic modelling, Indigenous incarceration is currently costing the Australian economy \$7.9 billion per year. If no changes are made, this cost will rise to \$9.7 billion per year in 2020 and \$19.8 billion per year in 2040 (PwC 2017). Further, the report states that the costs vary significantly according by jurisdiction and provides the following detail:

Western Australia has the highest total fiscal cost of Indigenous incarceration, totalling \$1.1 billion in 2016. This is driven by higher operating costs (police) and a large cohort of individuals in the justice system.

The Northern Territory incurs the highest estimated cost per capita (\$1,716) – four times greater than Western Australia.

It has been claimed that addressing high rates of recidivism is the most effective way to reduce the prison population and save costs. Weatherburn et al. (2009), calculated that a 10%



reduction in the overall re-imprisonment rate in New South Wales would have reduced the prison population by more than 800 people, saving \$28 million per year.

The impact of incarceration on Indigenous communities

The high over-representation of Indigenous peoples in the prison carries the risk of reaching a 'tipping point' in certain communities so that crime increases once incarceration reaches a certain level (Brown 2010). Modelling suggests that at any point in time in the Northern Territory, 4-14% of Indigenous men and 0-2% of Indigenous women between 20-39 years are missing from their communities. This means that as many as one in seven Indigenous men are in prison at any given time. This has, according to the authors, 'the potential to create severe dysfunction in terms of population structures, and social and economic impacts on affected communities' (Payer, Taylor & Barnes 2015: 1). Maintaining and strengthening family ties can positively affect post-prison outcomes, while not doing this can have the opposite effect, as communities are being damaged and become more 'disorganised' if large numbers of community members find themselves in prison (Baldry & McCausland 2009; Haswell et al. 2014). Research has demonstrated that high rates of imprisonment break down the social and family bonds that guide individuals away from crime, remove adults who would otherwise nurture children, deprive communities of income, reduce future income potential, and engender a deep resentment towards the legal system. As a result, as communities become less capable of managing social order through family or social groups, crime rates go up (Ross & Clear 1998 in Kelly & Tubex 2015). It is therefore crucial that the transition from prison to the community is based on a model of throughcare that is effective for Indigenous peoples and their communities.

The Need for Effective Throughcare

The 'Prison to Work' report describes throughcare as:

Prisoner through care projects provide comprehensive case management for a prisoner in the lead up to their release from prison and throughout their transition to life outside. Projects aim to make sure prisoners receive the services they need for successful rehabilitation into the community during the course of their transition from inside to out. (COAG 2016: 62)

Further, the report came to the conclusion that 'There is insufficient transitional support and through care' (COAG 2016: 40). According to the report, finding support is mainly based on the intervention of particularly driven or supportive caseworkers, providing assistance after hours and beyond what they are paid for, instead of a structured support being available. Service providers stated that effective support is only possible through continuous service provision and collaboration. There was strong consensus that the difficulties people are facing re integration are significantly underestimated and that seemingly simple activities are proven to be overwhelming. Men talked about their loss of identity in their families and community, as their partner had been running the household while they are in prison, with flow on effects for their mental health and behaviour. The situation is particularly difficult for people from remote communities, due to a lack of service provision and the likelihood that they return to a situation that was connected to their offending in the first place. The report highlighted the importance of cultural competence in programs and the coordination in the delivery of throughcare and post-release services, particularly for Indigenous women.

The problem of return from custody to community has been acknowledged by government organisations, as demonstrated in round table discussions organised by the Criminology



Research Council in 2001 (Ogilvie 2001) and the Australian Institute of Criminology in 2002 (Borzycki & Baldry 2003). From these discussions, two important conclusions emerged:

- That there is a lack of knowledge concerning the post-release challenges Australian people in prison are facing and the best way to organise imprisoned peoples' return as to decrease reoffending. Little is known about the size, nature and particular disadvantages of the people leaving prison, and an accurate description of the returning population, including the localities where they settle after release is needed to fill the substantial gaps in Australian knowledge. Further, it was emphasised that a strength based approach is required, making use of personal and community assets, and the need to adjust to local circumstances.
- That it is beyond the capacity of corrective services to address all the post-release issues. Reintegration is sometimes more an issue of integration as a new experience, as the very reason why they offended and got in prison might not have been resolved, or even worsened over the prison term.

It is the aim of this research project to contribute to filling the gap in our understanding of what is needed to develop effective throughcare services for Indigenous offenders from a community-based perspective.

Aims of the Research

The aim of this research is to:

- Identify the needs of male and female offenders on (supervised or full time) release;
- Through engagement with Elders and people in the selected communities in a culturally appropriate manner, as well as;
- To engage with services working with these communities post-release;
- To develop community-led strategies to support offenders after release;
- To provide guidelines for an appropriate and effective throughcare approach for offenders;
- To advise government departments on improved practices to prepare for release;
- To set the example for effective throughcare approaches to be developed and implemented in other communities.

While a throughcare approach has been adopted by government agencies, and is being considered a valid and valuable approach in terms of reintegration, in practice it seems to be failing in meeting the needs of Indigenous offenders returning to their communities. This results in one of the most compelling criminological problems in Australia, being the high rate of over-representation of Indigenous offenders in the prison population. It is therefore of national significance that that an appropriate throughcare model for Indigenous offenders is being developed.

Theoretical Framework

The theoretical framework from which we start in this project is that, for the transition from custody to community to be effective, we have to develop a throughcare model that is informed by the identification of the needs of offenders and the communities to which they return. This is particularly the case for Indigenous offenders as Indigenous peoples have a strong need to reconnect with family, community and culture.



Research on Indigenous over-representation in the criminal justice system has demonstrated the enduring links with Australia's colonial history, which resulted in multiple forms of deprivation for Indigenous peoples, which have proven to be criminogenic (Blagg 2016). To prevent a further colonising penal approach, effective throughcare for Indigenous offenders needs to be holistic, culturally appropriate and based on the specific circumstances of Indigenous peoples. It needs to be grounded in their own cultural values, beliefs and realities, utilizing grass-roots movements to strategize for change (Baldry & McCausland 2009; Carlton & Segrave 2013).

But to be able to do that, we need to find out what the views and ideas of Aboriginal men and women are related to post-release needs, as that is crucial to reduce recidivism. For now, evidence on determinants deemed important by Aboriginal peoples themselves is limited. A study into the reintegration of Indigenous men incarcerated for violent offences and released from prison demonstrated the need to improve support during transition back into the community through the involvement of family and community, especially in remote settings. Interviews with people during imprisonment and after release and service deliverers revealed the need for community and family involvement in programs and services, because of their important influence after return to the community (Willis & Moore 2008). The researchers concluded that 'More needs to be known about what Indigenous offenders experience when they return to their communities, and how the benefits of correctional programming can be maintained and enhanced after release.' (Willis 2008: 6). Evaluating improved health outcomes for Aboriginal women leaving custody, it was found crucial to strengthen the Indigenous women's own capacity, resilience and support network for throughcare to be sustainable (Haswell et al. 2014). 'Much greater research in this area is required, particularly research that includes Aboriginal and Torres Strait Islander people, Aboriginal and Torres Strait Islander culture and worldviews' (Haswell et al. 2014: 16). To make Indigenous peoples desist from crime, the (extended) family needs to be the 'unit of intervention and research', as informal support is essential to avoid re-incarceration (Haswell et al. 2014).

These findings form the basis of the methodology as detailed below.

Methodology

Research with Indigenous peoples

Aboriginal and Torres Strait peoples are often referred to as one of the most over-researched populations in Australia (Leeson, Smith, & Rynne 2016; Rigney 1999). Despite this plethora of research in such diverse fields as contact with the criminal justice system, health needs and issues, housing and poverty, there has been negligible improvement in the daily lives of many Australian Indigenous peoples (Commonwealth of Australia 2017).

Why scholarly research and the vast array of government and non-government organisation (NGO) reports have been unable to cut through to contribute to decisive ongoing changes in improving Aboriginal and Torres Strait life could, in part, be attributable to a reliance on Western research methods (Blagg 2016; PwC 2017). As researchers in the field have noted, often the research approach is grounded in conventional methods that fail to consider Indigenous peoples ontologies, epistemologies and axiologies (Anthony 2013; Blagg 2016; Leeson, Smith, & Rynne 2016; Martin 2008; Rynne & Cassematis 2015). That is, researchers have applied methods appropriate for non-Indigenous populations to Aboriginal and Torres Strait Islander peoples in the hope that the validity and reliability of methods proved for the former similarly apply to the latter (Adams, Drew, & Walker 2014). This, of course, may not be the case.



While traditional approaches may be methodologically poor practice when conducting research with Indigenous peoples, the greatest danger in such approaches is that they may contribute to ongoing colonisation (Blagg 2016; Cunneen 2009; Cunneen & Rowe 2014; Leeson, Smith, & Rynne 2016; Rynne & Cassematis 2015). To safeguard Indigenous peoples, the National Health and Medical Research Council (NHMRC) detailed 'Ethical guidelines for research with Aboriginal and Torres Strait Islander Peoples'. These guidelines require that research will ensure reciprocity, respect, equality, responsibility, survival and protection, and spirit and integrity. A global perspective of these guidelines ensures that research involving Aboriginal and Torres Strait Islanders will not perpetuate ongoing colonisation or deep colonisation (Marchetti 2006), through, for example, controlling research questions, validating knowledge from a particular non-Indigenous frame of reference, misinterpreting results or misappropriating knowledge in the development of policy that will continue to treat Indigenous peoples as the inferior 'other' (Cunneen & Rowe 2015; Durie 2005; Rynne & Cassematis 2015; Walter 2005, 2010). Further, The Human Research Ethics Committee at UWA¹ requires research projects that involve Aboriginal or Torres Strait Islander peoples to also consider the Australian Institute of Aboriginal and Torres Strait Islander Studies' (AIATSIS) 'Guidelines for Ethical Research in Australian Indigenous Studies'. Therefore, important considerations in carrying out the research were to ensure respect of Indigenous peoples' priorities and time commitments (visits were scheduled and rescheduled to the convenience of participants), self-determination (we refrained to report on traditional knowledge if that was shared with us), protection of Indigenous knowledge (not disclosing names or other identifying information), free prior and informed consent, consultation and negotiation (see Appendices C, D and E, introduction through Elders and Respected people, face-to-face meetings), participation and collaboration (active involvement of Indigenous peoples throughout the research), benefits for Indigenous peoples (distribution of findings with approval of the funding body) and the safe use and storage of data (according to UWA Ethics requirements).

In recent years there has been a trend towards research methods that are cognisant of the need to ensure research not only complies with the above guidelines, but is also decolonising and empowering for Indigenous peoples (Cunneen & Rowe 2015; Leeson, Smith, & Rynne 2016). Guided by the 2007 United Nations Declaration of the Rights of Indigenous Peoples that prescribes minimum standards for the survival, dignity, security, and wellbeing of Indigenous peoples, greater respect and obligation to ensuring Indigenous ontologies, epistemologies and axiologies has and is being achieved in research (Australian Human Rights Commission 2007; PwC 2017). Crucial in the decolonization of research methods is that the outcomes contribute to Indigenous peoples' self-determination and ensures cultural safety and values (Cunneen & Rowe 2014; 2015).

Yarning as a research methodology

In ensuring a contribution to self-determination and cultural safety, non-Indigenous researchers require research methods that are open to identifying and understanding the Indigenous' life experience within a certain context or social ecology. One such method of understanding Indigenous peoples is through the 'yarning' approach (Bessarab & Ng'andu 2010). For Indigenous peoples, yarning is a formal narrative process that shares knowledge through relationships. Through the narrative of storytelling, outcomes are achieved by the participants taking responsibility for formally sharing knowledge. This sharing of knowledge is reliant upon relationships of those involved in the narrative, the expected outcomes or

¹ Ethics approval was obtained from the Human Research Ethics Committee at UWA on 22 February 2016: RA/4/1/8047.



learning that is to occur, and responsibility and accountability between the participants, clan / skin groups and the lands that they are from (Bessarab & Ng'andu 2010; Dean 2010). Through the narrative of yarning, researchers are able to identify issues specific to particular skin groups or clans, as opposed to identifying all Indigenous peoples as a homogenous group when they are highly heterogeneous.

Yarning as a methodologically rigorous research method that is respectful of Australian Indigenous peoples is becoming more frequently adopted in a range of fields (Bessarab & Ng'andu 2010; Dean 2010; Fredericks et al. 2011; Leeson, Smith, & Rynne 2016; Rynne & Cassematis 2015; Walker et al. 2014). Yarning for the purposes of this research involved social, collaborative and, in some instances, therapeutic aspects. The primary aim of a yarning method is to conduct research that ensures cultural safety and respect for participants through a collaborative process that is value driven (Cunneen & Rowe 2014). Through this approach, power does not remain directly with the non-Indigenous researcher as is possibly the case with many existing empirical research methodologies. A one-sided research approach directly driven by a non-Indigenous researcher could be indirectly colonising. Unlike Western definitions of yarning that implies casual conversation, for Indigenous peoples, yarning is a formal process that shares knowledge and also entails elements of responsibility and accountability from those that are engaged in the process (Dean 2010). Bessarab and Ng'andu (2010) identified four forms of yarning. These include social, research topic, collaborative, and therapeutic yarning. Fundamentally, yarning for research purposes involves a two-step process. In the first stage, both parties (i.e., the researcher and the participant) engage in social yarning. Social yarning is informal conversation about matters usually not involved in the research topic. It is a process of building trust and respect between both parties during which both share information about themselves, their backgrounds, and life in general. The success of the process of yarning as a data collection method is determined by the trust and respect that is earned through the stage one process. While retaining a collaborative approach the second stage of yarning involves non-directive questioning regarding the research topic. This involves knowledge sharing through stories, examples and building on themes as they occur during the conversation that inform the research questions or aims. Importantly, the process of yarning is to empower Indigenous peoples' voices and values in the topic that is being discussed.

As with most field based qualitative research methods, effective yarning requires entry into the field that is respectful and understanding of the participants' values and cultural safety. Rynne and Cassematis (2015: 105) suggest that non-Indigenous researchers adopting a yarning approach must be '...respectful of the cultural importance and gain Elder, Respected Person, and participant approval prior to...' data collection. As indicated in the following, the skill of yarning is based on respect – a process that can be learnt through experience or as with many qualitative approaches, taught. Taken from the research, the following quote details how an officer from an NGO discusses with Indigenous peoples their needs following release:

Yeah. Well, the plan is always to firstly build rapport 'cause that can take time. So that's probably the first idea for me – is to go there, build rapport, talk to them about what I'm there for, but just hear their story, hear what they're doing, what they wanna do, how many kids do they have, what got them in there (prison), how many times they've been in there, all that sort of stuff. Initially, it would be about building rapport and then we'll start talking about – what do you wanna do when you come out? By then, I would already know. I'd already know what a lot of the issues were and how many times. Hopefully, got a little bit of background on what may be lying underneath, back in their childhood times, if there's anything there. And then we'll start talking about what we



can do when they come out, where they're gonna live, do they wanna get a job, do they think they can get a job, or they believe they can get one, you know? (Service Provider Alice Springs)

Using yarning as the data collection approach, the following details our data collection processes used across Indigenous peoples' communities and NGO's in determining the throughcare needs for people released in research sites.

Contacting service providers and community members

The two research sites - the Kimberley region in Western Australia and the Northern Territory - were selected because of the already strong relationships that have been developed by the researchers with local communities and services. As demonstrated above, related research has emphasised the importance of a research methodology that is decolonising in that it starts from Indigenous people's experiences, perceptions and knowledge. Therefore, we opted for a non-governmental and community-led approach, starting from the perceived needs of male and female offenders on return to their communities and based on the knowledge and expertise of local Indigenous peoples and services.

To approach people in the communities, we followed the appropriate protocols of conducting Indigenous research. In the Kimberley region, the research was supported by Men's Outreach Services. The researchers accompanied re-entry staff from Men's Outreach Services on two of their field trips, visiting clients in Broome, the Dampier Peninsula, Derby and Fitzroy Crossing, where they introduced us to Elders and Respected people in the community, their clients, staff and other service providers. In the Northern Territory, NAAJA and CAALAS were the main facilitators of the research. NAAJA provided the researchers with names and contact details of Elders and Respected people in the town communities around Darwin. The researchers contacted these people by mail and over the phone and made appointments for visits to their convenience. CAALAS in Alice Springs organised a focus group with their transition officers. Other services were contacted by the researchers. Regarding the Tiwi Islands, the Griffith University researcher has conducted a number of projects on the Islands and is well known to the Elders and community. To gain access and identification of people to interview, the senior Elder was contacted for approval to conduct the study and suggestions on who should be interviewed. We talked to as many people as possible while visiting the communities, as representative sampling was not appropriate or possible. In total 18 days of fieldwork were conducted for the data collection.

All participants were informed about the purpose of the research, the use of the results and reporting requirements (Participant Information Form in Appendix C). They provided verbal consent which was recorded or witnessed (Participant Consent forms in Appendix D). The duration of the interviews varied greatly, from half an hour to up to two hours for focus groups.

The approach we followed has proven to be time consuming (getting in touch with communities, scheduling interviews to the convenience of participants and changing circumstances, long driving distances to get to communities), but very valuable. It allowed us to gain a broad range of experiences, perceptions and insights from first hand, which form the basis of this report.



Data collection

Data was collected from a total of 38 interviews with individuals or in focus groups involving 59 people. Of those interviewed, 18 interviews included Indigenous peoples' community members and 20 members from service providers, both Indigenous and non-Indigenous, both with and without prison experience. Tables 1 and 2 detail the interviews conducted in the Kimberley region in Western Australia and the Northern Territory respectively.

Table 1. Kimberley interviews.

Location	Indigenous Communities	Service Providers
Kimberley (1st visit)	Mowanjum	Men's Outreach Broome
	Noonkenbah	Red Cross Derby
	Bayulu	Arts centre at Mowanjum
	MO clients in Broome and Fitzroy Crossing	Transitional officer Derby
		Men's shed Fitzroy Crossing
		Milliya Rumurra Drug and Alcohol Service Broome
Recorded interviews	5	7
People interviewed	5	13
Kimberley (2nd visit)	Pandanus Park	
	One Arm Point	
	Lambadina and Beagle Bay	
	MO clients in Broome and Derby	
Recorded interviews	5	
People interviewed	8	
Total Kimberley	17 interviews and 26 people involved	



Table 2. Northern Territory interviews.

Location	Indigenous Communities	Service Providers
Darwin	15 Miles	Larrakia
	Bagot	NAAJA
	Knuckey Lagoon	Catholic Care
	Amangal	Premier & Cabinet
	Tiwi Islands	Batchelor Institute Darwin
Recorded interviews	7	5
People interviewed	9	6
Alice Springs	Hermannsburg	CAALAS
		Bush Mob
		Community Corrections
		McDonald council
		Mission Australia
		Tangentyere council
Recorded interviews	1	8
People interviewed	1	17
Total Northern Territory	21 interviews and 33 people involved	
TOTAL INTERVIEWS	38 interviews and 59 people involved	

Data Analysis

The interviews were recorded and professionally transcribed. In some situations, recording was not assumed to be appropriate and in that case notes were transcribed by the interviewers directly after the interview. These conversations are not included in the tables above and have not been used in the quotes, but were mainly providing additional background information for the researchers. The process of analysing the transcribed interviews was conducted via a grounded theoretical approach of open, axial, and reflective coding. The first stage or open approach involved reading each transcript and coding each sentence with its general meaning or concept(s). The axial coding involved identifying and grouping similar themes or codes identified in the open coding. The final stage of coding, the reflective stage, involved aggregating the axial themes into core concepts to identify



consistent themes into nodes and sub-nodes. The coding was conducted using NVivo version 11.4.1.

Consultation

After the analysis of the interviews, a consultation paper was developed, summarising our understanding of what we were told in the interviews (Appendix E). This consultation paper was sent out by email to all the participants we had contact details available for to invite their feedback. For Western Australia, an additional trip to Broome was conducted to discuss the consultation paper. For the Northern Territory, a skype conversation was held between the principal researchers and the throughcare officer at NAAJA. Their comments are integrated in the results. The consultation paper was also sent to the Department of Justice in Western Australia and Corrective Services in the Northern Territory, together with selected topics specifically related to their practices, for which we invited feedback. The Department of Justice in Western Australia provided the following feedback: that 'The consultation paper captured most issues which were legitimate'. However, the Department asked to note that material in the paper cannot be considered as endorsed by the Department and or an expression of the policies or views of the Department. Further feedback comments are incorporated in the report. A similar consultation paper was prepared for the Northern Territory Department of Corrective Services. The Department have advised they are preparing a response to the consultation paper, but at the date of submission, we had not received that feedback.

Presentation of Results

The presentation of the results has been organised according to the main themes that emerged from the interviews using the NVivo data analysis as described above. As the aim of the research approach was to gather community perspectives on the strengths and needs of Indigenous peoples and communities, our comments are mainly summarising what was shared with us, as illustrated in the numerous quotes presented, giving Indigenous peoples and their service providers a voice without reframing through non-Indigenous perspectives. To ensure anonymity, the references to the quotes are kept general, referring to Participant / Service Provider and the location of the interview.

Culture and Lifestyle Factors

In the regional and isolated communities where we conducted our fieldwork, Aboriginal culture is still a strong part of life. Traditional lifestyle and cultural obligations interact with all the themes we will discuss in this section of the report and are therefore our point of entry. The whole interaction of Indigenous peoples and the criminal justice system has to be understood against the background of the results of colonisation, experiences of trauma and loss, and ongoing deprivations, often described to us as symptomatic of post-traumatic stress.

People have shared their concerns with us which are related to the daily struggle of having to live in two worlds / cultures which we will discuss below.

Clash of cultures

On a daily basis, Indigenous peoples experience the challenges of being torn between two worlds. This is first of all related to the fact that English is for many not their first language, but also to a different conceptual approach of life and practice. There was mention of the need of cultural awareness for people in the Western criminal justice system about Indigenous culture. Some participants also mentioned the need for contemporary and future

generations of Indigenous peoples to learn about living in a Western culture, while retaining their own Aboriginal culture to ensure cultural safety.

It's just one of those things that Western civilization called culture comes in. What can we do about it? Yes, we can do something about it. What we can do is we retain – maintain our culture and then same time, be smart, think of – or learn about the white fella way. We have to because I was just talking to someone, and I keep saying this, we have to learn that white man culture because we have to keep up the pace of the way society is changing because if we don't, then the next generation are going to be struggling to keep up with the pace of the society, the way it changes. So we got to be smart thinking about that. But I'm fearful and – sorry, not so much fearful, but I'm thoughtful that a lot of our Aboriginal brothers and sisters around Australia, because of the white man's law, a lot of people that are perhaps more educated than others, especially in urban – urban Aboriginals and down south, they're close to the city and a lot of other things they can do – that a lot of them tend to go to the Western processes of doing things and forgetting about the Aboriginal processes which has been there – which is always there for centuries and they get caught up in that. And sometimes that's what a lot of people struggle in – especially people in the urban centres. A lot of people in remote communities still got their culture strong. But we too are being drawn towards this – the Western way of doing things and it's not – there's nothing good or bad about it. It's just reality, I think, but we have to balance ourselves, be smart and say, "Which is good for the Western way of doing things and which is good our way, Aboriginal way, we'd be doing?" And we have to think about that while we think about helping our prisoners that come out. All these things come into play, if you like, when we think about prisoners. But it's never an easy thing to do. It's always challenging. (Participant Tiwi)

Imprisonment in itself often means that people are taken away from their country, which adds an extra dimension of punishment, given the strong connection of Indigenous peoples to their ancestral lands. Therefore, imprisonment as well as release was described to us as a very stressful and anxious experience.

It's not been good especially if you're from a bush – if you're from bush and you got no experience with the white society or you do, but in a matter – you still have that community's lifestyle. When you – when a person like that goes in a prison like – and it's the first time for me – it is like terrifying, scary. It was – yeah – it was – all your hopes, all your dreams, all your thing is all gone when you enter the prison, when you enter this little yard here. Yeah. That everything just all – your dreams of your kids, what they're gonna grow up to achieve, they all disappear when you go to prison. (Service Provider Broome)

Yeah. That is like – well, how I went in – it was ugly how I went in because I seen things that I didn't want to see, and then I went off and then. What – when I was coming out, I didn't – the thing is like, who do I see? Who do I talk to? Who do I – How do I bounce up? How do I get job? How do I –? I didn't know what to do. And all that terrifying thing makes me want to go back to – go drinking and drugging again. And that's stuff I don't wanna do, but when you do come out of prison, even if you come to see Men's Outreach here for the day, or that moment, it would be, "Oh. Thank you," that moment. After they go, after you go from here, you leave from here, you'll feel like – well, where do I fit in? How do I fit in to –? And your family will have a different perspective of what you've got. When you come out of prison, you'll be expecting them to be – to know what you – what you got inside you, what

feelings you have. You'll expect them to know that, but they won't know. And they'll be coming out with – they'll be saying things that'll – “Oh. I seen your missus there. I'd seen that there.” And it'll be – go, “boo-aah!” Don't go there. And then that sort of things – they will come up and – but you do – when you have a talk with the counsellor and you say you don't wanna have nothing to do with it, but you can't help that. When you come out, you can't help that. They're constantly in your face will be – people are asking – even though you don't wanna go back to that life that you went in before, but you got no choice to go back to it because that's what they expect of you. It's expected of you to be going back to your wife again, or going back to whoever again, but because of that – I don't know – when you're inside, you have different outcome of things. You say you don't want to. You don't want to, but when you come out, you have to because you need your family there. You need them there to – but you say you don't want them to be there because you don't want them to know how you – you've been – you're a prisoner. You've been a prisoner and the most hurting part of it is when your kids – when someone asks you, “Hey! Where you've been for the last –?” And not knowing – one of your kids says in the back – not knowing, “Oh. Dad's just been in prison!” It breaks you, right there, and you're kid is answering that, and to someone that – we all – probably in a higher level and – but we all know as family, but you don't want them to know that. You don't want them to know 'cause that's my thing and that sort of thing come out again, when you get kids with you and then they sort of bring it out and – yeah. Everything happens with – especially when you're from – like when you're out bush, Kimberley bloke going into prison. I don't know how all this mob feel, but that's how I felt when I was – I felt really shut out especially when I'm coming out – all that expectations of what you're gonna do. You get that anxiety and thinking – you feel like, “Oh, I have to do this.” You think you got to do that and one day, like, “Come on, let's build Rome in this one day.” You're thinking like that, but you can't do that. And that enables you to go back into drinking, smoking, carrying on. (Service Provider Broome)

When they come out, they don't know the lay of the land. They don't know what jealousies and fights have occurred. They don't know who's in positions of power and who is not. They don't know whether their people have talked about them and don't like them or people do like them. And so it's a very insecure space. And, you know, and alcohol's often something that you use to cope when you're insecure. (Participant Darwin)

While in prison, Indigenous peoples frequently have limited connection with what is happening in their communities, the tyranny of distance makes regular contact through e.g. visits difficult and there is the uncertainty of being allowed / having the means to return to their community after release. Further, Indigenous peoples have many cultural obligations, which are often not understood in the Western civilisation. Regardless of being held in prison, not being able to participate in cultural activities such as customary law and funerals, has far-reaching consequences for Indigenous peoples, resulting in feelings of guilt, loss and possible payback.

And I was an angry fella in jail, but I had to keep it between myself every day. But I feel sad that I never made it for my brother's funeral. That's the one mistake – not mistake – it sort of get to me now and then very hard. It's one thing I would never win back 'cause my brother - for the funeral, you know? I'm gonna have that inside of me for a long time.

Interviewer 1: And are people angry with you because you weren't there?



Interviewee: I won't say angry, but I'm angry with myself because prison didn't let me go over there. I'm angry with myself because I never met him, and I just think about the days and the time that I wasn't with him. Yeah. Yeah.

Interviewee: ... but going back home and hearing things about what had really happened to my brother on that day, on the funeral day, it made me a bit upset, but I didn't get angry and start shouting at people. I kept it in. (Participant Fitzroy Crossing)

What the prison system is not – look, what the prison system is not looking at – okay, fair enough, they see it – hey, you're in prison. You're in prison for what you've done. Okay. You're in prison because of whatever. But when you need to go for someone's funeral, you have to go to someone's funeral. If that person don't go to that – to his father, or brother funeral or cousin either – even – if you don't go to that, you're marked. When you come out, you're still gonna get a hiding. You'll still end up back in prison of you trying to retaliate on saving yourself. You're retaliating on saving yourself. (Service Provider Broome)

Imprisonment physically prevents Indigenous peoples of engaging in these kinds of obligations, but it remains an issue post-release, when these obligations clash with requirements related to supervision or employment, which may increase the risk of recidivism.

Concerns about the survival of Aboriginal culture

Many people shared with us their concern about retaining Aboriginal language, culture and traditions. Colonisation has interfered and destructed many traditional practices, with far-reaching and enduring consequences. Colonisation has taken Indigenous peoples away from their country and had a 'Massive impact on people's belonging – no sense of belonging is a real part of who we are – we need to belong to some – somewhere' (Service Provider Derby).

I've gone back to history because they were giving Aboriginal people all these so-called assistance or funds and god knows what, and the community back then became comfortable with it. When the church was running all the show and everything else, as soon as the government turn around and said "Well, time's up mate. You can start looking after your own affairs. See you later" and they packed up and walked away. The downside with that, they never came back to the people and say, "Right, six months prior to walk out of here, we're gonna train some of you people up to do the work so you know what to do." And to me, that never happened. They just got up and see you later. There you go; you got your land back, you got your community. You can run it the way you want to run it and a lot of people actually just picked up and just straight into town. (Participant Broome)

We received comments related to the destruction of the traditional marriage system (distinguishing between 'right-way' and 'wrong-way' marriage'), meant to keep bloodlines pure, which particularly left women unprotected. It also displaced people from their traditional country, causing conflict and disengagement about belonging, ownership and entitlements.

The real issue is, historically, people came from a region and that was their region but with the breakdown of the skin system and the marriage system, me as Tjakamarra, I could only marry [Nakamarra or Nampitjinpa]. There were only two people I could marry. With the breakdown of that, people had married everyone and you got, and I mean they just keep going on this money hunt because of their blood lines, which have been totally bastardised now. So you've actually got someone have tea tree claiming



somewhere down on country because of intermarriage so we're related, so I should get something. Whereas in the older days, the Granites, only so many people came from Granites or where gas fields are and only so many families came from there. (Service Provider Alice Springs)

Concern over the survival of Aboriginal culture also impacted on the traditional structure, influence and respect of Elders and Respected people being in charge of community control.

Speaker 6: But they got no respect for themselves because of this white man system. It's more or less against them and the old people, they haven't got a say. They can't tell them because the young people, you know, they used listen to the old people but –

Speaker 4: Nowadays they don't.

Speaker 6: Yeah, because of that jail system. They can't speak to the old people. They took the respect and dignity away from them you see. It's about the old people putting that respect and dignity back to the young people. In other words, let them old people go there and visit them in the jail. I guarantee you won't see them going back in. (Participants Darwin)

The unawareness of Western people of traditional structures made them turn to those most accessible to them, which were those Indigenous peoples who spoke English: 'the loudest voices were heard' (Service Provider Broome). However, those individuals sufficiently fluent in English were not necessarily the people recognised by Aboriginal culture as being authorised to speak on behalf of the community, clan, or skin groups, and that approach broke down the hierarchical control of the Elders.

They used to go to communities and if you could speak English well then you're an important person. The reality is you could speak English because you haven't been through law, you haven't lived as an Aboriginal person, you're brought up by missionaries or whatever so you actually missed out on a lot of your law and I mean law as in culture, so you don't actually know what you're talking about, but Europeans thought "Oh, he can speak English," so he'll be the go-to person, and at the end of the day, all they were doing is really denigrating the person because he had no authority to talk about anything due to the fact that they haven't been through customary law. (Service Provider Alice Springs)

With the enforcement of the Western criminal justice system, Elders lost the capacity to resolve problems in a traditional way (traditional negotiated punishments like payback), while still being held responsible for what is going wrong. It was stated that 'traditional Elders should be given the authority back to say no to the white society' (Service Provider Broome). There was a particular concern regarding the younger generation, not being exposed to the influence of Elders to teach them about respect for culture and tradition. This is both because in some communities there are not enough strong Elders around – sometimes because of them also being entangled in the criminal justice system, or young people spending long periods of time in prison or outside of the community, away from the influence of Elders, and this causes a 'loss of identity' (Service Provider Broome).

So the young guys go to the prison. They don't see their – out of the influence of the Elders, they don't build the respect for the Elders and when they come back, there's no respect anymore. (Participant Darwin)

And that's another sad thing from the kids getting in trouble point of view is, traditionally, Aboriginal people have such a very strong family unit and because it's an



extended family, it doesn't matter if that's your aunty or whatever they're looking after you because that's your family. And for that to be breaking down, that's really sad. I don't know how to fix it but I think that's going to be... (Service Provider Alice Springs)

Yeah. Some of them, they – I think like what she was saying, the grieving side – when they go into prison, some – they lose out on coming into families' funerals and then when they come back out, they feel anger 'cause they missed their families' funeral or they're angry about family not visiting and because they're well away from family and they have that bit of closure inside of them. And when they come out, they drink so they can – some of them, they – majority of them, they drink to let out all their anger or their emotional feeling, what they feel inside. Yeah. And some do come out and try to change, want to change, but they seem to have a broken home, or it's just the environment itself that makes them sad or the people that they love is not around to support them or to better them, correct them in the right path. And we lost a lot of old people. Majority of people are now just – the imprisonment is getting higher and higher and a lot of them are going into prison. It's because of all these strong Elders is not around for them. And you're left with people with anger and hate and argument. That's what really is something I can't understand is that I think it is because we don't have Elders – strong Elders that takes people to – keeping up with the cultural side of things, like going out to a bush, fishing, hunting, teaching the young ones. (Participant Derby)

The breakdown of traditional culture has been reinforced with the introduction of modern technology, such as the widespread use of social media and mobile devices. The influence of social media seems to have a particular impact on Indigenous society in a way that it reinforces issues of jealousy and interferes with traditional conflict solution.

But probably the last five, maybe six years, there seems, texting, jealousy, stories on the phone, and one of the worst things to get in a communities, mobile phones. Somewhere a young girl will text some bloke and he will tell his girlfriend, and it's just all of the proportion. And again, because you're not physically there, you can say anything you want on a text. (Service Provider Alice Springs)

It was described by a participant as a split between two groups of Indigenous peoples: the more traditional people and the more contemporary people, with the latter having less awareness of traditional language and culture, which creates mutual tension and misunderstanding. Another noticed: 'The message of the older people get misinterpreted by the younger, and they spread broader than the traditional ones' (Service Provider Broome). At the same time, a certain level of dependency has been established between the two groups. The more traditional people who have not mastered the English language to the extent that is needed to give them access to services or claim their rights, are having to rely on the more contemporary oriented Indigenous peoples. In relying on the latter, there is less adherence to traditional values, and therefore, a loss of cultural awareness.

You could divide the Aboriginal people up into two main groups, guys. You could say the one half is a contemporary Aboriginal group and you could say the other half is a traditional Aboriginal group. And these traditional guys fairly much, they're living by the rules of the mythology. So they still believe in the rainbow serpent, and they still believe in that the rainbow serpent is still going out and punishing people for doing crimes and stuff, pretty much. And then you've got the contemporary Aboriginal people. These guys are more concerned with better health care, getting a job. So you can see the issue here fairly much. You got two – the same group is pretty much divided into two halves and those groups are also conflicting 'cause they do not understand each other basically. (Service Provider Darwin)



This being caught between two cultures might be even more problematic for Indigenous women, as changing roles from more traditional patterns might cause conflicts in relationships (DoJ comment), which might also lead to (re-)offending.

Community vs individualistic lifestyle

From the interviews, there were several mentions where the Western individualistic lifestyle and regulations do not accord with the Indigenous community lifestyle. The leading principle of sharing and the obligation to take care of extended family members clashes with Western expectations in many aspects, such as limitations of how many people can live in government supported housing, at the risk of losing the house, or family related issues occurring at the house preventing people to get up in the morning to go to work. In this respect, the extended family structure, which used to be the strength of Indigenous culture, now becomes a hindrance. This puts Indigenous peoples in an impossible situation of having to choose between two cultures as expectations from the Western criminal justice system are often incompatible with cultural expectations.

Interviewee 2: I mean we're all kind of firm with our family that we've got to work and do all of that stuff as well and you can do the same, but then there's also that cultural aspect in it and if we don't help anyone, we could get the blame as to, "Well, how come you didn't help?" because they came there looking for help and you didn't help. So then there's also that that we take into consideration that we get blamed for as well. So we're all caught up in everything like that. I mean it's difficult.

Interviewee 1: Or we come to work – I try and shut off what's going on out there because when I come to work, they will snap when I get out the front door and the gate, and as soon as I see family, "Oh, Grandma my God." It's really depressing. I'm surprised none of us are going to counselling ourselves because it's just an ongoing, continuously 24 hours, around the clock. I don't know how I honestly sometimes wonder how any of us do it, deal with it. Having the job for us we're lucky. We're actually doing, I suppose, good for ourselves plus our family. We try and set an example. You can only help so much to some because a lot of them don't want to take the help.

Interviewee 2: Not so much traditional lifestyle. That's always going to be part of us. That's never going to escape us. But I mean you got to remove yourself from the situation I guess but I mean it's hard sometime. We've all got big family support and therefore, that's how we get through our day-to-day, and look for the future and stuff and like.

Interviewee 1: My father is a White fellow, my mother Aboriginal from West Australia, and been here since '74. I grew up actually the traditional way, down in the dirt, in the humpies not with the house roof over the head. So being there and done that and I've seen it all. I questioned myself a lot of the time how I've ended up like this. I've been a very hard person. My father was a hard White man living in an Aboriginal community. You got to be strong and you got to want to survive it all. It's an everyday fight and it's like a full-time job. (Service Providers Alice Springs)

Because the relatives passing away and the government changing a lot of policy and procedures that most of the people can't adapt to. Like for instance, your household, you can't overcrowd your house now and you got – for instance, we've got – like here for instance, we've got – our tenancy agreement is that whoever signs into that house is only allowed in that house. If a family member come for holiday, they're only allowed



to stay for a certain time. And you can't overcrowd your house. If you have a full house and it's not looked after properly, you're hit with liabilities. And an ongoing liability, you can actually lose your house. So some people get so – caution about not losing their house. They don't wanna lose their house. So they say, "Oh, I'm sorry. You can't stay with me." And so they push that person to somewhere else and then that person end up being homeless and – yeah – and because of the new changes too that the government has made is that we've got this housing policy now that anyone can come and live in somebody else – community home. When this person comes out of prison, he can't go back home because he doesn't have a home. He can't get a house or he can't have a home for him when he – being away and he comes back, there's – it doesn't feel like home anymore. (Participant Derby)

The extended family structure also causes a lot of peer pressure for Indigenous peoples: the expectation to share money, food and belongings (i.e., humbug) becomes untenable if whole parts of the community are without income or support. Poverty is a reality for many people, particularly in isolated communities where life is very expensive, and when the spread of welfare becomes too thin, this can cause Indigenous peoples to give up on their attempts to earn an income or care for belongings, as these are consumed by others.

I got a client, – so, he's got a one-bedroom unit from Department of Housing, and after a few months, we keep talking with him and say, "Hey, this is your unit and no one can – people come and stay, have a cup of tea, coffee, dinner, but no all-night camping," and then after – I find out four months later that his brother moved in to his house and his brother moved to his unit and it's only a one-bedroom unit and outside, there's three people already staying there, mattress is there and I said, "Mate, you're gonna get in trouble if housing comes in and they find out supposed to be a single occupancy, not four people living in one-bedroom unit." So he'll say, "No, he's my brother - four-bedroom house now because if you all want to live together" and they think it is okay. It's a culture. They can live together. They can expand from one-bedroom to four-bedroom or three-bedroom. Yeah. And they're not sharing with any food bills or electricity bills. All the burden goes to the person who's living in there, so he ends up having a financial crisis, like he's behind on a 500 dollar – he's got a 500-dollar electricity bills and he's not – the rent is automatic direct debit from the housing, that should be all right, but he's behind on the food voucher. He'd come and say, "Hey, I don't have money to buy food," which he used to have 300-dollar worth of shopping and he used to do every fortnight and then he, "I don't have any money to do food shopping because all the family come and eat my food, so I am constantly buying and buying". (Service Provider Alice Springs)

And ongoing poverty is the underlying reason for so many things as you guys are very aware of. And in Australia, we have a system that attempts to provide safety net but these days, it doesn't and partly that's because it's so tangled up in this sort of obsession with work, even in contexts where there isn't any, that the processes that people have to go through are enormously complicated and Aboriginal people have got an alternative system which actually supports them and so, that's their extended families stuff. If somebody's – somebody will be fed, and everyone else will eat less, yet somebody will be fed who hasn't got anything. Young guys are refusing to even get on with the system 'cause said they don't want – they're too ashamed. (Service Provider Alice Springs)



Leaving the Prison

The very moment of transition from the prison to life outside is a crucial and very challenging one, and particularly relevant when looking at throughcare strategies. Release from prison to freedom opens the doors to having access to alcohol and drugs and being exposed to possible family peer pressure, which is particularly problematic if people managed to build some financial reserves while in prison.

They're waiting out the front 'cause they know they're gonna come up with some dollars in their pocket and they all love you like a rash. So you bugged from the word go, you know, you can have some girls in Derby saying "No, I'd rather come out in Derby than come out in Broome because I'll know what to expect in Broome." So the family pressure get put on from the day that you step out of that front gate 'til the time you're gonna be out and then you just fall back in the same bloody thing. But that's, as I said, the cycle. (Participant Broome)

Accommodation and Communities

There was also myriad of comments throughout our interviews related to accommodation and (not) going back to communities.

Lack of housing and overcrowding

The lack of available accommodation for Indigenous peoples, especially after a period of imprisonment, is a major problem at all sites we visited. Indigenous peoples often do not have access to the private rental market, for various reasons, and therefore rely on government housing. Waiting lists are astronomical, people drop off the list if they are in prison for a certain amount of time or, if they managed to obtain accommodation, they might lose it while in prison. Further, if the partner of the offender is mentioned on the lease, but not explicitly named as a co-applicant, they might lose the house as well if the applicant is imprisoned. Therefore, a reality for very many released Indigenous peoples is that they do not have their own place to go back to, and rely on family and relatives for their housing. This leads to massive problems of overcrowding with roll on effects on every other aspect of life: living with people that are using illicit substances, conflicts with family, the risk of losing the house because of overpopulation.

Well, I'd say the house - the accommodation and housing would be a problem – the biggest issue because most of us when we do come out of jail, we don't have anywhere to stay. We stay with family members and that's just going back into that circle. So, when you're released, they just leave you with all these – like they just leave you and that's it. And you got nowhere to go or nowhere to start. (Participant Broome)

... and if one prisoner is coming out, they're staying based with family 'cause they don't have their own accommodation, so they stay with families. And if a family is having conflict or having overcrowding and this person stays with them and they feel uncomfortable, so – or they have an argument or just things that doesn't balance right in the household, so this person who just came out of prison will go and drink, smoke... (Participant Derby)

...the numbers here can go up from the normal 250 up to five, six, seven hundred. I suppose that then we're talking serious overcrowding, 30 people up in the house. Well, not sure about the size of the houses, but 30 people is a lot, so that creates trouble, I suppose, young ones, older ones, different families. (Participant Darwin)



There were other bureaucratic problems pointed out to us, such as the Department of Housing not being notified that the tenant went to prison and is no longer living there, which then results in massive overdue rental fees. The overdue fees eventually result in fines being issued that then go unpaid leading to warrants and the potential for further imprisonment. Another problem was related to the Department of Housing calculating the rental price based on the number of people living in the house, with incorrect information if they earn an income or not.

... but one thing I found astounding is that if someone ends up in the Alice Springs Correctional Centre but they're paying rent on a town camp dwelling, obviously their Centrelink payment stops because the Alice Springs Correctional Centre, which is run by the Department of Correction, which is an NT government department, communicates with Centrelink that this person is now locked up and shouldn't be receiving Newstart Allowance. However, the Department of Corrections cannot talk to the NT Department of Housing and say, "Oh, by the way, this person who is a tenant is now no longer staying in that dwelling." And so what happens is frequently, we will find that someone who's been locked up for a few years has a massive housing debt because somehow they're supposed to be paying rent even though their income support stopped because they've been locked up, and that happens a lot. People get released from the Alice Springs Correctional Centre, they've got a massive debt with housing and it's a nightmare to try and unpick it, an absolute nightmare that ends up involving lawyers just to unpick it. And still it falls in the line of his responsibility because he got locked up and he should've told us. And so that is a huge issue, obviously for that kind of discussion of throughcare and this happens a lot. And it's not just the town camps and remote community people, but people living in urban public housing. It would be huge, I think. (Service Provider Alice Springs).

Not (being able to) going back to community

There are many reasons why released Indigenous peoples do not return to their community. It can be their own choice to not return out of fear of payback or other family related issues, trying to prevent themselves of getting back into trouble. However, often offenders will willingly accept dual punishment and choose to return to their homeland because the value of residing with kinship groups outweighs the consequences of tribal punishment (DoJ comment). Though, sometimes Indigenous peoples do not have that choice as they are not allowed back into the community.

So you got people coming out of prison, going back to the community where the victim may already still be there. So they still have resentments. They do just get into another fight because they don't have anywhere to go else, so housing is a big issue. (Service Provider Alice Springs)

A lot of communities now are saying, "Sorry. We won't accept someone on parole," end of story. They're gonna have to do their full time. Then they can go back. (Service Provider Broome)

If people are on early release, practice is that Corrective Services contact the community / people who are in charge, to ask if a person can come back. This leaves the community with a certain responsibility, for the supervised person, but also for the safety of their community, for which they often feel they do not have the capacity. Part of this under-capacity can be the lack of information and perspectives about the released person; what has happened in prison, have the offending issues been addressed, what kind of support is available to them if things go wrong? It was mentioned to be the duty of care for Corrective Services to provide that



information and support, and suggested that more information and the possibility to allow for a trial period would be helpful.

And that is a real issue with probation and parole and Community Corrections. If someone's coming out on some form of order or parole or very rarely on probation, there's actually collateral checks done, talk to victims, talk to families and okay if he / she to come back and 90% of the time and I'll say, "Yeah, that's okay," or "No, it might be better for him to go or wherever" but no one's actually blocked out totally. And there was a case, it was only just a little while ago – and again I know all the people there, was that – and a really bad fellow, some horrific crimes but, again, his family was happy for him to come back but all the victims said, "If he come back, there will be killing," and you think where do you go with this, and at the end of the day, whether he is released on parole, he's still going to get out of prison and still going to go home. So it is stopping the inevitable for a short period of time and I don't know how you're actually get around it because traditionally, and they call it payback. (Service Provider Alice Springs)

Well, our board is quite split on whether we want people here on parole or whether we want them here once they're clean and finished and everything. There's people who go – if they come back while they're on parole, we've got a little bit of – not power, but we've got something to hold over them a little bit while we get them readjusted into the community, and there are people who say, "Well, that's actually too much responsibility 'cause if anything goes wrong, it's gonna fall back on us and we would rather them come back once there's no parole left anymore." (Participant Beagle Bay)

You just give them like six months' probation. If they stuff up once, then you're out. But if they get through that six months without doing anything stupid, then – yeah, all right, you can stay here. (Participant One Arm)

It becomes more problematic if people in charge of the community are not contacted, or people serve their full sentence and come to the community unannounced, as the community then does not know who is living there and if there are any risks involved that need managing.

And I said, "Well, do you know that you have to come through us first 'cause we wouldn't know if what type of thing that he's been doing and breaking the law. And see, he could go cross the road to the roadhouse and do something there and then we have to answer to it as directors of this community and the executive". "Oh. Well, no. Well, he's been pretty good." I mean that's what you say. The last time we had someone in here doing that, that person took off and was on speed... Paedophile or something like that, you know, I'm – someone that just did something seriously and then we're not aware of it and then something happens seriously in the community. (Participant Derby)

There was certain reluctance from the community leaders we spoke to take people in from other communities, as accepting people into your community comes with a responsibility of care, which can overburden the capacity of that community. Town communities like around Darwin, particularly the ones close to the prison, are most vulnerable to be exposed to this.

Yeah, well, as that new prison was built, we've been warned about the prisoners getting released and coming this way. You know, we're very careful they'll be all flooding this community. We don't even know 'em, you know? I reckon, yeah, we're well aware of that. Well, if they become part of the community, they might join my crew, you know, the men's group. And if that doesn't happen, well, I'll have to move



them on because they're not part of the community. They – all they ever do, they come and live here, and they're just straight on the grog and we won't have that. We had that a few times here, you know? Outsiders coming in here causing trouble because that outsider was related to that old bloke over there and we spoke to that old man and we told him "We've got to move that young fella on otherwise, you'll get into trouble, we'll kick you out along with the troublemaker, your relative." That's our policy, our thing here. (Participant Darwin)

And they say, "Well, if Looma doesn't want him, we don't want him. We don't wanna deal with his problem. We got enough problem and issue as it is with people that lives in this community". So if he can't go back and not wanted in his own community, well, we don't want his problem. We're not gonna – sorry, that's it. That's it. We don't wanna deal with other people's problems. (Participant Derby)

We do every now and then, but we sort of made a ruling and we were all – we spoke to the police and we said, "Look, when they do come out of prison, could you please let us know that they're coming out and if they – that person requests to come to [Baggett]. But then again, we sort of really don't like that. We'd like them to be sent back to their communities instead. (Participant Darwin)

Other reasons for not being able to return to the community can flow from the interaction with the criminal justice system as having to be around for reporting or other justice related reasons, or relate to the availability of certain services (e.g. medical services) that are not provided in the community.

Some of them are in here and decide to stay here for medical reasons. But then again, if you're a sick person, it's no good you're living in the long grass 'cause you're not gonna be there for very much longer and – yeah. And if you, I think, do wanna go home, but it's just that way of getting home. (Participant Darwin)

... when they get back in the community, so when they get out of jail, they don't have like a support house, somewhere to go and stay, so they can't get back into that track. There're not enough programs for people that are doing well in prison to go stay somewhere or transport it back to the community straightaway because they have to deal with the town every day, like Centrelink, the jail, report to police, report to Corrections, so they kind of track them down and not actually going straight back to the community, because there's all these rules and conditions that they have to abide by. (Service Provider Alice Springs)

And finally, sometimes people just do not get back to their community because of a lack of transport or money to pay for it. This seems to be a particular problem in the Darwin area, as Correctional Services in the Northern Territory stopped the practice of transporting people back to the place of arrest if they serve their full sentence, but it is also an issue in the Kimberley and around Alice Springs where distances are huge and public transport not always available. In their feedback, the Department of Justice in Western Australia stated that they do fund prisoner transport services.

Yeah. That's it. They've got – they're standing there – they're scratching their head then wondering what I'm gonna do and then walk down the road and a lot of them always have that intention, like you find a car there that nobody's in and that you've got to grab and really, I suppose, in a way, it's – by not getting them home, you've got them here in town, which are really then – into doing crimes, either stealing cars or something like that. (Participant Darwin)



Nothing. The correctional service, after they are outside, it's not jail – nothing. It's not their responsibility. And I think perhaps – I know a lot of prisoners are expecting the correctional service to help them when they go out, but because of the law, they can't go – they can't help them when they're free, when they're outside of prison. That is the law. (Participant Tiwi)

Not being allowed back into the community, or the impossibility to get there, was reported as having a significant impact on Indigenous peoples' lives. Feelings of rejection, insecurity, displacement and discomfort of being on other people's land, all can lead people back into substance abuse and offending behaviour. 'People are now fringe-dwelling on their own culture' (Service Provider Broome).

... and they get sort of frustrated them self because they go "That's my home. That's where I come from, and I haven't done anything back there. My offense or my crime that I committed wasn't on the community." And that's why they find a bit frustrating because – and I say whether it's your past history that may come into effect while you were living on a community whether you behaved yourself then or not. That's probably the other thing they look at, but the other side of the coin was it was just through lack of supervision and that was the main problem because like you were just saying then you don't have anybody on ground that can actually do that. But they get frustrated at the fact that because – "I didn't do the crime on the community. I've done it somewhere else. I don't get penalised for not going back to my community." You know, so, little things like that, that's why they get frustrated. (Participant One Arm)

Lack of prospects in the community

Underlying all of the above is the fact that often communities have little to offer to a released person: lack of housing, employment and support are paramount.

I would say housing is a big issue at the communities because when we go out there we see so many abandoned houses that just run down that'd been fenced off that got no body living in it, so that the people that are there are already concentrated into less housing. And something that I could actually develop on like sports out in the communities is a big thing. If they can increase some of those fields are just dirt, dirt and rocks, and if I can actually grow out some grass out there and plus, the infrastructure out there, there's nothing, there's no jobs. (Service Provider Alice Springs)

And when they go back, there's also like a boredom – a boredom like there's nothing to. When we ask – and that boredom attract drugs and alcohol and then it opens another worry, like violence and so, it's also like the activity they used to do back in old days has stopped and now they're using drug and alcohol and all that taking place and mental health and there's limited resources as well in remote communities. We found difficult to engage them into any activities. It's definitely difficult for them to do what they used to like because there's limited resources. So this relapse is – If someone spent ten years – more than 20 years in the prison and living in remote communities like that, there's more chances of relapse. (Service Provider Alice Springs)

On top of these material requirements, there is also the need for activities that are meaningful for Indigenous peoples, and that reconnect young people to their culture.

Well, I'll tell you now because I work with a lot of young people, young kids in the community, and a lot of them do get in trouble a lot and some of them has been in jail.



The problem that I found when they come out is there's no one – there's no direction for them. So, as soon as they come out of prison, they basically had no area that they can go to, like someone check up on them, or they have a job in front of them, or they have a training, or – there's no – it's like they come out of prison, bang, stop. What I've been trying to do is get them in activities around the community. So I use different sort of activities and because most of them, I believe, is more cultural, so I do cultural activities with a lot of the young people and I'd been getting them to do that, but then again, we can only go so far and they have – some of them also have other interests. So, after they do their cultural activities, then either there's no jobs available, training – there's no training, and so, they find that there's nothing and because a lot of us we live in a community and as you can see, but there's no jobs at all, only through our program. (Participant Derby)

If that session thing, that workshop session to talk to people and what – and the best for what they need, so because some of them wouldn't even know what their interests are and if they do a workshop, making things. Some like to go out bush. Most of them, they actually forgotten about their own culture, like making boomerang, making things that they're proud of, you know, so put back into their own culture. (Participant Derby)

Another issue is the fact that a lot of the houses are run down – they were referred to as sometimes being hardly liveable - and that there is little infrastructure in the community. There was also mention of a lack of feelings of ownership of Indigenous peoples towards government housing and that they consider the rent too high for the housing standard. Further, it was said to be a lack of education about how to maintain a house.

Yeah. Well, with – my house at the moment is falling apart, but never mind. Yeah. My kitchen sink, I think, is ready to collapse because it's been – if the house is that old, and the poles that hold the sink and that upper bowl rusted away and they're all falling all over the floor, but I've reported it to housing and I think they were still waiting to see what moneys they can get from where, but I said that – yeah – otherwise, everything else is okay. (Participant Darwin)

Employment

Another topic that was very frequently mentioned during the interviews is employment and the lack thereof.

Lack of employment opportunities

There is a considerable lack of employment opportunities for Indigenous peoples returning from prison, particularly in remote communities. While all people with a criminal record risk being more vulnerable in a competitive labour market, many Indigenous peoples felt that they were even more disadvantaged, having to try harder than others to get a second chance. One statement said that pathways for Indigenous employment are negligible unless you are a sort of middle class Indigenous person and picked up by government or a large NGO.

Yeah. And she put in some sort of – some of the – places that'll have people coming out of prison and for work and stuff like that, but when you come out, it is hard. Even when you go to a place that you was before working and you go ask for a job, they regard you as a criminal, or a crook, or whatever 'cause – well, I'm saying that because I went back to [...], I asked for the job again. I didn't get it because I was – I had a black mark on my name. I had – was come out of prison. That's how I see it. And I see it as – you got – it's



who you know in Broome, not what you know. That's how you get into places.
(Participant Broome)

It's been very hard and I'm obviously part of a disadvantaged group. So I have to apply for around three times the amount of jobs that a non-Indigenous person has to apply to get the same amount of interviews fairly much. So when I go into workplaces, I see people that come along after me into my workplace and I see them get treated as if – just a completely different way to myself. You know what I mean? And so, a lot of Aboriginal people – they go into workplaces, there's just a second set of rules and you just – it's just nothing but stress and the only way to get out of it is just not bloody engage in it. The only way to get out of it is go and get bloody drunk, go bloody get on the drugs, and it's the only way to forget the bloody issues, pretty much, and so – yeah.
(Service Provider Darwin)

Disconnection between prison training and employment opportunities in communities

It was often mentioned that the prison system has too much of a focus on employment training at the cost of other rehabilitation programs, there was the perception that the Western (prison) system sees employment as the solution to everything, which is not the case if the underlying issues are not addressed. Regardless this, the fact that some people leave the prison with 'a shoebox full of certificates' and expectations, does not necessarily improve their employment opportunities as the training they get in prison is often not relevant for the communities they return to.

They go to prison for whatever reason. They get three or four years, and a lot of them are very dedicated to training and doing things and they come out with a shoe box full of certification. They go back to the community with an expectation and there's no jobs, and the reality is that – and again, I need to talk historically that all of the communities and even the missions were nearly self-sustainable in the old days. Everyone had jobs: market, gardens, chickens, pigs, cattle, orchards, bakeries, let's go back to the past for the future or live in the future from the past but anything that happened in any community, it has to be driven by the people. If there's no will, there's no way. There's really no reason why if governments, both Federal, State, Territory, whatever you want to call it, had a will and said well, "This is a way where you can do this," and start to look at some form of sustainable industries in communities. (Service Provider Alice Springs)

...once they got back to the community, that's where the breakdown was. There was nothing there for them to continue on in the community. But it's like the Sentenced to a Job they get to go home with. They have these Aboriginal prisoners, this is an example, working down on the fish docks down here. When he gets done, where does he go? Back to Lajamanu which is centre of the NT, no fish out there – there's no fish docks out there. So he's got all these skills that he's developed working at the fish docks and he's going back to his community with nothing. He can't use those skills. (Service Provider Darwin)

A further issue identified was that improved training and education did not address the ever decreasing employment opportunities available to Indigenous peoples from isolated communities. It was stated that Indigenous peoples are in a perpetual cycle of training and education that has no positive or realistic employment outcomes, and it was suggested that a greater community buy-in into education and training and subsequent placement is required.



So, the next one that we all jumped to - it's because we are not linking the training to the jobs well enough. There's not, you know, enough effective service provider collaboration. And the project sort of found – well, yeah there's something in that but if you don't have community or local investment and local buy in it doesn't matter how well you collaborate. It doesn't matter how well you link training to jobs. You still have poor outcomes. So unemployment, Aboriginal employment, in very remote Australia is currently on the decline. (Participant Darwin)

Lack of incentives

Another concern that was shared with us was the lack of incentives for Indigenous peoples, particularly younger people that had become reliant on government support. This has caused a lack of aspiration, Indigenous youngsters not having the belief or ambition to make it in life.

So a lot of the boys will say to me, “Well, what's the point of working when my mate, or my brother, or my sister – they don't have to work, and they get the same money that I get?” (Service Provider Derby)

Basically, in the mid-70s, CDEP came about because the mob was starting to get dole money and then the leaders of the communities were saying, “We don't like this. We don't like watching our people sit down getting this welfare money and doing nothing. We wanna be able to control it a bit.” So the government came to the party and they said, “Okay, we'll give you the money that we would have paid for dole money and a bit extra and it's up to you to manage it.” And so then the community basically got together and said, “Okay, we're gonna make you work to get,” you know, “You've got to do work on the community to get this money. If you do a bit more work, you'll get a bit more money.” (Participant Beagle Bay)

We did a survey, and part of the survey and part of that whole process, we did a survey for all the high school kids in the land, every high school kid whether they're attending school or not. We're trying to actually see if we can get funds to do a similar survey here. When we – we looked at the attendance patterns, and then we asked a series of basic questions and we had a very good youth worker who actually did it verbally with all those kids. And there were 86 kids all up so just statistically valid survey. One of the questions is “What do you want to do – what do you hope to do when you finish up at school or now that you've finished school?” All the girls said they're going to be a mother and start a family. All the guys said they work for CDP or play footie for the local team. There is a complete and total lack of aspiration or – it's really the kids just don't see something they can aspire to other than what's around them or they don't feel they can make 'til they can see it, and they think ah no whatever the reason. I don't know what the whole process is. So one of – whatever the reason, is the complete and total lack of aspiration. (Service Provider Fitzroy Crossing)

As mentioned before, another discouraging factor might be the sharing responsibilities of the community lifestyle, resulting in working people seeing little personal benefit in earning an income, as it doesn't improve their own lifestyle. Again, the stress of having to deal with these different cultural aspects might result in people not engaging in seeking or retaining employment at all.

And they're going through a lot of bloody stress in the sense of – fuck, I've got my house, and this is mine, but I've got all my family coming here and bloody staying, eating all my bloody food. They're not throwing in to chuck - they're not throwing in to pay for power, they're not throwing in for anything. So, bugger it, I'm not gonna fucking



go to work. I'm not gonna bloody do anything. Oh, fuck them! I'm just gonna go and get pissed, and bloody – yeah – that's it, pretty much. (Service Provider Darwin)

The need for flexibility

If employment can be obtained, it can interfere with other and cultural obligations. It was therefore suggested that more flexible employment arrangements should be put in place: like providing people with casual or part time work or hiring two part-time people to cover one job. Another suggestion was that, if one person runs out of bereavement days, that it should be possible to transfer them over from another person who is willing to share. Such options would allow Indigenous peoples to be absent from work when needed for cultural purposes without losing their employment.

You have that job clear for everybody so there'll be somebody else that can just step in. Or you shut things down for while Sorry business is happening because really is it the end of the world if that program just doesn't operate for a week because... It's only that we get a bit hung up on stuff. Hung up on deadlines, hung up on... (Participant Darwin)

I'm a supervisor and I found difficult sometimes because they have to attend the ceremonies and stuff and we have business to run and I feel like I have talked to the management like it would be good if we employed two part-time Indigenous employee instead of one full-time. (Service Provider Alice Springs)

According to the Department of Justice in Western Australia, child protection employed multiple people against some entry level positions (Level 1 Resource Worker positions). This meant that if one person was absent, another could step in.

Whilst this is quite complicated, many people in the Goldfields and Aboriginal Australia are lifetime employees. So while the start is tricky, over years, growth and development does occur and residents become job ready and master that single job. Many may even progress over the years and work their way up. (DoJ)

Community work engagement

There was also mention of problems with community employment schemes. Examples of work programs include the Community Development Program (CDP)(which requires individuals to work up to 25 hours per week), coalescing partner programs as the 'Work for the Dole' (providing additional payments on top of their Allowance payments) and the Remote Jobs Program (a more recent iteration of Work for the Dole)(for more information on these schemes, see Appendix B). If people involved in these programs miss certain appointments or fail to attend work, either through cultural commitments or possibly lifestyle issues, this may lead to welfare payments being temporarily terminated for up to eight weeks, adding to the level of poverty.

I agree with the CDP and the other thing that [...] have said is that on average people on income support in Australia, one in four people will get breached from their income support for non-compliance, whereas in remote Aboriginal communities, people on Centrelink or CDP benefit or CDP-related Centrelink benefits, on average being breached 14 times a year. So, you're 56 times more likely to be breached if you're an Aboriginal person living on a remote Aboriginal community signed up with CDP than an average person on Newstart allowance living in Adelaide. (Service Provider Alice Springs)



And then on top of all of that, there's the additional complexity around, or people struggle more to be able to have access to the Department of Human Services to find out why they're being breached, to plead their case or even communicate with the CDP provider of the department around that the fact that they had a health matter which they have to get addressed or they have a legal matter which they had to get addressed, or there's bereavement in the family. They think this would be validly accepted as reasons for not going to Work for the Dole for the day in mainstream but also even in remote, probably accepted but the chances of people communicating that and being able to follow up and defend themselves against the process decision around getting cut, it's just not. (Service Provider Alice Springs)

Further, while there are a large number of Indigenous peoples of employment age, many are not registered with Centrelink and receive no payment leading to no income whatsoever. The reason why some people are not registered was attributed to an array of reasons such as; embarrassment at not having sufficient literacy skills to complete the forms, or the bureaucracy involved in registering for welfare payments being confusing and beyond the capacities of many potential recipients.

Interviewee: No, that's pretty much you'd get your birth certificate from because that's where you get your parents' names and everything like that. And then when you sign up for family payments, you'd have to have that as proof that you've had a child. And then that child is given a number. That's how I see it.

Interviewer 2: So it should be obtainable?

Interviewee: Yeah.

Interviewer 2: But it's a problem?

Interviewee: It is a problem everywhere 'cause some are too shy.

Interviewer 2: Too shy?

Interviewee: Too shy.

Interviewer 2: Embarrassed that they get

Interviewee: To even just talk.

Interviewer 1: Talk?

Interviewee: They won't talk. Yeah. I guess it makes it a bit easier that they've got family members who could talk on behalf of them, but then you need to talk to them in order to get some feedback of what else do they need to get. I reckon the younger ones these days, if they're not capable of, they probably just sit back and just get help from the family. (Participant Hermannsburg)

The lack of employment is often associated with boredom, feelings of loss and poverty, all possible factors leading people back into a life of substance abuse and criminal behaviour. On the contrary, having paid work or another meaningful activity was frequently mentioned as a preventative factor. Further, lack of income leads to poverty which then has further lifestyle consequences, such as poor eating habits affecting people's health.



Budgeting and Money Spending

There were some comments about budgeting: such as the available money tending to be spent very quickly and not being invested in more sustainable benefits. It was mentioned that Indigenous peoples have a different concept of the value of money, and what it means to be 'rich'. As it was stated: 'they don't have the same addiction to money, there are no savings for rainy days' (Service Provider Broome).

I've actually seen \$40,000 sitting on a blanket in card games in the bush. People who travelled back road 200Ks to spend royalties coming in and that they go for the card games. Today you win. Tomorrow you lose. And they're quite philosophical about it but the money doesn't last. And again, my view of royalties is that the royalties should actually go to the communities and whether that's developed better health services, or aged care, or child care facilities, or some betterment to the community instead of someone getting \$40,000, so I'm going to get my uncle a car, I'm going to get my two sons a car, my wife wants a car, and it's nothing unusual to see the whole lot blown on six or eight cars and then – but that's alright, we'll get some more because we're going to get a large money in a month. We get something. (Service Provider Alice Springs)

Related issues are the fact that local shops in remote communities are expensive and that because of the remoteness, travelling to town and back for groceries is costing money as well.

Money and violence

It was also mentioned that a lot of violence is related to money issues: violence between relatives, but also domestic violence, particularly related to the direct payment to women after giving birth to a child, but being claimed and perceived by men as their money. Another vulnerable group mentioned is the older people, being intimidated by the younger ones, showing a lack of respect for the older people and steal or humbug them for money.

Interviewee: Women in their own right get their own benefits and payment.

Interviewer 1: Which also made a big change to the power relationship between man and women from the moment that woman could get those benefits.

Interviewee: It created a lot more domestic violence. Really because men thought they were entitled to the money. It didn't matter whether the women and the kids got the benefits, they actually wanted the money, which in itself created major problems but a lot of that's been resolved, I guess because of the mandatory reporting assaults on females or males, and I mean it's not optional whether people reported or not, it's mandatory, but it still goes on with older people. The younger people steal their key cards. I can't be bothered filling in my paperwork so I don't actually have any benefits but my grandfather, he gets money, so he should give that money to me because he doesn't need it. He just sits around here all day. I'm going to go play football I need new footie boots, standard things that young people want. So that's quite prevalent in a lot of communities, that the older people are having their stuff stolen. The other issue in communities, and again it comes back to that sharing, and people don't buy food. They only buy what they can eat for the day because people just come and take your food, and people say – Aboriginal people, they go to the store, buy takeaway and eat the food and that's why they actually do it. I mean they don't have to have a fridge because they have nothing consumable that they need to put in the fridge. (Service Provider Alice Springs)



Prison Programs

Comments related to programs in prison were mainly captured under the following issues:

- There is the need for more programs / other programs, such as education about domestic, family and lateral violence, alcohol, drugs and health counselling, dealing with grief and trauma and life coaching.

They'll feel it, but they don't know how to give it a name. And once they know to name it, they'll say, "Oh, yeah," they might know how to better deal with it. And grief is a big one 'cause there's that many family members they lose or people, like through suicide or health issues, health problems. Yeah. Yeah. And even information on health too as well, better health, like what they could do to maybe avoid diabetes type two because they say diabetes type two can be prevented if people lose weight and that, so it's all about knowing the food and all that sort of stuff. (Participant Derby)

- There were several mentions regarding programs that were popular, such as arts and music programs, but had been stopped.

Well, yet, parole, a lot of them they actually see it as nothing really because it's not a program really, they took away three programs because the music, the art, and voice with the guitars and the band they rehabilitate them. (Participant Beagle Bay)

- If programs are available, they are hard for Indigenous peoples to access as they are part of the incentives scheme; people have to be of good behaviour to get into them.

There were alcohol rehab programs being run within the prisons that had six people going for them out of the prison population of four or five hundred who are 80 percent of them were Aboriginal men There was like five people in the course. And I – so, I asked the question "how is that possible?" "Oh, these courses are part of our incentive programs, so unless you behave yourself, you don't get to get to go to the course". So, one way of improving people's behaviour is to say, "Well, yeah, that alcohol rehab course that you wanna go to – well, if you behave yourself for the next four months and get down on a certain level or something, you can go." But that people never did. (Service Provider Alice Springs)

- It was also stated that people are not interested in programs if there is nothing at the end of them, if they do not result in better opportunities. It was suggested that it might be better to make such programs mandatory.

... well, you know, if you ask someone to do a training a program, and the first question they always ask is "What do I get at the end of it? Will I get employment? Do I get anything that's gonna help me in a sense?" And nine times out of ten, the answer's no. "Have I got a job to go with it? Where would the wife fit into all the scheme of things?" Because if I'm gonna sit there for weeks and weeks to do something, I want some results too, especially if I got wife and kids to bring up. And that's why a lot of them will only go for maybe a couple of sessions and then they pull out because they can see "Well there's nothing here." (Participant Broome)

...it's pointless doing the course and the training because there's nothing at the end of it and the reason why a lot of them actually do it is because there's also nothing to do in the prison, so they've got to do something to keep themselves occupied. But a lot of them do tend to shy away from all their training because they don't – they get anything at the end of it. There's not really much demand for jobs in communities.



One of the biggest issues that I think something I'm trying to work on in some of the bigger projects I'm working on - get some more jobs in here and I'd like to get them a mechanic workshop that would be good having people do that. (Participant One Arm)

Further, there was the feeling that the way programs are delivered to Indigenous peoples is sometimes irrelevant for them. It is more than a language barrier; programs can be a cultural barrier with some concepts irrelevant to Indigenous peoples and people having the feeling that 'they try to turn us white' (Service Provider Broome). To address this, programs should be developed by Indigenous peoples from an Indigenous perspective instead of simply adapting programs initially developed for non-Indigenous people to presumably fit Indigenous peoples' needs.

I'm talking about education programs based on – like we got prison in facilities and programs that are not in tune with the needs of what prisoners actually need. They're inappropriate and based on social ideals from people unaware of the real issues and environments of where a large majority of men are actually from. Education programs are presented from a Western perspective and sadly, cultural relativism, which means looking at a group of people from the way in which you've been brought up. So you have those ideals. You're making judgments on your own ethnicity and ideals of another culture based on how you've been brought up. So cultural relativism overrides the beliefs of Aboriginal needs and the environmental factors also do not support the needs of Aboriginal people. When you have a social exclusion – when you have social exclusion, social dysfunction will always be present. Ostensible frameworks are not conducive to the needs of men – does not hit the core roots of the underlying issues affecting Aboriginal men. Prolonged social issues continue to be problematic and the problems evolve leading to negative enculturation reflected by ongoing high imprisonment rates in Western Australia. So to find an answer to reducing the current rates, the answer is simple. Incorporate new and innovative environments within prisons, which is line and correlated to the actual needs of prisoners. Identify the issues and don't assume nor take for granted that from a Western perspective, we have all the answers because we don't. Cultural reciprocity is the key to resolving this issue. And also, Aboriginal people need to start learning to live in two worlds with the support from others and accepting that social change can be a positive experience if the journey is shared rather than being oppositional and defiant and not meeting halfway. (Service Provider Broome – written statement)

So it was around alcohol. So that was good. It was relevant too pretty much nearly a hundred percent of the target group that was there. But in saying so, some of the things that we did in the program – an example was when we were starting to talk about standard drinks and making them aware of standard drinks and blood alcohol content in relation to how it affects your blood alcohol content – yeah – these boys would look baffled. They just couldn't get where we were going with this. How many mil – we're talking mils. (Service Provider Derby)

Given the Indigenous community lifestyle, it was felt that it was insufficient to work with the individual in the prison and then have the expectation that they will carry this learning out to the community. People felt that family and community members should be involved or have access to similar programs.

"Gee, I wish my partner was here with me and can see some of the things that are going on in rehab, some of the programs I'm doing. I wish my family can see that there needs to be some alcohol and drug-free environments, not just for me, but for kids." And so, it was at the request of the clients. So then we said, "Well, okay. Well, let's do



something with this. It's not a one-off. There are people regularly saying this to us." So then we've gone down the path of saying, "Well, let's explore this further. Let's have a look at family. Let's see if we can get..." because family – this is a culturally appropriate way of doing things – engaging the family and we know with some of the research including some of that stuff around protection – what protects – keeps families strong in an urban versus a remote area. (Service Provider Broome)

Service Delivery

The main issues regarding service delivery were related to:

- Lack of service collaboration on several levels: between Corrective Services and external service providers and communities, between the Commonwealth and the State / Territory, between service providers within the State / Territory. External service providers do not know from each other who is delivering what and when.

For example, up the Peninsula here, Dampier Peninsula, there is 52 service providers. So that's one service provider for every week of the year. You tell me that people up in the communities that walk around 'cause people wanna run their training on the same day, there's another organisation will miss out on all the training because of these. (Service Provider Broome)

- There are a lot of service providers going to the remote communities, a lot of faces coming and going, to an extent that it is interfering with people's lives. Service providers have to accept that Indigenous peoples' time is as precious as theirs and they do not work according to the same time schedule, providers have to be patient and respectful and understand that Indigenous peoples might have a lot of other priorities related to their family and community.

Interviewee 3: Yeah. You've got here, you've got drive-in, drive-out, social workers. They won't stay up in the Peninsula, in the dust talking to the mob. They just wanna get back to Broome in the aircon office. They don't spend the time up there dealing with what needs to be dealt with.

Interviewee 2: So, you need community representatives working within the community that people can engage with all the time. (Service Provider Broome)

- It is particularly difficult for services that are not running a formal throughcare program to know what services are available in the prison. Therefore, there is a need for information sharing, and for this to be possible, there is a need for formal agreements, Memoranda of Understanding between Corrective Services and external service providers, e.g. addressing issues of confidentiality.

These guys are doing what they do separately. We will do the treatment programs separately and I think Board of Health was the only other service that was coming in delivering a parenting program. Why can't these very relevant subjects and education sessions, whatever you wanna call them – why can't they be included as in one package of a treatment program? I can't see why that's not included. I'm guessing there are some boundaries around confidentiality. That's probably one of the big reasons why that hasn't happened yet. I'm assuming that confidentiality – access to prison files and things like that. So that's a big – that's another area that I think is gonna take some work around if you were to establish that type of system. It's harder to manage the confidentiality side of things. (Service Provider Derby)



- Lack of ongoing funding. A lot of service providers, but also community members, complained about the lack of stable funding: initiatives are started, and work well, but then run out of funding and are discontinued. Further, due to the lack of perspectives, this makes it hard to retain quality staff members.

Yeah. We did eight years of it, right, once a year. So I would get funding from – originally, we used some money we had ourselves. Then it was volatile substance abuse through Attorney Generals or something, two years. Then it was Febfast donated for two years where they give up drinking for the month of February. Then it was other Commonwealth and then in 2015, it was just too hard. I was sick of going for funding and people. (Service Provider Alice Springs)

- The bureaucratic delivery of services not matching Indigenous lifestyle. The whole paper trail at release is too complicated, and does not make sense to the person to be released, it is confusing and leaves Indigenous peoples with the feeling to be let down. It is particularly difficult for people who don't have good English reading and writing skills.

Interviewee 1: Now, you get a lot of blokes there who have reading problems. I'd say most of them, and they just hand out papers or they don't explain it.

Interviewee 2: Some of the paperwork which is not just applicable across the system, I've had people hand it to me and – their sentencing paper and I don't understand it 'cause I've given it to a prison officer and say, "Can you explain this, what all these acronyms are, and what's this, and what's that?" And he goes, "No." It's written in such a language that someone who's reasonably well-educated is not really gonna understand it. It will be – there's silly things like one particular bloke we had – he had to do – to get his parole, he had to complete a certain mandatory course and then in brackets, it's got, "Not Available in Western Australia." So – and he said, "What does that mean? I can't get my parole because I can't do this course, but the course is not available in Western Australia." (Service Providers Broome)

And it's all about control. I can tell they're just numbers. At Centrelink, they're just numbers. When they're go into Centrelink, "What's your CRN number, blah, blah, blah, blah." Where does that go? A lot of them do want help. When they're in prison they're actually "I'd like to do this and I'd like to," but there is nothing there to facilitate. (Service Provider Alice Springs)

Another example was that for some services it takes long times on the phone before people get to talk to someone, and then have to answer questions in what is not their first language about facts such as their date of birth, which they do not know as their births were not registered or their birth name doesn't correspond to the name they trade as every day.

Yes. Complexity, access, like what these guys talked about. Like, it's an hour and a half to two hours waiting on the phone before you can talk to somebody, and then that person is – often that person, English isn't their first language and the person, the Aboriginal they're talking to, English is their fourth language. 'Cause every Aboriginal person will speak their language and I think these are the two local tribes. Everybody is trilingual, and then English isn't on top of that. So, it's fourth language of one person, the one on the phone. It's the second language of the other person at the other end of the phone. The first thing they ask is "What's your date of birth?" A lot of people don't know. They just don't know. It's not – it's like saying just like an Aboriginal person that say, "Okay, what's your chewing – where's your chewing gum?" And the person on the



other end is like, “What?” Like, surely you know. It’s part of our life. So they don’t know their date of birth. (Service Provider Alice Springs)

It was said that bureaucratic hurdles make it difficult to gather all the necessary documents, such as getting a driver’s license, a car registration, or a passport, so people drive without them, bureaucracy makes it all getting too hard and people give up.

Would be for some people because they don’t have proof of ID, and that’s a big thing with people in community ‘cause some choose not to drive, or find it too hard to find their birth certificate and where to go in order to get – find all these things, and they just pretty much rely on family. (Participant Hermannsburg)

And that’s even if, you know, in some cases, people’s births weren’t registered or their birth name doesn’t correspond to the name they trade as every day. They might have multiple dates of birth recorded in different government systems. The old RA10 forms that people used to establish their – if you didn’t have a birth certificate, for example, you establish your identity by someone like [...] for example, who’s known you for 12 months or longer and signing a proof of identity form which will be based on [...] knowledge of – you know, you’ve worked with as a [John, Jack and Mara] for a long time, it doesn’t mean John, Jack, and Mara is the name on the birth certificate and you’ve known for whatever reason, date of birth is 01/07/74 for example, but in fact, date of birth might be something similar to that but different and there’ll be – in all sorts of systems, we found that you line them up and they’re not the same there’s that issue as well. That makes it difficult to get a driver’s license so a lot of people drive without licenses. It’s not necessarily because they can’t drive but it’s just impossible to get a driver’s license. That makes it difficult to register cars. It makes it impossible to get a passport. You can get a firearms license. It’s easier to get a firearms license for some reason than getting a driver’s license in the NT, which is interesting. (Service Provider Alice Springs)

As a consequence, if Indigenous peoples do not go along the Western rules, they get penalised, their support is being taken away, they are fined, and they find themselves without support for long stretches of time, relying again on their extended family.

Which is really worrying and the welfare kinda state that’s operating there is crazy. So people are, you know, being expected or are working 25 hours a week for work for the dole payments and then missing certain appointments and being penalised and cut off for eight weeks. So you’re creating this level poverty that’s just profound. So you’ve got decreasing people in employment, more and more people being penalised and taken off like having long periods, stretches of time with no welfare. So everyone’s depending on those people that get pensions. (Participant Darwin)

Women and Throughcare

When talking about service delivery to facilitate throughcare, it was a most concerning finding that there are hardly any programs in place for Indigenous women. Community services that are available are often related to domestic violence, but they only provide temporary shelter.

And there’s nothing for the woman – the whole time I was there, there was no treatment programs for the women – the whole time I was there. I haven’t seen that in there for a while – that they do various things – they try to keep women occupied because they get quite bored - stuff to do, so we just do - hairdresser - so we’ve just got to go in there for two days cut their hair – show them how to cut their hair and blah,



blah, blah – just the beauticians courses, nails – technicians but as far as clinical programs go I don't know of any. (Service Provider Derby)

Because there's no options where our women – there is nothing in the community to support those women. So, we – our point is where you need funding to be able to work with these women. (Service Provider Alice Springs)

This is particularly concerning given the significant increase of Indigenous women in the prison population and the fact that they are often primary caregivers, which has an impact on the children and possible intergenerational offending.

And so then there's an impact on the mother-child bond. There's an impact on the community. There're so many ramifications for having – I think the same about men, but there's so many ramifications for having women [in prison]

Interviewer 1: Yeah, because they are very often the first carer of a person

Interviewee 4: Yes. And then what happens with those children? And the mum comes out, and the bond between the mother and child is broken down, and grandma has been looking out for the kids, and aunties, and then his family starts to have – so, there's so many – I think that's something that we really need to – if you can investigate that more. (Service Providers Alice Springs)

It was said that Indigenous women are often victims / survivors of domestic violence, what subsequently can lead to their own offending.

I think from a traditional standpoint, the men used to have so much power in the community being the hunters and all that. Now that the women have gotten equal rights and they're standing on their own two feet, men have kind of lost their position. So that's why a lot of domestic violence is happening. (Service Provider Alice Springs)

So what the ladies are saying is that the ladies that are actually getting sentenced are being the victims of family violence for a long period of time and when they snapped, they've actually done something very serious to their partner, which is to do longer on average sentences than men. (Service Provider Alice Springs)

It is particularly for women who have been in prison for offences involving violence, that there are very few opportunities. Longer term supported accommodation and access to work programs are almost inexistent. It was stated that funding and programs are needed to support Indigenous women, and that these services need to be run in the communities and with local people.

To run a program for women who may have used violence. And we know the reasons why women are often using violence. It's a whole range of different issues that we feel equipped to be able to talk with them about. So, actually having options for women, and apparently Alice Springs women's – it is out of control. The women are back to back. (Service Provider Alice Springs)

I would like to share that I would like to see something on the ground with the people who are coming back from the jail and like with domestic – the community – something happening for them, but they need a program going from the ground. (Participant Tiwi)



Police, Legal Representation and the Western Criminal Justice System

Finally, we turn to the criminal justice system itself, and the specific problems of Indigenous peoples in this respect.

Police

There was frequent referral to over-policing, particularly in the Northern Territory after 'the intervention' (Northern Territory National Emergency Response), but also in the Kimberley region. More police presence seems to be equal to more police interventions, and resulting in more Indigenous peoples ending up in the criminal justice system.

Now you have pissed bloke pushes woman over, falls down, hurts herself a little bit. Well, normally the police would turn up and go, "What's going on here?" "Oh, he pushed her over." "Oh yeah. See you later." Now it's, "Oh, yeah. We'll put him in the back of the van. We got time. We got resources now. We can arrest him." (Service Provider Alice Springs)

Further, Indigenous offending often occurs in public places, which makes them very susceptible to police intervention, someone described it as 'shooting fish in a barrel.' (Service Provider Alice Springs)

There were mixed experiences about the relationships with the police, some communities reporting a good collaboration with police, others felt a lack of support from them.

We just turn around and tell them outright they can't come here [released people]. And then if that person does come back in the meantime and we don't know about it, but then we get told by somebody on the community, then you'd have to then get a notice and then – which we give to the police and then – but we also get the police to come with us when we hand them the notice to say that they have to get off the community and what time they have to go. (Participant Darwin)

And 'cause – oh, sorry – there isn't the support here, like even – in the case where you've got someone who's really got violence issues, for example, we don't necessarily have the support of being able to ring up the police and have them attend immediately if required, they usually come and check it out in the next two days, eh. (Participant Beagle Bay)

As the police is often the first point of entry in the criminal justice system, it was felt that there is a need for them to get cultural awareness and safety training. It was mentioned however, that there is a high turnover of staff and therefore people that need to be trained. A suggestion was to train Aboriginal peoples in the community.

Well, across – yeah – the police need to do cultural awareness training. They have to. I've been saying that for all the time, but it doesn't happen because the problem just like everywhere else is the retention of staff. You have turnovers of staff everywhere – doesn't matter what department – health, education, police, in communities – it's a problem everywhere, the retention of staff. So what I've been saying is – look, the only way to overcome this, train Aboriginal people in community. They can be police officers, doctors, nurses. So if you really wanna invest in something that's worthwhile and beneficial in the end, government needs to seriously think about training Aboriginal people to become police officers, to become doctors. But nothing like that is



happening. I know there are doctors, Aboriginal doctors that are now with Menzies – Aboriginal doctors. (Participant Tiwi)

Legal representation

Commonly, (Aboriginal Legal Service) solicitors have extensive caseloads, which results in very little time for them to engage with their clients, to get the information required to defend them properly, and to prepare them for their appearance in the courts.

They [solicitors] come to CAALAS and they wanna try and make a difference. They're coming there and each day they might be literally getting five minutes with someone who's in the cells. They might getting five minutes with the police saying what the charges are – literally five minutes, this isn't make believe and then they have a 5 to 10 minute opportunity to talk to the judge about what their options are. And then the judge has 5 to 10 minutes to make a decision on whether or not they're gonna send the individual to jail or there's other options. (Service Provider Alice Springs)

The Western criminal justice system

The Western criminal justice system is often a rather disturbing place for Indigenous peoples. There is the fundamental issue of Indigenous peoples not accepting the Western criminal justice system, them having their own traditional justice system, which is more important to them.

Yeah that's the way it is that's our system. We run our system in our own way. White men way just came in. Our system was working very well. We got payback. When that happens you got payback and you're not gonna be dead but they'll pay you back though. (Participant Darwin)

For the above and other reasons, many Indigenous peoples just do not engage with the Western criminal justice system.

"Oh. I better get over there," and fucking – oh, I'm just gonna plead guilty and get it over with." That's how it is. (Service Provider Broome)

Further, it was also stated that the criminal justice system expects Indigenous peoples to learn how to negotiate, but that the criminal justice approach itself is authoritarian, and that the significant role models people see in the prison, are not living up to this expectation themselves.

As said before, a lot of Indigenous peoples serve short sentences, which cause a lot of harm to their lives (re employment, accommodation), but gives them hardly any access to programs and little support.

Or the other end of the spectrum is the people who have the short sentences, those very disruptive three months sentences – four months. ... a judge might think – I normally would give you eight, nine, ten, 12 months in the prison, but because I'm not really gonna give you any form of suspension, I'll just give you a six-month sentence and get – yeah – get you in and out. So, those people go in. Their whole lives is disrupted by that six-month sentence, but – yeah, they don't get any support. (Service Provider Alice Springs)

Reasons for serving the full sentence instead of attempting early release / parole were identified, such as a lack information about the system; not knowing when they are eligible for parole or finding out last minute, too late to get their application in; the paperwork, which



is often not very accessible to Indigenous peoples, or the reluctance to be supervised after release.

Interviewee 1: Yeah. I did my full sentence. Yeah. Yup.

Interviewer 2: You didn't want to get out early?

Interviewee 1: No, I didn't wanna – because I had thought about this way. Even though that was my first time in prison, I got off with the parole. But I didn't want the parole because I'm thinking, if I'm gonna have this parole, I'll go out – me and my missus will probably argue or whatever. Something will come up and we'll argue. It might happen the same day, two, three weeks after. Halfway through my parole, we'll probably have an argument or whatever then –

Interviewer 2: And they're gonna put me back in.

Interviewee 1: Yeah.

Interviewee 1: That's why I didn't want it. I wanted to do my full stretch and come out clean slate. (Service Provider Broome)

Or they call it the 'White man's law'. I'm not listening to them, I'm out now. I don't have to answer to them. (Service Provider Alice Springs)

The issue of a possible relationship between 'white law' and customary law is complicated. Payback is still an important practice in the communities we visited, and while often misunderstood by non-Indigenous people as a cruel, unsophisticated practice, it still has a lot of credit in Aboriginal communities. They perceive it as hard but just and democratic, regulated by traditional safeguards, allowing communities to regain peace and redemption for the offender. It is a way for the offender to reconnect with culture and tradition, with the support of Elders and Respected people, and to regain the trust and respect of the community. Traditional punishment is more about healing for the family of the victim, and less about punishment of the offender. But the traditional way of punishment is in the hands of the communities and takes as long as needed, and that is conflicting with the Western perception of justice. There were suggestions made that minor offences could be dealt with in traditional practice, which might be a point for negotiation, but it is particularly in cases of serious offending that the balance between families and communities gets disturbed, and traditional payback felt needed.

There's – if someone's not right, if someone's harmed, somebody else – it's more likely a wife being hurt by her partner – the family – here on Tiwi, the family will often accept that person if he's been in prison. He's had his punishment. They will often – but if that person – if the wife was killed, then that's a different thing. That's a different thing. (Participant Tiwi)

I shouldn't say not the white fella way, but because we can't change the law, but the law needs to be – I know it's recognised, but it has to be – there's much more now. The law has got to be accepted by the white Australian community, Aboriginal law. (Participant Tiwi)

What needs to be done is that the white man's system has got to work with the old law men because they got a prison of their own, you know. (Participant Darwin)



Related to all the issues discussed above, the end result is that imprisonment is often a part of life for Indigenous peoples. It was mentioned numerous times that it is not a deterrent, which does not mean that it does not come with shame and grief, which was obvious from the stories we were told.

People don't want to be locked, you know? Just because it's a little bit better than survival doesn't mean it's good. (Participant Darwin)

They hate it. They don't wanna be there. I worked as a professional parole officer for eight years and a lot of time in jails, a lot of time getting people out of jail, and watching them ricochet back in jail. And if you dig a little bit deeper into what people think about their jail experience, undeniably, they hate it. They do not wanna be there. (Service Provider Alice Springs)

Finally, throughout the fieldwork, we met with many strong Indigenous men and women, in the communities and as service providers, both without and with lived experience. The latter explained how they had managed to turn their lives around, standing up for themselves, their families and their communities.

Yeah, but – well, I didn't want to go back to old ways, you know? Like how it was before and that's the main thing. I just came out in this borrowed life, no one else gonna help you do it. You gotta do it on your own. So, I just had to try to stand on my two feet, try to ride for myself just not in a big way, just by little by little. (Participant Broome)

Yeah, I've gone through what they've gone through. I don't drink anymore. I never – I've done – I gave up smoking, I gave up all the bad things only because of my health but, you know, somewhere, someone – somebody got to start fresh up new, turn a new leaf. And someone has to be the voice of our family, of this community. (Participant Darwin)

Note: We organised the results section according to the important themes to be addressed in relation to building effective throughcare for Indigenous offenders, as identified through the analysis with Nvivo. However, we emphasise that other, underlying factors, such as alcohol and other abuse, poverty and violence, which are not captured in separate sections, are entwined in all the themes we discuss. As stated by one participant: 'they [alcohol and drug abuse] are underlying factors, it is about the lack of purpose in life and control over things, this all leads to frustration and anger' (Service Provider Broome). It was also stated that this kind of abuse is a community issue, and not an individual one, as is the case of many other problems we discussed.

Conclusions and Policy Implications

After the presentation of the results from the fieldwork, we resume the same themes, discussing them in a broader context of Indigenous over-representation in the criminal justice system and linking them to policy and other initiatives that could be taken. As stated earlier, our interpretation of the results was communicated in a consultation paper (Appendix E) that was sent out to participants and discussed with as many as possible. Their comments have been incorporated and the consultation paper forms the basis of what is further developed in the conclusions below.

Reducing the need for throughcare

While the focus of the report is on the transition of Indigenous offenders after release from prison, the most effective throughcare strategy would be to prevent Indigenous incarceration and to



address the matrix of issues leading to Indigenous over-representation in prison in the first place. As stated in the literature review, the increase of Indigenous women in prison and Indigenous peoples on remand are a matter of serious concern and should be investigated in targeted research. Further, the fact that Indigenous peoples often serve short sentences with disproportionate detrimental effects on their lives and communities, urges the need for more diversionary options. Finding alternatives to the system of jailing fine defaulters would be an important start, as well as the abolition of mandatory sentences for non-violent offences in Western Australia. Both legislative interventions have been recommended in several governmental reports and by several law reform bodies, such as the Aboriginal Legal Service of Western Australia, the Law Council of Australia, the Law Society of Western Australia and the Australian Law Reform Commission.

The limited use of early release measures for Indigenous peoples and the high rates of Indigenous recidivism are strongly related to the need for effective throughcare provisions for Indigenous offenders, which will be the focus of the remainder of this section.

Throughcare according to Indigenous peoples and service providers

In the research, we opted for a community-based approach, listening to Indigenous offenders' experiences during imprisonment and after release, as well as the experiences of Elders and other community members and local service providers, regarding what initiatives are needed, and what existing strategies could be strengthened. The most important learning from this approach is that Indigenous experiences with the criminal justice system in general, and with imprisonment in particular, are different, and require a different approach than mainstream service provisions (see also Molnar, Rynne & Webster 2017). We therefore started the result section with the importance of Indigenous culture and lifestyles and their impact on how Indigenous peoples get involved in criminal behaviour, and what is leading them back into offending. This contextual picture is essential to understand and address Indigenous (re-)offending. Differences in language and conceptual understanding, cultural obligations and ongoing consequences of colonisation are inextricably related to Indigenous involvement with the criminal justice system. As long as there is no acknowledgement of these issues, no (throughcare) approach is ever going to be effective.

The breakdown of Indigenous cultural practices and lifestyles through colonisation has contributed to the over-representation of Indigenous peoples in the criminal justice system. According to the data collected in the research, to reverse the over-representation of Indigenous peoples requires political mechanisms and operational structures that allow, support and strengthen traditional systems that co-exist alongside the non-Indigenous world. To achieve this level of cohabitation requires, in the first place, the involvement of Indigenous Elders and Respected people, as well as the wider Indigenous community in all matters of incarceration and post-release placement and activities.

For throughcare strategies to be effective for Indigenous offenders from isolated or more traditional communities, a community-based approach that invests in local initiatives and draws on the authority of Elders and Respected people from relevant communities is required. Unlike the Western approach to crime and punishment that views crime as an individual problem, based on the data, the throughcare approach should involve extended families and community members to address the underlying issues of offending behaviour (such as poverty, substance abuse and domestic violence), and acknowledge the importance of healing in a traditional sense. This requires a holistic approach and the involvement of many agencies.

Throughcare strategies are essential

It was clear from the conversations we had that thorough exit planning from the prison to the community is essential for any chance of successful throughcare. According to the service providers and the community members of the regions we visited, there is a lack of throughcare strategies in



place in the prisons they service / have experience with. More particularly, the service providers that do not manage formal prison throughcare programs indicated that, even if there are services provided in the prison, they are insufficiently aware of them and there is a lack of communication and collaboration.

However, we did come across numerous examples of good practice and services, and it is definitely not the case that no good throughcare programs or services are in place. We particularly refer to the services as delivered by Men's Outreach Services in the Kimberley and NAAJA in Darwin. CAALAS in Alice Springs was not running a throughcare program at the time of the research, due to lack of funding the program ceased in 2014. Further, Mission Australia and Tangentyere Council are providing similar services. Moreover, there are number of related programs available for people after release, some of them specifically tailored for Indigenous offenders, and in Appendix B we provide an overview of programs and services identified during the research.

Throughcare as a process

Effective throughcare strategies start from the prison entry, are continued throughout the period of imprisonment, are crucial at the moment of release, and in dealing with the myriad of problems faced afterwards. The process should be as seamlessly integrated as possible and engage with a variety of agencies, including Indigenous organisations.

It is important that throughcare services start well before release. Based on the data collected in this research, successful throughcare programs need to be integrated in the day-to-day activities of prison life. This includes access to work, programs, and recreational activities that will contribute to the successful return of people to their home and community.

Throughcare focused intervention is actually required from the beginning of imprisonment, in order to prevent unnecessary problems afterwards, and make the transition to release as smooth as possible. Clearly, joined-up service provision amongst the various public sector agencies released people deal with, is a worthy but difficult to achieve goal. Notwithstanding its difficulty, the problems identified when public sector agencies (such as Centrelink and the Department of Housing) are unaware of a person's incarceration is a factor contributing to recidivism.

Successful throughcare after release starts at the prison gate: it is crucial that arrangements are made between the prison services and throughcare services to provide for a safe transition from the prison to the place where people will reside after release. Negotiations about where that place will be needs to start before release, in consultation with the preferred place / community to go to and the Indigenous peoples in charge there, with the provision of information to and support for that community. Further, it requires arrangements related to transport, but in certain situations also support to make these first steps into freedom. The policy to save money in cutting back transporting services if people are released at the end of the sentence is short-sighted and incurs more costs in the long run. Regardless of a person re-entering the community on parole or after full time conclusion of their sentence, access to reliable transport back to their community should be offered. It is essential that transport (by government or other) has been arranged while still in prison, and that the moment of release is coordinated with the availability of such transport.

If people are moved to another prison without the external service providers being notified, this endangers continuity of service delivery and might result in the fact that in every new prison the throughcare trajectory starts again. Therefore, throughcare providers should be informed of the transfers and protocols should be developed between internal and external throughcare providers to pass on information of actions undertaken, underway or to be developed.

After release, support can be needed for extended periods of time, and the limitation to 12 months after release, as was the case for Men's Outreach Services, is sometimes insufficient and should be more flexibly available if needed. The idea is not that released offenders remain dependent on



throughcare support, but in certain situations or on an occasional basis, their availability can be essential and should be acknowledged in their funding.

It was also suggested that family needed to be part of any post-release programs. Many participants noted, for example, that while the released person may have come off drugs and alcohol in prison and got clean, his / her family may still be in a state of trauma and crisis, increasing the likelihood of recidivism. Consideration needs to be given to throughcare strategies that involve the whole family in recovery, moving from an individual to a family / community model.

A safe place to go to

Supported housing is essential for when people get out of the prison. The current lack of government housing availability leaves Indigenous peoples homeless, in 'the long grass' or having to rely on housing situations that are criminogenic. More accommodation needs to be provided, but for this accommodation to be successful, support is needed. People need support in practical arrangements, but also to build self-confidence and deal with peer pressure, to create a safe environment supporting them in their journey after release, which would reduce the chance of recidivism. Good programs seem to be in place in the Northern Territory with transitional housing organised by Anglicare, Salvation Army and Mission Australia. More of this kind of support seems to be needed in the Kimberley, where several participants mentioned this need.

There was the suggestion for the provision of halfway houses. Halfway houses were seen as a viable option for the graduated release of people back to home and community. A graduated release provides an opportunity for supervision and monitoring and was seen as a viable option to ensure successful reintegration. As well as allowing for an opportunity to more freely job search and arrange accommodation, it could support the released people in re-entering their communities. They could provide support and mediation to adapt gradually to the pressures and challenges of life in the community and – particularly – with family. Some suggested that 'on-country' facilities could be used as part of a transition to life on the outside, particularly because these are usually 'dry' places.

Having an occupation and income

Employment strategies that are holistic and appropriate for return to communities are another major area of need. Should a released person not be able to secure employment, federally funded programs like the Commonwealth Development Program (CDP) are available for ongoing training and a small income. However, mainstream employment is preferable.

Finding employment after imprisonment is particularly challenging for Indigenous offenders. This needs to be acknowledged in prison programs preparing for employment. Employment programs in the prison need to be realistic and pay attention to Indigenous lifestyles. Given the limitations of the labour market, this requires 'out of the box' thinking, with the provision of programs that might appeal more to Indigenous people's interest, such as art, music and 'caring for country'. The programs should not be limited to skill training, but include advice about how to deal with cultural obligations and work, steps to take if you can't fulfil (work) commitments and budgeting. Indigenous involvement herein is indispensable. A possible option would be to appoint an Indigenous employment officer in the prison.

Further, it requires consultation with local employers to negotiate flexibility when needed for cultural matters, for example. More broadly, employment opportunities need to be created in local / remote communities.

An example of good practice was the MacDonnell Regional council community work program. The MacDonnell program operates with low risk offenders on court orders on advice from Corrective Services to undertake community work programs. On these sites, a supervisor from each community



will supervise the work undertaken. On these orders, there is potential for the offenders to work in teams doing community work or specialised projects. The program is a prison diversion approach that has direct benefits to the Indigenous people's communities. The Council also supports training in the prison, so offenders are gaining skills while imprisoned that are directly linked and transferable to community work when they are released. If possible, the Council tries to absorb released people into their works teams.

On top of employment, budget support needs to be available. These services can advise on how to manage budgets, pay off fines and debts, but also how to deal with humbugging and related community members relying on the released persons' financial support and provision of goods.

Indigenous prison programs and services

The programmatic needs related to employment and budgeting have previously been addressed. However, as stated in the results section, having an occupation is not going to prevent recidivism if the underlying causes of the behaviour are not addressed. Accordingly, there is as much need for programs dealing with the drivers of this behaviour, such as grief and trauma, substance abuse and health problems.

Further, mainstream prison programs cannot simply be 'translated' to suit the cultural and lifestyle needs of Indigenous offenders. Programs for Indigenous peoples in prison should be culturally valid and appropriate to the target clan or skin group. If they are to be effective for Indigenous offenders, prison programs should operate from an Indigenous perspective, being developed and delivered with Indigenous involvement. Where possible and practical, prison programs should be integrated with community based programs. That is, a seamless transition from prison to existing community based programs would increase the likelihood of ongoing skill enhancement or behavioural change depending on the program. A greater involvement of Indigenous peoples in prison programs might also enhance their chances for, and belief in early release under parole supervision.

To make the bridge between Indigenous peoples' needs and the Western style bureaucratic procedures, prison programs and services needs to be hands-on, clearly explained and beyond the provision of documentation and referrals. Again, Indigenous involvement here is essential.

More broadly, prison management needs to acknowledge the importance of the Elders and Respected people, Indigenous community lifestyle and cultural obligations, and provide every possible effort to incorporate these in the prison culture.

There was also the suggestion from a Corrective Services member for a more active involvement of Corrective Services in external programs. An example was the potential for outstations to transition from being operated by Corrective Services to being managed by Indigenous peoples. Should the management be transferred to Indigenous peoples, they could be operated via traditional and culturally appropriate practices that adopt a transition back to community function.

Coordinated service delivery

As previously indicated, when it comes to service delivery, and as illustrated in Appendix B, the main problem is not the lack of services available, but the fact that they are fragmented, uncoordinated, and funded on an unstable basis. We have met with several service providers, with Indigenous and non-Indigenous staff, and we were impressed with their support and commitment to the job. From our experiences, the diversity of local, small scaled services and approaches is the best way to reach as many people as possible. From an Indigenous perspective, the personal relationships with service providers, their knowledge and familiarity with country and skin group, is crucial. What is, however, hampering this model is the lack of coordination. Effective throughcare requires that the released person is aware of which service providers do what, where, and when. A joined-up, well publicised approach to post-release services would provide a throughcare model that is substantially more

coherent and effective. It would also prevent Indigenous peoples from having to deal with ‘fly in – fly out’ services that appear at inappropriate or unplanned times and are therefore a waste of time for both sides.

Effective throughcare requires longer term planning and investment; there is the need for stable funding and networking between service deliverers. Throughcare services should provide hands-on support by caseworkers that negotiate with the client regarding required services, facilitating the paperwork and physically supporting them through the myriad of issues that need to be dealt with after release. This requires investment in a considerable and flexible workforce, particularly given the ‘tyranny of the distance’ in the regions included in the research.

Female offenders and throughcare

While we talked with numerous (Indigenous) women (20) and captured their views, we do not feel like we can satisfactorily report on the specific throughcare needs for Indigenous women in and after prison. More and specific research in this area is required. For now, we can only report on the statements that were made regarding the lack of specific services for women, services that go beyond domestic violence refugees. Good examples we came across during the research were the Tangentyere Women’s Committee Family Safety Group Project and the Kunga Stopping Violence Project in Alice Springs. However, domestic violence is an important, but not the only problem Indigenous women are confronted with, so other throughcare services for women are needed.

The Western criminal justice system

It needs to be born in mind that the mainstream criminal justice system has been imposed on Indigenous peoples from above without their consent and enjoys scant support. Indigenous peoples do not recognise the legitimacy of the Western criminal justice system. Furthermore, Aboriginal law remains a fact in Indigenous communities, and governs social relations in most spheres of daily life. Indigenous peoples have their own systems of punishment that they see as fairer than imprisonment in white institutions, where offenders are allowed to neglect their duties and responsibilities to country and family. Communities find it difficult to pick up the pieces once people have become institutionalised in the prison culture. Kinship obligations, perhaps the cornerstone of customary laws, may take precedence over obedience to white man’s law.

The issue of conflict between traditional Indigenous justice approaches with the non-Indigenous justice system was identified at numerous sites. While both approaches are substantially different with regard to the administration of justice (fundamentally, the former is negotiated and the latter adversarial), the Tiwi Islands data provided an example of how the two systems can, in the majority of instances, successfully operate alongside each other. The key policy feature from the Tiwi Island example is that through effective Elder intervention and communication, the community better understand the non-Indigenous criminal justice system and purpose of prison as punishment. Provided the punishment fits within certain parameters for the crime, further retribution will not be forthcoming when the offender returns to the community. As with other examples in this research, the value of Elders and Respected people with good community participation and communication cannot be underestimated in this process. Over time, effective policy will take the gains of blending the two justice systems identified in the Tiwi Islands’ example and work with community leaders to develop throughcare models as part of an integrated approach to criminal justice (Appendix A).

Policing remains a sensitive issue among Indigenous communities. While we came across report of good relationships between police and certain communities, there remains a widespread belief that the police are heavy handed in their dealings with Indigenous peoples when they are suspected of being offenders, and indifferent to their needs when they require police support. The recent case of Ms Dhu, who died in the Hedland (Western Australia) police lock-up from septicaemia, after being imprisoned for non-payment of fines (she came into contact with police as a victim of domestic



violence), is the latest in a long catalogue of cases where police have abrogated their duty of care for Indigenous peoples. Cases such as Ms Dhu bring the system as whole into disrepute. Indigenous people's lack of faith in the system is constantly being confirmed and reinforced by such miscarriages of justice. As stated in the report, there was the feeling that there is a need for police involved in remote communities to get cultural awareness and safety training, as they are often the first point of entry in the criminal justice system.

Preventing recidivism

There has been substantial research in Indigenous peoples' recidivism and the recycling drivers. The current research has identified and reinforced many of these factors. For example, being released with no means of returning to community or home increases the likelihood of people staying in the larger cities where the prison is located, like, Broome, Alice Springs or Darwin. With no fixed accommodation but some funds earned while in prison, these released people reside in the 'long-grass' around the cities and often reengage with alcohol and drugs. The lack of suitable accommodation and coalescing substance abuse soon brings released people into contact with police and the cycle of short-sentence prison and release begins again. Therefore, throughcare trajectories as described above are essential to break this cycle of offending and re-offending. In the absence of these support services a return to prison is inevitable - sometimes it's the lesser of evils.

Empowering Indigenous peoples

This research has reinforced the importance of Aboriginal culture in managing the aftermath of colonisation and improving the future of Indigenous peoples. If throughcare is to be effective, Indigenous peoples should be empowered to drive prison reforms in preparing individuals for release and community re-entry. Given the community lifestyle we described above, an individualistic approach is not appropriate; strategies are needed that involve families and other community members. Important is that these services need to be delivered by and in collaboration with Indigenous peoples and their communities.

Good practice in this regard is for example the Elders' Visiting Program (EVP) in the Northern Territory, supporting particularly young people in the prison from a cultural perspective, and it was suggested that this program should be strengthened. Elders and Respected people should be involved at every stage of the criminal justice system process, from prison to Community Corrections and re-entry. It was proposed that a possible improvement in the Elders' Visiting Program would be that it should empower the Elders to have greater responsibility for the lives of Indigenous peoples in prison (Appendix A).

As a final statement, we want to emphasise that the findings from this report result from the research we did in the research sites in Western Australia and the Northern Territory, and are therefore mainly valid for these places. There will be practices in other jurisdictions that we do not acknowledge in this report, as they are beyond the scope of the research. As developing effective throughcare services for Indigenous offenders is a very 'place-based' endeavour, it will not be possible to develop a 'one size fits all' approach. However, the conclusions and policy implications from this report might have broader validity and can be a starting point for more general initiatives to be taken to develop throughcare strategies that are more effective for Indigenous peoples.

Recommendations for Reform

As stated in the Executive Summary, it is not the intention of this report to provide a blueprint ready for implementation: effective throughcare strategies for Indigenous offenders on return to their communities should be developed with and by Indigenous peoples and their communities, as well as



local service providers. After feedback from the representatives of the States and Territories through the Criminology Research Advisory Council, the more contextual presentation of our conclusions are set out below in more practical recommendations for reform.

- Throughcare pathways need to be established at the point of first contact with the criminal justice system: a suitable model for this could be the Custody Notification Service as is operated by the Aboriginal Legal Service in New South Wales and the Australian Capital Territory, following a recommendation of the Royal Commission into Aboriginal Deaths in Custody: <http://www.alsnswact.org.au/our-work/custody-notification-service/>. In short, the police must contact the Aboriginal Legal Service whenever they take an Aboriginal person into custody. A trained lawyer will ensure the person's fundamental legal rights are respected, concerns re his / her mental and physical health are addressed and he / she can also contact the family and an Aboriginal Field Officer to take care of immediate issues, which can prevent problems during imprisonment and after release.
- The point of first contact is also a prime moment for early screening and assessment and the development of diversionary options that could reduce the potential for repeated contact with the system. This is particularly the case for those with a cognitive impairments such as Foetal Alcohol Spectrum Disorders (FASD), highly prevalent in the custodial system.
- There is a need for enhanced knowledge of Indigenous offenders than is currently offered by mainstream reports, such as sentencing reports. Examples of good practice are what are called Gladeu Reports in Canada, written by Indigenous specialists who provide a cultural assessment and history of the client. In New Zealand, cultural reports prepared by Maori staff offer a strengths based assessment of the client and his Whanua (family).
- Throughcare can be enhanced by setting up and strengthening an Aboriginal / Elders Visiting Scheme – as currently operated in several jurisdictions, including Western Australia and the Northern Territory. These schemes allow for cultural healing and guidance throughout the prison sentence.
- Throughcare trajectories require a collaboration between a prison case officer and external Aboriginal throughcare services to provide a continuity of care and support throughout the prison sentence.
- The throughcare trajectory should be documented, including treatment programs completed, initiatives taken and those that should be taken in preparation for release. This documentation should travel with the person as they move through the system from one prison to another so that the next throughcare provider can pick up on the trajectory. Therefore, collaboration agreements between throughcare service providers need to be developed.
- During imprisonment, culturally appropriate programs for and by Indigenous peoples should be offered, being more broadly oriented than just skill training. Indigenous led programs may work on the production of cultural artefacts and / or skills in short supply in remote communities, such as mechanic and electrical skills.
- The delivery of such programs should be based on collaboration with Indigenous community services and throughcare providers, allowing for a greater involvement of family and community members. Memoranda of Understanding should be developed for good governance around security and confidentiality issues.
- For specific recommendations related to employment, we refer to the 'Prison to Work' report from the Council of Australian Governments: <https://www.coag.gov.au/sites/default/files/reports/prison-to-work-report.pdf>



- More intensive throughcare case management should start well in advance of release – with a particular focus on clear information about the opportunities and regulations around early release.
- In preparation for release, it is crucial that safe accommodation is identified by contacting people in charge of the community the person wants to go / return to. This request should provide background information on the throughcare trajectory, arrangements for transport home – and alignment of the time of release with the availability of this transport – and possible support and intervention in case of problems.
- If immediate return to community is not desirable, the development of halfway houses, where Indigenous peoples could gradually acclimatise to life outside, could facilitate the transition. Halfway houses should be led by Indigenous peoples and provide for administrative, practical and mental health support, as well as family and community mediation. How these halfway houses should function needs to be developed in consultation with local Aboriginal agencies and service providers.
- If not halfway houses, more and supported government accommodation needs to be made available. Good practices from several NGO's are running, but there is currently insufficient accommodation available.
- Following release, a system should be established to coordinate external service provision across providers, preventing overlap, filling in gaps and setting-out a schedule of service provision in remote communities. Service delivery after release should involve family and community members.
- To oversee all the above, correctional services should create the position of an Aboriginal person / team responsible for this portfolio. Responsibilities within this portfolio could be:
 - The development of a policy around cultural obligations when Indigenous peoples are in prison (including the importance of maintaining links by attending funerals);
 - Cultural awareness training of prison officers in consultation with local Elders;
 - In the case of Aboriginal women there needs to be specific policies and awareness around the problems more likely to impact on women transitioning out, including reconnection with children and family.



References

- Adams Y, Drew N & Walker R 2014. *Principles of practice in mental health assessment with Aboriginal Australians. Working together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice*: 373-382.
- Anthony T 2013. *Indigenous people, crime and punishment*. Routledge.
- Australian Bureau of Statistics 2012. *Census of Population and Housing - Counts of Aboriginal and Torres Strait Islander Australians, 2011*. ABC Cat. no. 2075.0.
- Australian Bureau of Statistics 2016a. *Census data*.
- Australian Bureau of Statistics 2016b. *Customised Report*.
- Australian Bureau of Statistics 2017. *Prisoners in Australia*. ABS Cat. no. 4517.0.
- Australian Human Rights Commission 2007. *United Nations Declaration on the Rights of Indigenous Peoples*.
- Australian Law Reform Commission 2017. *Incarceration Rates of Aboriginal and Torres Strait Islander Peoples*. Discussion Paper No 84.
- Baldry E & McCausland R 2009. Mother seeking safe home: Aboriginal Women post-release. *Current Issues in Criminal Justice* 21(2): 288-301.
- Bessarab D & Ng'andu B 2010. Yarning about yarning as a legitimate method in Indigenous research. *International Journal of Critical Indigenous Studies* 3(1): 37-50.
- Blagg H 2016. *Crime, Aboriginality and the decolonisation of justice*. Sydney: Hawkins Press.
- Borzycki M & Baldry E 2003. Promoting Integration: The Provision of Prisoner Post-Release Services. *Trends & Issues in Crime and Criminal Justice* 262, Australian Institute of Criminology.
- Brown D 2010. The Limited Benefit of Prison in Controlling Crime. *Current Issues in Criminal Justice* 22(1): 461-473.
- Carlton B & Segrave M 2013. Postscript: a radical vision for system and social change, in Carlton B & Segrave M (eds), *Women Exiting Prison: Critical Essays on Gender, Post-Release Support and Survival*. London: Routledge: 425-439.
- Commonwealth of Australia: Department of the Prime Minister and Cabinet 2017. *Closing the Gap - Prime Minister's Report 2017*.
- Council of Australian Governments 2016. *Prison to Work Report*.
- Cunneen C 2009. Criminology, criminal justice and Indigenous people: a dysfunctional relationship? *Current Issues in Criminal Justice* 20(3): 323- 336.
- Cunneen C & Rowe S 2014. *Changing narratives: Colonised peoples, criminology and social work*. *International Journal for Crime, Justice and Social Democracy* 3(1): 49-67.
- Cunneen C & Rowe S 2015. Decolonising Indigenous victimisation, in Wilson D & Ross S (eds), *Crime, victims and policy: international contexts, local experiences*. Sydney: 10-32.
- Dean C 2010. A yarning place in narrative histories. *History of Education Review* 39(2): 6-13.
- Durie M 2005. Indigenous knowledge within a global knowledge system. *Higher Education Policy* 18(3): 301-312.
- Fredericks BL, Adams K, Finlay SM, Fletcher G, Andy S, Briggs L, Briggs L & Hall R 2011. Engaging the practice of yarning in Action Research. *Action Learning and Action Research Journal* 17(2): 7-19.
- Human Rights Law Centre 2017. *Over-represented and overlooked: the crisis of Aboriginal and Torres Strait Islander women's growing over-imprisonment*.
- Kelly M & Tubex H 2015. Stemming the tide of Aboriginal incarceration, *University of Notre Dame Australia Law Review* 17(1): 1-18.

- Law Council of Australia 2014. *Policy Discussion Paper on Mandatory Sentencing*.
- Law Society of Western Australia 2016. *Briefing Paper Mandatory Sentencing*.
- Leeson S, Smith C & Rynne J 2016. Yarning and appreciative inquiry: The use of culturally appropriate and respectful research methods when working with Aboriginal and Torres Strait Islander women in Australian prisons. *Methodological innovations* 9: 1-17.
- Marchetti E 2006. The deep colonizing practices of the Australian Royal Commission into Aboriginal deaths in custody. *Journal of Law and Society* 33(3): 451-474.
- Martin K L 2008. *Please knock before you enter: Aboriginal regulation of outsiders and the implications for researchers*. Brisbane: Post Pressed.
- Molnar T, Rynne J, & Webster J 2017. An appreciative assessment of prison quality for Australian First Peoples of the Kimberley region in Western Australia. *Victims & Offenders* 13(3): 1-22.
- Northern Territory of Australia, Department of the Attorney-General and Justice 2018. *Northern Territory Correctional Services Annual Statistics 2016-2017*.
- Office of the Inspector of Custodial Services 2015. *Western Australia's Rapidly Increasing Remand Population*.
- Office of the Inspector of Custodial Services 2016. *Fine Defaulters in the Western Australian Prison System*.
- Ogilvie E 2001. *Post-release: the current predicament and the potential strategies*. Australian Institute of Criminology.
- Payer H, Taylor A & Barnes T 2015. Who's missing? Social and Demographic Impacts from the Incarceration of Indigenous People in the Northern Territory. *Northern Institute Research Brief Series* 5: 1-17.
- PricewaterhouseCoopers 2017. *Indigenous incarceration: unlock the facts*.
- Haswell M, Williams M, Blignault I, Grand Ortega M & Jackson Pulver L 2014. *Returning Home, Back to Community from Custodial Care: Learnings from the first year pilot project evaluation of three sites around Australia*. Muru Marri, School of Public Health and Community Medicine, UNSW Australia, Sydney.
- Rigney L I 1999. Internationalization of an Indigenous anticolonial cultural critique of research methodologies: A guide to Indigenist research methodology and its principles. *Wicazo Sa Review* 14(2): 109-121.
- Rynne J & Cassematis P 2015. Assessing the prison experience for Australian First Peoples: A prospective research approach. *International Journal for Crime, Justice and Social Democracy* 4(1): 96-112.
- Walker M, Fredericks B, Mills K & Anderson D 2014. "Yarning" as a method for community-based health research with indigenous women: the indigenous women's wellness research program. *Health care for women international* 35(10): 1216-1226.
- Walter M 2005. Using the 'power of the data' within Indigenous research practice. *Australian Aboriginal Studies* 2: 27-34.
- Walter M 2010. The Politics of the Data: How the Australian Statistical Indigene is Constructed. *International Journal of Critical Indigenous Studies* 3(2): 45-56.
- Wan W, Poynton S, van Doorn G & Weatherburn D 2014. Parole supervision and reoffending. *Trends & Issues in Crime and Criminal Justice* 485, Australian Institute of Criminology.
- Weatherburn D, Froyland G, Moffat S & Corben S 2009. Prison populations and correctional outlays: The effect of reducing re-imprisonment. *Crime and Justice Bulletin* 138, NSW Bureau of Crime Statistics and Research.
- Willis M 2008. Reintegration of Indigenous prisoners: key findings. *Trends and Issues in Crime and Criminal Justice* 364, Australian Institute of Criminology.
- Willis M & Moore JP 2008. Reintegration of Indigenous prisoners. *Research and Public Policy Series* 90, Australian Institute of Criminology.



Hilde Tubex is Associate Professor and Deputy Head of School, Research at the Law School, University of Western Australia

John Rynne is Associate Professor and Director Youth Forensic Service, School of Criminology and Criminal Justice, Griffith University

Harry Blagg is Professor and Director of the Centre for Aboriginal and Torres Strait Islander Peoples and Community Justice at the Law School, University of Western Australia



APPENDICES

APPENDIX A: TIWI CASE STUDY

APPENDIX B: OVERVIEW OF SERVICES AND PROGRAMS

APPENDIX C: PARTICIPANT INFORMATION FORM

APPENDIX D: PARTICIPANT CONSENT FORMS

APPENDIX E: CONSULTATION PAPER



APPENDIX A: CASE STUDY TIWI ISLANDS - Melville

Of the communities visited in the research, the Tiwi Islands appeared as a high functioning and positive community. This is not to say that it was crime free or ring-fenced from other issues confronting many remote Indigenous communities (i.e., health issues, poverty, youth suicide, and low employment opportunities, for example). Notwithstanding this, the internal mechanisms for the day to day operation of the Islands appeared well defined and embedded amongst the general community. Given this, the data on how the Island functioned as a place of throughcare was useful as a case study. The researchers interviewed three prominent people from the community, one male Elder and two female Respected people. The male Elder was also the Chair of the Northern Territory Elders Visiting Program (EVP), which is a highly influential group in shaping Northern Territory prison operations.

Tiwi Island data

The Tiwi Islands are located 80 kilometres north of Darwin. The Tiwi Islands comprise two main inhabited islands, Melville and Bathurst, and nine smaller uninhabited islands. The 2015 population of the Tiwi Islands was 3,102 persons (1,686 males and 1,416 females) (ABS 2017c). According to the Australian Bureau of Statistics 2016 census, the resident population of the Northern Territory was 228,833 with an Aborigine and Torres Strait Islander population proportion of 25% (ABS 2017a).

Crime rates specific to Tiwi Islands are unavailable as to imprisonment rates. However, as an indicator of crime rates in the Northern Territory, for the year 01/08/2016 to 31/07/2017, crimes against the person occurred at 3248.8 per 100, 000 and property crime at 8694.6 per 100,000 (Northern Territory Police 2017).

As at the March quarter, 2017 the Northern Territory had Australia's highest rates of incarceration with 921 persons per 100,000 in prison and a Aboriginal and Torres Strait Islander incarceration rate of 1,433 per 100,000; Australia's fourth highest rate of imprisonment (ABS 2017b).

Why the Tiwi Islands were high functioning

Where isolation is often proposed as being a negative aspect of community life, it was suggested that Tiwi's isolation was a positive influence on strengthening the community's functionality. The Tiwi Islands are not comparatively isolated in terms of distance from Darwin. However, the 80 kilometres of water between Darwin and the Islands creates a natural barrier to the negative influences of modern city living for Indigenous peoples (e.g., ready access to alcohol). This natural barrier allows continuation and close control over cultural life including marriage and skin group interactions, as well as the Islands governing body maintaining greater control over the influences of colonisation and non-Indigenous life or as described by the male Elder 'White-fella life'.

While the ½ hour flight from Darwin creates some isolation from its problems, the distance is far enough to ensure positive aspects of non-Indigenous contact can be gained. While a colonising experience, the establishment of the Catholic Mission in 1911 brought with it education.² As indicated by an Island Elder 'We got educated. Our people got educated earlier than a lot of our brothers and sisters because of that contact.' The reference to 'brothers and sisters' is to mainland First Nations People. The Elder suggested that education was highly influential in positively contributing to the level of functioning in the community.

Return to community

² First European settlement of the Tiwi Island's was in 1824 but only lasted four years.



One of the basic propositions of successful throughcare is that released people will have the capacity to return to their homes or alternative suitable accommodation. The Tiwi Island interviews indicated that the current Corrections policy does not always assist those people that wish to return to home or desired location the capacity to do so. Under existing policy, people that complete their full sentence are not assisted in returning to the Tiwi Island. They are required to make their own way back to the Island from the prison gates. Alternatively, if a prisoner is released while still on an order (i.e., parole) they are given financial assistance to return to the location that they were arrested.

Given that it appears the preferred option for many First Nations People is to do their full sentence (particularly as sentences are often short), the issue of being released and not being returned to their community can become a major issue in First Nations People being susceptible to incarceration through sustaining a cycle of offending, limited successful throughcare, and return to prison. If released with no means of returning to their home community, in this case the Tiwi Islands, 'they open the door and let you out and that's it. Then they end up in the long grass – stuck in Darwin' (Elder Tiwi).

Alternatively, not all released people want to return to their home communities or the community where the offence occurred. An example was provided by the Tiwi women as follows:

If someone is in prison for belting up his wife, right, and he's coming out, he comes out – the chances of that person going to the community will be 50/50 because he may not want to go back to his wife immediately because of family payback and that, so there are those circumstances. Yeah. He may not want – absolutely. And it happens everywhere especially that I know here in the remote community. People do not go straight back home because of that reason – because of payback. (Elder Tiwi)

Under these circumstances, released people whether, full-time or on community-based orders, appear less likely to return to their communities for fear of traditional punishments. Also, the Tiwi women advised that feelings of remorse and guilt may interfere with released people returning to their family. The released people end up staying in Darwin or Katherine, for example. In either situation, the inability or unwillingness to return to the Tiwi Islands has significant negative implications for throughcare.

The blending of traditional punishment with the Western criminal justice system is a complex and fluid mix. The Tiwi Elder indicated that families will accept the Western criminal justice system as satisfactory punishment in some instances. For example, in some domestic violence where a wife has been hurt by her partner, the wife's family may consider a prison sentence sufficient punishment and payback would not be likely. However, if the partner had murdered the wife then this is a different circumstance. The Elder did not elaborate how it was different or what the consequence might be. It is important to note that it was indicated that generally the Tiwi people were accepting of the Western criminal justice system and that traditional punishments like spearing or hitting perpetrators with sticks no longer occurs. Prisoner re-entry to the Islands is primarily a negotiated process through talking between the aggrieved groups. An example was provided of a two-year process to negotiate the successful throughcare and re-entry of a person who had spent 20 years in prison for a serious violent offence.

In blending Tiwi culture with non-Indigenous approaches to punishment, the Elder reiterated the historical and ongoing role of education in the administration of punishment;

As Tiwi people became more educated, they became wise and more thoughtful about weighing up the Tiwi way of doing things and the white fella way of doing things and accepted the white culture, the Western culture, but also carried the Tiwi one and I can say have been able to balance two culture and that happened when the introduction of

Europeans coming to the island. So it happened over a long time. So – and we still do that. (Elder Tiwi)

Similarly, the process of throughcare is supported through offender (or those on orders) programs offered in the community such as the family violence program delivered at Wurrumiyanga on Bathurst Island. These themes identify the importance of education in successful throughcare. The Tiwi women indicated when the men come back from prison, if they are in ‘pain’ because there is nothing for them to do they might go back to drinking. The lack of workshops or industry to keep them occupied lends itself to negative behaviours that may continue the cycle of recidivism. Leaving prison with a determination to work and contribute is a positive construct that a lack of employment can frustrate creating tension and disempowerment.

The Elders and Respected people of the Tiwi Islands have been able to develop a system of punishment that balances traditional forms of punishment with the modern Western criminal justice system. Notwithstanding, the bifurcation of traditional payback and the Western criminal justice system has implications for throughcare. It seems successful throughcare is a tenuous proposition if an individual is to be confronted by traditional law, shame or guilt on return to the community. The consequence of not returning to the community for fear of payback or because of guilt and remaining in the larger cities increases the likelihood of re-incarceration.

The Tiwi Elder identified a fundamental issue when considering throughcare. The Elder proposed that there were:

Urban Aboriginals down south, they’re close to the city and a lot of other things they can do – that a lot of them tend to go to the Western processes of doing things and forgetting about the Aboriginal processes which has been there – which is always there for centuries and they get caught up in that. (Elder Tiwi)

Alternatively, he suggested that a lot of the people from more remote communities retained ‘their culture strong’. However, in retaining their culture, they live in the 21st century and that requires the Islander’s to achieve a balance between the Western way and the traditional Aboriginal culture. He suggested that for released people, achieving a balance was always going to be a challenge. That is, successful throughcare requires interventions that recognises the Aboriginal person’s background (i.e., urban or isolated communities), cultural ties, and community connections.

A consistent theme identified in the Elder’s and Respected women’s interviews was the need to retain and strengthen traditional culture while also ‘be smart, think of – or learn about the white fella way’. At first glance, this could be considered acquiescing to ongoing colonisation. However, the motivation for the approach is self-determination by understanding and living in non-Indigenous culture so that future generations can retain Aboriginal processes and important cultural traditions while coping with modern Western life. Through the likes of television, the internet and social media modern Western processes pervade Aboriginal communities to different extents. However, regardless of the extent it is inevitable ongoing Western intervention will occur. Unlike colonisation, the model of building cultural resilience detailed on Tiwi is self-determined, driven by First Nations People. Successful throughcare will require acknowledgement of this self-determination approach while distinguishing between urban and isolated communities.

Strengthening throughcare

It was suggested that improved throughcare could be achieved by investing more control with the Elders Visiting Program (EVP). The EVP enables Elders from across the Northern Territory to visit people in prisons in Darwin, Alice Springs, Nhulunbuy and Tennant Creek. The program provides a means of building cultural resilience through Elders providing guidance in traditional ways and also a conduit to appropriate processes across a prison sentence for the individual and prison staff. For

example, family matters can be dealt with in the prison via the Elder and at ceremony times (e.g., a funerals) and family obligations may be negotiated.

The empowerment and increased responsibility of the EVP in throughcare was suggested as a means by which prisoner re-entry into the community could be achieved in a culturally appropriate means. It was also suggested that with this EVP empowerment, there should be greater emphasis on doing:

...the things that we want to do our way culturally – that’s culturally appropriate, not the white fella way. Do it our way, but I have also – I shouldn’t say not the white fella way, but because we can’t change the law, but the law needs to be – I know it’s recognised, but it has to be – there’s much more now. The law has got to be accepted by the white Australian community, Aboriginal law. (Tiwi Elder)

The empowerment of the EVP was not only at throughcare but suggested as a means of constant contact from the time of arrest through the prison sentence, release, re-entry, and ongoing community involvement. A further suggestion, one that the Northern Territory Corrective Services have been constantly attempting to improve, is increased representation of First Nations People as custodial officers or prison workers. Despite constant attempts to increase Aboriginal employees, it appears to be a very difficult goal to achieve.

The Respected women’s interviews reflected the male Elder’s views of the importance of retaining culture to strengthen throughcare. They provided examples of taking women into the ‘bush’ to learn weaving, basket making and dying skills. These skills were part of ‘women’s business’ which includes the conversations supplementary to learning new skills. These supplementary conversations (i.e., yarning) are where culture is passed on. For example, they also indicated the strength of the Tiwi Islands was that there were strong Elders and that these Elders were respected by the community members.

A further feature that strengthen the Tiwi Islands community, and therefore the likelihood of successful throughcare, was that because of the skin group structure and marriage within the appropriate skin groups, as well as, Elder’s respect there was minimal or appropriate humbug. Humbug is the unsolicited requirements of sharing between skin groups and others. For example, if one person has money there may be pressure bought to bear to share those funds across the community. Again, the lack of significant humbug was attributed to the strength of the Elders and the Strong Women who control the community.

References

Australian Bureau of Statistics 2017a. *2016 Census: Northern Territory*. Available at:

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/mediareleasesbyReleaseDate/C73D7CC81CA1FD2FCA258148000A4067> [Accessed 20 October 2017].

Australian Bureau of Statistics 2017b, *Corrective Services, Australia March quarter 2017*. ABS Cat. No. 4512.0.

Available at:

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/allprimarymainfeatures/3AC3C2F5C9C403C8CA2581930014B71A?opendocument> [Accessed 20 October 2017].

Australian Bureau of Statistics 2017c. *Tiwi Islands*. ABC Cat. no. 74050. Available at:

http://stat.abs.gov.au/itt/r.jsp?RegionSummary®ion=74050&dataset=ABS_REGIONAL_LGA&geoconcept=REGION&datasetASGS=ABS_REGIONAL_ASGS®ionASGS=REGION [Accessed 20 October 2017].

Northern Territory Police 2017. *Crime Statistics*. Available at: <http://pfes.nt.gov.au/Police/Community-safety/Northern-Territory-crime-statistics.aspx> [Accessed 20 October 2017].



APPENDIX B: OVERVIEW OF SERVICES AND PROGRAMS

During the research, we came across various services related to throughcare and support programs for released offenders. We refer to these services in the report and in this appendix we provide more information on their functioning. The aim is not to provide an exhaustive overview, and there will be services available that are not mentioned in this appendix. What we provide here is an overview of services and programs that were mentioned to us in the interviews, based on information we could find online.

THROUGH-CARE SERVICES

MEN'S OUTREACH SERVICE INC.

The Men's Outreach Service (MOS) in Broome was established in 2001, following concerns from the Women's Refuge about the lack of support for men in domestic violence situations. The service runs several programs including an Indigenous youth suicide prevention program; a men's counselling program; a drop-in service for homeless men; and support for both male and female prisoners, pre and post-release. Staff at MOS engage with prisoners from the Broome and Derby prisons six months prior to release to help them prepare for life outside. Furthermore, they remain with prisoners' one-year post release in order to ensure that they have the greatest possibility of creating a better life for themselves and their families. The program also runs the Lifecycle Program, through which pre-release and post-release prisoners can refurbish derelict bicycles, which are then delivered to communities, and in turn offered as incentive to children. Lifecycle is set up so that each participating prisoner, on release, is presented with a reconditioned 'pushbike,' to allow them to transport around their communities. This program is delivered within the West Kimberley Regional Prison (in Derby) workshop, which is equipped with all the tools and equipment necessary to fix and maintain old, run down bikes. MOS staff are also about to begin delivery of a similar program to at-risk youth in Kimberly towns and communities.

MOS also provides the Men and Families Relationships Program, which, through counselling, focuses on helping men who are struggling to understand their role as a man in the family unit. This program is about to be bolstered and complemented by the addition of a new family violence initiative, funded by the Commonwealth. This is a two year trial of a Mens behaviour change program, for family violence offenders. Key elements of this program will be: a culturally secure and trauma-informed approach, and support for and involvement of partners and family members.

In addition, the organisation hosts a suicide prevention program called Alive and Kicking Goals, set up to address the extremely high rate of indigenous youth suicide in the Kimberley region. MOS also offers a Drop In Service, where men can come to experience a secure, alcohol-free zone, where they are able to connect with other men in similar situations, free from judgement. The retreat is men only, and provides a free breakfast every Thursday to complement Centacare who provide breakfast on other days of the week.

NORTH AUSTRALIAN ABORIGINAL JUSTICE AGENCY (NAAJA)

The North Australian Aboriginal Justice Agency (NAAJA) Throughcare Program aims to reduce recidivism by addressing the throughcare needs of youth and adult people in prison. The program has two prison-based throughcare support workers who help people in prison and youth detention to get parole by encouraging them to reflect on why they got into trouble; assisting them in undertaking programs that could help them stay out of trouble in the future; helping them make good life plans about what they'll do when they get out of prison; and, upon release, helping them follow their plan and finish parole without getting back into trouble. The Throughcare Program also has seven intensive case managers, based in NAAJA's Palmerston Office, who help Aboriginal and

Torres Strait Islander people in prison and youth detention prepare to be released, and support them once they have returned to the community. Two of the intensive case managers work specifically with people convicted of family and domestic violence related offences, one works specifically with young people leaving the Don Dale Youth Detention Centre and one works with people experiencing particular difficulties obtaining parole.

The service provides strength-based case management, and referral services to assist people in accessing appropriate support and services to help them stay out of prison. This includes ongoing rehabilitation, accommodation, employment, education and training, health, life and problem solving skills, and reconnection to family and community. Case managers begin working with people in prison and youth detention six months before their release dates, and may keep working with them for as long as necessary once they have returned to the community.

The entire Throughcare Program is voluntary, so only people who are ready to make positive changes in their lives are eligible. NAAJA also works with people with high needs such as those who are homeless or hold marginal accommodation; people with no or unstable income, or who are disengaged from Centrelink; people with literacy and numeracy issues, and/or English as a second, third or fourth language; people with problematic family relationships, involving welfare agencies, history of family violence, cultural/payback issues; people with a lack of community supports; substance misuse issues; and people with health, including mental health issues and/or physical disabilities. Intensive case managers work with 15 people at any one time so that each client is offered high quality case management support. Referrals are accepted from people in prison and youth detention themselves, as well as from members of their family. In addition, the wider NAAJA Team, the DCC, the Don Dale Youth Detention Centre, NT Community Corrections, lawyers and other service providers may refer people to the program. As well as working in the greater Darwin region, workers travel to the Katherine and Wadeye regions regularly and can help people from other remote parts of the Top End.

MISSION AUSTRALIA

Mission Australia have a Post Release Support Service located in Darwin and Alice Springs, which assists people who have been released from prison to access support services, secure accommodation, training and employment. It offers a case-management style of support and advocacy, as well as referral to other services relating to housing, life skills, education, training, employment, healthy family relationships, drug and alcohol misuse and social inclusion.

Also, Mission Australia have a program called Personal Helpers and Mentors (PHaMs), which is a community based and a strengths based approach. Mission Australia's PHaMs program is a strength and recovery centred program, which supports people whose lives are severely affected by a mental illness. It caters for people 16 years and over living in Alice Springs, Papunya and Darwin, who are willing to accept help for their diagnosis and address any alcohol and drug issues they may have during the course of the program. PHaM offers participants a culturally appropriate service, which is structured to meet the individual participant's needs and personal recovery goals. The program acknowledges that recovery does not necessarily mean cure and that every person's recovery is different. The role of the Personal Helper and Mentor is to assist participants to better manage their daily activities and reconnect with their community; provide direct and personalised assistance through outreach services; offer referrals and links with appropriate services including drug and alcohol and accommodation services; work with participants to develop an Individual Recovery Plan, which focuses on the participants' goals and recovery journey; engage and support their family, carers and other relationships; and monitor and report on progress against each participant's Individual Recovery Plan. Individuals are not able to participate in the program if they live in a setting that restricts, limits, or reduces their ability to participate in the community.



OTHER SUPPORT PROGRAMS

AMITY COMMUNITY SERVICES INC.

Amity Community Services Inc. is an incorporated non-government organisation that aims to assist clients in surviving/managing or possibly reducing their drug use, alcohol consumption or gambling behaviours, and in turn reduce the damage associated with such habits. It operates based on the belief that health is more than just the absence of disease, but rather a complete state of physical, mental, emotional and spiritual wellbeing. Amity adopts a harm minimisation approach, seeking to identify the harms to individuals and society, and implement strategies to minimise these harms. These strategies include evidenced based prevention, intervention and protection. Through counselling sessions, clients are able to discuss the way habitual behaviours can interact with other areas of life, as well as existing mental health issues. Furthermore, they are able to discuss issues related to drugs and/or alcohol for the client or for someone else, as well as gambling for the client or someone else. In addition to the counselling service, Amity runs gambling services, known as the Gambling Harm Minimisation and Education Programs. These programs aim to minimise the actual and potential harms associated with gambling, as experienced by individuals and the wider community. Workplace's can request information sessions, capacity building workshops or the project's attendance at community events by emailing Amity Community Services.

Amity also aim to reduce the health and social harms associated with alcohol and drug use, by developing systems and processes that reduce supply and associated harms in the Greater Darwin region; increase the capacity of Indigenous communities in the Darwin region, to reduce the harm and demands of alcohol, drugs and volatile substances; and increase the capacity of Amity Community Services and other service providers, individually and collectively, to work with Indigenous communities. Additionally, the Amity Alcohol and Other Drugs program works with certain Indigenous communities and organisations to facilitate and support community initiatives; assist in the development of community plans and assessments; increase access to relevant information; and help with submissions and accessing funding. Amity also operates Illicit Drugs Services, and is currently seeking to provide outreach, counselling and intervention services or people that are affected by illicit drug use and their significant others.

CATHOLIC CARE NT

CatholicCare NT is a not-for profit organisation that provides counselling services and programs for individuals, couples, families, children groups, schools and agencies across the Northern Territory. On the Tiwi Islands, CatholicCare operates three programs: Safe House – Milikapiti; the Financial Wellbeing and Capability program; and the Alcohol and Other Drugs – Adults program. The Safe House provides support for people who are suffering from domestic and family violence, in the form of crisis accommodation for women, children, and men. The Financial Wellbeing and Capability program is an early intervention program that addresses immediate needs in times of financial stress; helps clients to make informed choices to address financial problems; educates and coaches clients to encourage behaviour change and improve financial resilience; and links clients to other service providers including job training. Referrals for the Financial Wellbeing and Capability program are accepted from agencies, family members and clients themselves. In addition, the Alcohol and Other Drugs – Adults program provides professional counsellors who aim to work with individual and family members who are affected by alcohol and other drug misuse. In doing so, the counsellors seek to motivate clients to quit or reduce alcohol and/or drug intake; help clients to better understand substance use; address client's specific needs through individual counselling, group counselling and family support; help build coping strategies; and link clients to other specialist services where appropriate.

CENTRAL AUSTRALIAN ABORIGINAL ALCOHOL PROGRAMS UNIT – Alice Springs



The Central Australian Aboriginal Alcohol Programs Unit (CAAAPU) is a primary provider of culturally appropriate counselling and residential treatment services in Alice Springs. Run by Aboriginal people, CAAAPU programs are operated on a five-hectare property on the rural outskirts of Alice Springs. The facility is designed in a culturally appropriate manner insofar as it is landscaped with native and bush tucker plants, and provides spaces such as bough shelters and sandpits with outdoor space for group therapies. CAAAPU aims to prevent Aboriginal people from being incarcerated by offering them alcohol rehabilitation. This includes offering clients the necessary tools to recover from alcohol abuse, become healthier, stronger, and make informed decisions about how they live their lives. The organisation accepts referrals from Correctional Services, health facilities, the justice system and self-referrals.

CAAAPU runs three different treatment programs; the Male Residential Rehabilitation program (MRR); the Alcohol Mandatory Treatment program (AMT); and the Outreach and Day Care. The Male Residential Rehabilitation (MRR) program provides voluntary residential treatment programs for Aboriginal and non-Aboriginal men. It is structured as an eight-week residential rehabilitation program, providing individual and group counselling, support and education in a healthy, safe and caring environment. Furthermore, provision is available for clients who wish to stay longer. The treatment program incorporates cognitive therapy, narrative therapy, group and individual counselling; individual case management; counselling with AOD qualified staff and external professional staff, holistic family participation where desired by the client; and work ready programs including day release to employment and accredited training in Alice Springs. The AMT program provides residential treatment services for up to 20 clients, with similar programs to those accessed by MRR clients. In addition, the Outreach and Day Care service offers support to clients and their families' residing in the community of Alice Springs, in the form of cultural activities and outings both in and around Alice Springs. Clients are invited to attend the CAAAPU facility and participate in treatment programs from Monday to Friday between 8:30 and 16:30.

DRUG AND ALCOHOL SERVICES ASSOCIATION INC. – Alice Springs

The Drug and Alcohol Services Association Inc. (DASA) in Alice Springs began over 30 years ago as a small group of concerned community members. It evolved into a Sobering Up Shelter, followed by the Aranda House residential service, the Transitional Care Program and the Independent Living Facility. In 2004 the Outreach Team commenced, which weaves together these services. In addition, DASA offers the Back On Track Drink Driver Program and has the ability to customise alcohol and other drug programs for delivery in any setting under fee for service arrangements. DASA's vision is a safe and healthy community in Central Australia, free from the harmful effects of substance misuse. It's mission is to provide client driven care from crisis to independent living; teach clients skills for life; advocate for and on behalf of clients; provide supported residential services for clients; deliver preventative and ongoing education; deliver therapeutic interventions; and connect people through Outreach.

DASA's **Outreach Program** offers intervention and referral, to further the case management of the relationships established in the Sobering-Up Shelter and other services between staff and clients. The team works throughout the community with a vast range of clients, linking them with the services DASA has to offer as well other appropriate services within the community.

The **Sobering Up Shelter** seeks to avoid people who are 'apprehended without arrest' for being intoxicated in a public place ending up in police cells, by providing supervised accommodation. Clients of the service are monitored throughout their stay and receive a bed for the night, a meal, and access to shower facilities. Where appropriate, staff at the Sobering-Up Shelter can offer Brief Intervention, as well as referrals to the Outreach Team, the Aranda House Therapeutic Community and other service providers.



Aranda House is a residential rehabilitation facility that provides a 12-week program and an 8 or 16-week program for Volatile Substance Misusers. It is based on a Therapeutic Community model, under which residents are expected to be active participants in their own personal recovery, in a supportive and caring environment. The House provides 20 beds, with an initial detoxification and withdrawal service that can be co-managed with other health services where necessary. It also offers group therapy, one on one casework, sport, recreation and healthy lifestyle activities. In addition, residents participate in outings, bush trips and cultural activities such as NAIDOC, and external service providers and professionals are engaged to provide appropriate services. The House also has a fully equipped gym and music room which residents are able to access at certain times.

The **Transitional After Care Unit (TACU)** is a semi-independent residential facility, which focuses on providing a safe, supportive, clean and sober environment for residents to further progress their drug and alcohol rehabilitation. The facility offers residents their own bedroom and bathroom, as well as shared common areas, and is available to those who have already abstained from alcohol and other drugs for a period of three months. This period of abstinence may have been in a like facility or in a custodial / monitored setting. Residents in the TACU must be able to live semi independently, as well as manage their own personal needs and personal space to an appropriate standard. Furthermore, residents are permitted to live in the Unit for up to two months so long as they are either employed or undertaking educational studies, or are actively seeking employment or education.

The **Independent Living Program** is DASA's final stage of rehabilitation, which provides three units in which residents and their families may reside under a lease agreement. Whilst staying in the units, residents are responsible for paying for their own power bills, food and looking after the premises. The Independent Living Program models life in the community as closely as possible.

LARRAKIA NATION ABORIGINAL CORPORATION - Darwin

Larrakia Nation Aboriginal Corporation in Darwin was set up in 1997 to represent the interests and further the goals of the eight Larrakia families. The corporation was administered under the Corporations (Aboriginal and Torres Strait Islander) Act and its main focus is on Native Title. One of the services Larrakia Nation offers is the Health Outreach and Assistance in the Long-grass (HEAL) program. This is designed to improve the health of long-grassers through social and medical links. Through the program, client's health is monitored and they are able to receive transport to doctor's appointments, hospitals and specialists. Furthermore, HEAL provides information and primary health interventions, as well as environmental safety audits of campsites. HEAL also runs targeted events, such as the 'Dental Blitz,' which aim to improve long-grassers health. These events bring specialist medical care to clients, rather than them having to seek it out themselves.

MILLIYA RUMURRA – Broome

Milliya Rumurra is an Aboriginal community-controlled Alcohol and Other Drugs service located in Broome, in the West Kimberley region of Western Australia. Milliya Rumurra means 'First Day' or 'Brand New Day' (Yawuru language). They have been providing support to individuals, families and communities affected by alcohol and other drugs since 1978. Their aim is to reduce the level of AOD-related harm by providing a range of culturally secure environments that support positive behavioural change for Aboriginal community members.

All programs are based on the National Drug Strategy principle of harm minimisation and utilise an evidence-based and client-centred approach, supporting continuity of care with the aim to realise sustained behaviour change for clients.

Vision: Reduced level of alcohol and drug related harm to support strong individuals, secure families and safe communities.



The service offers six key programs: (1.). Residential Rehabilitation – seeking to address the effects of alcohol and drugs on the individual, family and community in a culturally secure and culturally responsive way. Focus of this program is on family engagement and support by providing interventions that aim to reduce alcohol and drug use, decrease high risk taking behaviours, improve physical health and social functioning and to improve emotional, cultural and psychological wellbeing. (2). Continuing Care – providing follow-up counselling and case management for clients and their families post-rehabilitation. (3). Day Programs – For pre-admission to the residential program, mandated clients and mutual aid support groups, art therapy. (4). Outreach and Support – In partnership with Cyrenian House (CHMR) to provide increased access to AOD counselling and support services to communities in the West Kimberley region. This includes developing and implementing targeted AOD prevention programs, increasing community capacity to identify, develop and provide evidence based AOD strategies at a local level and building the capacity of the local/Aboriginal workforce to deliver AOD services and programs. (5). Transitional Housing and Support – Providing transitional housing to families successfully exiting our residential rehabilitation program and supporting families through our Continued Care program to reintegrate back into the community in a safe and caring environment. (6). Sobering Up Shelter– providing a safe, care oriented environment for intoxicated people at risk of harming themselves or others by providing brief interventions in assisting people to sober-up. They have provided this service since 1999.

Key elements incorporated into the program and service include:

- Family based model of care (FESP) — clinical workers engage with the family during rehabilitation and post-rehabilitation
- Holistic approach — the AOD problem is not considered in isolation and separate from family and community issues. Support services are integrated to include the families of clients
- Sustainability — a key element in being able to be a strong and respected presence in the community
- Flexibility — the organisation has adapted to the fluidity of mainstream policies and procedures by changing its focus from abstinence to harm minimisation, and embracing a holistic approach to treatment
- Collaboration — the organisation has been successful in establishing and maintaining relationships with most services in Broome, and is represented on regional and state bodies.

MENS' BEHAVIOUR CHANGE PROGRAM – Alice Springs

The Alice Springs Women's Shelter (ASWS), Tangentyere Council and the Jesuit Social Services work in partnership to provide the Men's Behaviour Change Program (MBCP), which focuses on curbing the high rate of domestic violence in Central Australia. The program became operational in the second half of 2014, and is one of the five key components of the Alice Springs Integrated Response to Family Violence. This is a multi-agency initiative to work collaboratively to improve the safety of women and children, and provide support for people who use violence to take responsibility for their behaviour and change that behaviour. The MBCP is informed by a feminist understanding of family and domestic violence, and was developed through engagement with women and children's services, as well as community-controlled Aboriginal organisations.

Participants can self-refer or be referred through courts or Corrections, however the program is not currently offered in prisons. Successful entrants are expected to participate in a group program, which usually runs over a series of sessions. During these sessions clients engage in practices and processes to help them take responsibility for their use of violent and controlling behaviour, and to help them change these behaviours. In addition to group sessions, individual work can be conducted where resources allow. Some areas of the program, including the Partner Support position, are targeted towards women. This involves a staff member who is formally part of the ASWS making

contact with partners and ex-partners, in order to monitor the risk level of the women and conduct safety planning. Furthermore, the Partner Support Worker seeks to find out whether and how the MBCP participant's behaviour may be changing. In addition to the Partner Support position, the Tangentyere Women's Committee Family Safety Group Project engages influential women from the community to be able to learn and collaborate with staff. In early 2015, a family and domestic violence training program was run in order to teach this influential group of women from the town camps in Alice Springs, who could in turn teach the training staff. The idea was to bring women's voices into the room while they work with men, and help make the MBCP culturally appropriate.

WOMEN OF WORTH AUSTRALIA FOUNDATION INC.

Women of Worth is a not-for-profit organisation that aims to change the lives of women in the community. It began to take fruition in 2012 when the founder, who had spent many years in management and counselling, as well as several years working with long-term unemployed people from disadvantaged backgrounds, began to run after hours workshops. The workshops focused on promoting work rather than welfare, and were a huge success. During this development period, the founder noticed that a commonality shared by the women who attended the workshops was a lack of self-worth. Acknowledgment of self-worth as crucial to success, as well as the desire to empower, inspire, motivate, protect and guide disadvantaged women formed the bedrock upon which the Women of Worth Foundation was established. The organisation's mission highlights five key focus points: educating women within the community through self-worth programs; promoting and encouraging women to be rational and self-reliant, as well as develop the ability to make independent decisions to change their life; provide awareness through mentoring women who have experienced domestic violence, as well as substance abuse, grief or other significant life events; encourage women to become entrepreneurs and assist them from welfare to work; and promote self-development and self-discovery. These goals are worked toward through programs such as the Welfare Onto Work workshop; Women of Worth Coach; Women of Worth Mentoring; and the Women of Worth Youth Empowerment Solutions workshop for teenage girls, which focuses on value, attitude and self-worth, and encourages the power of knowledge and imagination. The organisation is currently working on gaining funding for their A Way Out Workshops, which aim to build participants capability in several focus areas including self-awareness; emotional and social intelligence; workplace employment; life skills; confidence; goal setting and attitude change. Women of Worth also runs an op shop and a magazine, with proceeds from the op shop going towards services, in particular toward the Youth Empowerment Solutions workshop.

SUPPORTED HOUSING

ANGLICARE NT operates several housing and tenancy support services:

The **Alice Springs Housing Support Services (HSS)** assist people in attaining and keeping housing. Support workers help clients with a range of issues including health, employment, money matters, schooling and domestic violence. Through the program, clients are taught how new skills to enable them to live independently, such as money planning, keeping the house tidy, and managing visitors.

The **Transitional Housing Program** assists clients in gaining and sustaining long-term housing, through the provision of case management, tenancy and support skills training to homeless families and individuals. Transitional accommodation is offered to enable clients' participation in the program. HSS also offer services to assist clients in obtaining employment, which operate by identifying the barriers to accessing jobs, as well as the necessary support required to assist clients into job readiness. Such barriers include literacy rates, access to childcare, systemic discrimination, not having a drivers' licence, lack of transport, release from Criminal Justice System and possible physical or mental health issues. Caseworkers assist clients in becoming job ready, by discussing the client's interests, linking clients with training courses and employment services, supporting clients to

obtain a drivers' licence, exploring child-care options and providing access to computers so that clients can look for jobs and update their resume.

The HSS also operates the **Tenancy Sustainability Programs (Urban and Town Camps)**, which provides tenancy skills training and case management support for tenants of public housing, to assist them in achieving sustainable long-term housing.

Similarly, the **Garaworra – Supported Housing Program** offers housing and case management support for people who are homeless or at risk of homelessness. It offers services to help people develop the skills required in order to effectively transition into long-term accommodation, in private or public rental markets. Referrals for Garaworra are made through the NT Department of Housing.

Furthermore, the **Katherine Family Accommodation Support Service (KFASS)** is a short to medium-term housing program, available to families who are homeless or at risk of becoming homeless. It provides support through times of crisis and aims to help and support families and the community to become independent and develop the capacity to improve their own well-being. KFASS manages nine properties within the township of Katherine, which are a mix of two bedroom units and three bedroom houses. KFASS also offers services including advocacy, budgeting, referral for counselling and information on other services for families in the Katherine Region. When leaving KFASS, families are offered Outreach to assist them in effectively transitioning into independent housing.

OutCARE offers accommodation and support services for up to six released people at any one time.

The **Tenancy Support Program** offers services to individuals and families who are living in public housing or are on the public housing waitlist, and who need support to maintain their tenancy. The program provides case management and support for tenants of public housing in order to maintain their housing and prevent homelessness.

MISSION AUSTRALIA

The **Stuart Lodge** is a specialist homelessness service, run by Mission Australia in Alice Springs, which is open to all individuals and families who are at risk of, or currently experiencing homelessness. It provides a range of supports to people who are seeking shelter from sleeping rough or need a place to stay; visiting from remote communities for medical reasons; as well as for those who are recently released from Alice Springs Correctional Centre. In addition to accommodation, visitors and residents are offered case management to ensure they are able to access financial and Centrelink assistance; domestic and family violence support; Department of Housing assistance; and assistance in securing long-term sustainable accommodation. Furthermore, the Stuart Lodge kitchen offers three healthy and nutritious meals every day for a small cost.

The **Tenancy Sustainability Program**, run by Mission Australia, offers case management support for people in Alice Springs and Darwin who are at risk of losing their tenancy in public housing due to property damage, debt, or anti-social behaviour. A case manager works with the resident to assist in addressing these issues and can provide access to support services. The focus is on ensuring an integrated, holistic and culturally appropriate support to meet resident's needs.

SALVATION ARMY provides the following services:

The Alice Springs Men's Hostel provides non-discriminatory accommodation for homeless men. It offers accommodation and meals; counselling; referrals to appropriate services for assistance; employment; support for clients living in the community; and the Positive Lifestyle Course where appropriate. The program operates in accordance with Christian faith and practice, and aims to empower clients to be able to make positive lifestyle choices to enhance their quality of life and move towards independence. The Men's Hostel offers 21 beds for young men over the age of 18,



catering in particular to those with mental health issues. Because of the overall goal to help clients find more stable accommodation, the Hostel provides short-term accommodation.

Red Shield Housing Services provides accommodation for singles over the age of 18 who are at risk of homelessness. The service offers short term to six-month accommodation, and residents also have access to the Positive Lifestyle, Street 2 Home, and Door Ways programs, which are designed to help people get out of poverty and integrate back into mainstream society. Red Shield promotes a drug-free, alcohol-free and violence-free environment. The Street2Home case management program helps residents to create life goals and provides them with the support needed to achieve them. This includes support to take initiative and be self-supported; regular social outings and involvement in cultural activities; assistance completing applications and referrals for other helpful services; and understanding when things might not go as planned. In return, clients are expected to commit to weekly meetings with the case worker, be honest during discussions about their current situation, be willing to complete and submit a Territory Housing application, have an attitude of willingness and self-betterment, show evidence of making progress and achieving their goals, and demonstrate respect for themselves and others.

The Sunrise Centre Homeless Program assists people in reconnecting with their community by introducing them to friendship and activity groups. The services offered by the Sunrise Centre include helping clients find long-term accommodation, identifying participant finance concerns, organising government income entitlements, and identifying local medical practices that they can rely on. The Centre also provides advocacy and referrals to appropriate services, and accepts referrals from other agencies or by the person them self. It accommodates 30 single, homeless people year round. The maximum length of stay is three months, during which time residents receive intensive assistance from a professional caseworker. Each caseworker's goal is to completely understand the reasons for each person's homelessness and develop a strategy for future accommodation and support options.

Towards Independence – Alice Springs offers confidential, transitional housing and outreach support services to assist families in moving from a crisis situation to independent living in their community. The program assists through the provision of transitional housing, ongoing and regular outreach support, assistance for families with their physical and material needs, assistance in the development of a support plan, the provision of referrals to other appropriate services, helping to secure permanent housing, talking to other services on behalf of the family, offering guidance regarding other life skills such as parenting, budgeting, cooking etc., and providing access to support networks, home visits, recreational activities and social events. Towards Independence receives referrals from other services run by the Salvation Army and various other community organisations. The family are then met with to discuss their situation and determine their eligibility.

WORK PROGRAMS

GOVERNMENT PROGRAMS

Work for the Dole

Work for the Dole is an Australian federal government program that was first permanently enacted in 1998. Under the program, job seekers can undertake work-like activities and gain work experience to help them find a job and give back to the community. In doing so, participants are able to develop skills that are desirable to employers, such as teamwork, communication and reliability; increase their confidence and show that they are ready to commence work; meet new people and make contacts, who can then be a referee when the time comes to apply for a job; and get involved in their local community. There are a range of different activities that jobseekers can do through Work



for the Dole, including gardening and maintenance work; conservation or environmental activities; retail work; hospitality services; office administration; and warehouse duties.

If a participant has been with a jobactive provider for one year or more, they are required to participate in Work for the Dole or another approved activity for six months of each year that they remain in employment services. Jobseekers who are in jobactive and have mutual obligation requirements, such as those on Newstart Allowance, Youth Allowance, or Parenting Payment recipients whose youngest child is at least six years of age, are required to complete an Annual Activity Requirement for six months each year if still in jobactive after 12 months. Those who don't have mutual obligation requirements may also ask to participate in Work for the Dole. The length of time jobseekers are required to complete the program varies depending on the participant's age. Job seekers under the age of 30 years must complete 25 hours per week of the program, or another approved activity, for six months each year; participants aged 30 to 49 years must complete 15 hours per week for six months each year; participants aged 50 to 59 years are required to complete 15 hours per week for six months each year, which can include volunteering for Work for the Dole; and participants aged 60 or over can volunteer for Work for the Dole or other approved activities. Furthermore, Jobseekers who have a partial capacity to work or who are principal carer parents are only required to participate in about half the number of hours in Work for the Dole as full capacity job seekers. Jobseekers are supported prior to commencing the program, to ensure they have completed any necessary workplace inductions or training, and continue to be supported throughout the program to make it easier to find a job.

Remote Jobs Community Program

The Remote Jobs Community Program (RJCP) was the federal Government's program aimed at providing jobs, participation and community-development service in 60 remote regions across Australia. After extensive lobbying from service providers, the RJCP was 'rebranded and restructured' to become the Community Development Program (CDP). The restructured CDP commenced on the 1 July 2015, with changes including training for job seekers that is linked to a real job or their participation activities, rather than training for training's sake; a simple Job Plan with measures to support better attendance amongst job seekers; community development through activities that make remote areas better places to live and run over five days to support school attendance; stronger incentives for employers and providers to support job seekers from the bush into lasting employment; funding for new enterprises that provide jobs and work experience opportunities; reduced red tape and simplified processes; and grandfathered CDEP wages to wind down early, so that all jobseekers are on the same system and treated in the same way. The CDP was said to offer greater flexibility, transparency and engagement with Indigenous communities. The program pledged to offer a broader range of eligible jobs, flexibility of leave and choice of employment. Furthermore, the reformed RJCP abolished the requirement for participants to work for 52 weeks of the year in order to receive full welfare payment, and added the right to reasonable time off where a person has caring or cultural responsibilities, as well as during regular shut-down periods such as Christmas.

The Community Development Program (CDP)

CDP is Australia's remote employment and community development program. It is designed around the unique social and labour market conditions found in remote Australia, and supports job seekers to build skills, address barriers and contribute to their communities through a range of flexible activities. The program operates based on local decision-making and local solutions. Participants are expected to complete up to 25 hours of work-like activities per week that benefit their community. The CDP is flexible and offers a broad range of activities, which focus not only on increasing job seekers' skills, but also supporting job seekers to contribute to their community. Since its inception in 2015, the CDP has placed participants into over 15,000 jobs, and continues to operate in remote regions across all states and territories in Australia. It covers 75% of Australia's landmass, including

over 1000 communities, and currently supports around 35000 people, of which 83% identify as Aboriginal and Torres Strait Islander people. Through the program, job seekers have the opportunity to undertake formal training and gain qualifications or foundational skills training, including language, literacy, numeracy and driver's training. Participants may also gain up to six months work experience in a real workplace.

In May 2017, the Government announced that it would be undertaking a consultation process in the coming months to develop a new employment and participation model for remote Australia. In order to provide time for the consultation process, the CDP has been excluded from most of the income support changes that were announced in the 2017-2018 Budget. In the meantime, the current arrangements will continue.

DEPARTMENT OF CORRECTIVE SERVICES NT

The Department of Correctional Services' **'Sentenced to a job'** program is a paid prisoner employment program, which allows small and large local businesses to employ people in prison outside of correctional facilities. The money paid to people in prison is divided and used toward board and lodging for their cell, any fines the person may owe, 5% is given to the Victims of Crime Northern Territory, and the rest of the money is held in trust for them after they are released, or can be paid to their family. Qualified and experienced supervisors train people in workshops inside NT prisons, in order to become work-ready for a range of industries including catering and hospitality, customer service, woodworking, horticulture, chainsaw, driver licence, forklift licence, bus driving, scaffolding, construction, skid steer, civil construction equipment, small engine, welding and general metal fabrication, first aid, industry white card and occupational health and safety. People in prison must undergo a rigorous assessment process, and are only deemed eligible if they have achieved the lowest security rating; are serving a sentence and not on remand; have received positive reports in relation to work ethic and attitude; have displayed a history of compliance with institutional rules; and are assessed as work ready. Furthermore, convicted murderers and sex offenders are not eligible. Businesses must also undergo assessment to ensure they will provide meaningful and sustainable employment, in line with current work health and safety standards. The program is beneficial for people in prison insofar as it provides an opportunity to integrate and adjust to community life prior to release; promotes positive workplace behaviour; boosts self-esteem; supports people to continue in employment once they are released from prison; renews community ties and develops new social relationships; helps them to take responsibility for their behaviour; helps people to financially support their family and dependents; and helps them to manage personal debt, including payment of fines and infringements. Sentenced to a Job is also beneficial for businesses, as it gives them the ability to address skill shortage by accessing a pool of locally trained people with known employment and personal histories; provides them with reliable workers so that meaningful productivity is not affected; and offers the possibility of changing a person's life through employment contributing towards businesses practice of corporate social responsibility.

OTHER SERVICES

IronBark Aboriginal Corporation is a not-for profit organisation based in Darwin, which delivers community, employment and economic services to urban, regional and remote communities throughout the Darwin Daly region. The Corporation's objectives include providing support for Aboriginal communities to become self-managing; working with communities to improve social cohesion and advance ongoing community growth and development; providing cultural awareness and employment placement services to employers of Aboriginal people residing within the region; creating a representative and consultative forum for Aboriginal people residing in the Darwin/ Daly Region; providing and promoting education, training, employment and business creation opportunities; supporting the maintenance and protection of Aboriginal culture and tradition; and advising and educating Aboriginal people residing in the Darwin/Daly region in relation to support services available and facilitate advocacy on their behalf. IronBark offers community services, arts

and cultural services, and employment and economic services. Under the banner of 'employment and economic services,' is the Community Development Program, otherwise known as the Remote Jobs and Communities Program. Through this program, IronBark supports unemployed people to participate in activities that are designed to make communities better places to live, while creating a sustainable pathway to employment by building core skills and job readiness. The Corporation also offers substantial support and incentives for employers to support unemployed people in obtaining sustainable jobs and career opportunities. Such incentives include mentoring services, wage subsidies and on-the-job training. Furthermore, IronBark focuses on local solutions and local decision-making, by working with communities and industry partners in order to identify opportunities for new enterprises that provide jobs and work experience opportunities.

MONEY SUPPORT

Tangentyere Council in Alice Springs run some financial counselling services. These include budgeting, credit/debt issues, banking, deceased estates, superannuation and consumer issues. The organisation also operates a voluntary food voucher service, under which people who are signed up with Centrelink can choose to have a nominated amount of money deducted from their Centrelink payments every fortnight, which is then provided to them in the form of a food voucher. The voucher is issued through the Tangentyere community banking service, and made out to the Aboriginal owned supermarket in Alice Springs.



APPENDIX C: PARTICIPANT INFORMATION FORM

Building an effective community-based throughcare approach for Aboriginal offenders in Australia

Funding: Australian Institute of Criminology, Criminology Research Grant 23/15-16

Researchers: A/Professor Hilde Tubex, A/Professor John Rynne and Professor Harry Blagg

The aim of this research is to identify the needs of Aboriginal and Torres Strait Islander male and female offenders on supervised or full time release to develop effective community-based throughcare strategies and to prevent recidivism.

Indigenous overrepresentation in the prison population and high rates of recidivism are a matter of great concern. For now, very little is known about the specific needs of Indigenous men and women on return to their communities. As we are convinced that people who live in and work with the communities know best what the strengths and weaknesses are for successful release, we use a community-led approach, based on the knowledge and expertise of local Indigenous people and services. Therefore, we want to interview people from the local Indigenous communities, as well as service deliverers at both research sites, being Broome and the Tiwi Islands.

At both sites, the researchers will contact Elders and ask them to suggest possible participants for the research. A male and a female researcher will travel to the communities to interview Aboriginal and Torres Strait Islander Peoples. Participation is voluntary and participants can withdraw at any stage without reason of adverse effects. There are no payments to participants. The interviews will be facilitated by an interpreter and recorded for further analysis. The data will be anonymous except for location, gender and experience with the criminal justice system. The researchers will spend enough time at each location to engage with the community and be available for further comments or questions.

After analysis of the community findings, the researchers will travel to Broome and the Tiwi Islands to conduct interviews with service deliverers, and to consult with the Elders on the interpretation of the community findings.

Based on this material we will develop strategies for effective throughcare, which are culturally appropriate, acceptable and therefore achievable in a context of Indigenous people returning to their communities. The findings will be reported back to the people and agencies involved in the project.



The expected benefits of the project are:

- To develop a more effective throughcare for Indigenous offenders to decrease the high rate of recidivism;
- To reduce the outstanding overrepresentation rates of Indigenous offenders in the prison population;
- To strengthen communities and community services in reintegrating ex-prisoners in their community;
- To build confidence in early release for Indigenous offenders;
- To save financial and human costs of imprisonment.

For further information or complaints, please contact Hilde Tubex on Hilde.Tubex@uwa.edu.au or [NUMBER]

"Approval to conduct this research has been provided by the University of Western Australia, in accordance with its ethics review and approval procedures. Any person considering participation in this research project, or agreeing to participate, may raise any questions or issues with the researchers at any time.

In addition, any person not satisfied with the response of researchers may raise ethics issues or concerns, and may make any complaints about this research project by contacting the Human Ethics Office at the University of Western Australia on (08) 6488 3703 or by emailing to humanethics@uwa.edu.au

All research participants are entitled to retain a copy of any Participant Information Form and/or Participant Consent Form relating to this research project."



APPENDIX D: PARTICIPANT CONSENT FORMS

Project: Building an effective community-based throughcare approach for Aboriginal offenders in Australia

Consent form for community members – to be read out / translated

My name is – **name of the Researcher** - and I work at **the University of Western Australia / Griffith University in Queensland**.

The study has been explained to me.

I understand that the researcher will talk to me about my experiences / other people's experiences coming back to the community after being released from the prison.

I know that participating is voluntary.

If I agree to participate, I can change my mind and stop at any time and without reason or negative effect.

I do not have to answer any questions if I do not want to.

I know that the researchers will not tell anyone my name or any other personal details, except for when this is required by law.

If I have any questions about this study I can speak to the research team.

I have read or have had read to me, this consent form.

If I have any questions about the study I can contact the Chief researcher **(insert name) on (xx) xxx xxxx** .

I agree that this interview will be audio-recorded but without my name on it.

Verbal consent to be recorded

"Approval to conduct this research has been provided by the University of Western Australia, in accordance with its ethics review and approval procedures. Any person considering participation in this research project, or agreeing to participate, may raise any questions or issues with the researchers at any time.

In addition, any person not satisfied with the response of researchers may raise ethics issues or concerns, and may make any complaints about this research project by contacting the Human Ethics Office at the University of Western Australia on (08) 6488 3703 or by emailing to humanethics@uwa.edu.au

All research participants are entitled to retain a copy of any Participant Information Form and/or Participant Consent Form relating to this research project."

Project: Building an effective community-based throughcare approach for Aboriginal offenders in Australia

Consent form for service deliverers

I have read the information provided and any questions I have asked have been answered to my satisfaction. I agree to participate in this activity, realising that I may withdraw at any time without reason and without prejudice.

I have been advised as to what data is being collected, what the purpose is, and what will be done with the data upon completion of the research. I agree that research data gathered for the study may be used for publication.

I know that all information will be anonymous and my name will not appear on the transcription. All information I give is confidential. The only exception to this principle of confidentiality is if documents are required by law.

- I agree that this interview will be audio-recorded but without my name on it.

Participant Date _____

(Please note that as this document is not a contract between parties, it is not necessary that the researcher sign it. Nor is it necessary to have a witness.)

Contact details of the Researcher

"Approval to conduct this research has been provided by the University of Western Australia, in accordance with its ethics review and approval procedures. Any person considering participation in this research project, or agreeing to participate, may raise any questions or issues with the researchers at any time.

In addition, any person not satisfied with the response of researchers may raise ethics issues or concerns, and may make any complaints about this research project by contacting the Human Ethics Office at the University of Western Australia on (08) 6488 3703 or by emailing to humanethics@uwa.edu.au

All research participants are entitled to retain a copy of any Participant Information Form and/or Participant Consent Form relating to this research project."



APPENDIX E: CONSULTATION PAPER

Building an effective community-based throughcare approach for Aboriginal offenders in Australia.

Introduction

First and foremost want to thank all the people that shared their stories with us and we hope that this paper reflects their experiences, concerns and thoughts. This paper does not present our views on the topics we discuss, but reports on what we were told in the interviews.

The paper is meant to reflect your views and we want to know if it you think it does, or does not.

We organised the paper according to the topics that came most importantly out of the 38 interviews we conducted in Western Australia and the Northern Territory, involving 59 people. Of those interviews, 18 included community members and 20 included service providers.

Culture and Lifestyle Factors

In the regional and isolated communities where we conducted our fieldwork, Aboriginal culture is still a strong part of life. Traditional lifestyle and cultural obligations interact with all the themes we will discuss in this paper and is therefore our point of entry. The whole interaction of Indigenous Peoples and the criminal justice system has to be understood against the background of the results of colonisation, experiences of trauma and loss, and ongoing deprivations, often described to us as symptomatic of post-traumatic stress.

People have shared their concerns with us which are related to the daily struggle of having to live in two worlds / cultures which we will discuss below:

- Clash of cultures

On a daily basis, Indigenous peoples experience the challenges of being torn between two worlds. This is first of all expressed in the fact that English is for many not their first language, not only in the literal sense of words, but also related to a different conceptual approach of life and practice. Imprisonment in itself often means that people are taken away from their country, which adds an extra dimension of punishment, given the strong connection of Indigenous Peoples to their ancestral lands. Therefore, imprisonment as well as release was described to us as a very stressful and anxious experience. While in prison, Indigenous Peoples frequently have limited connection with what is happening in their communities, the tyranny of distance makes regular contact through e.g. visits difficult and there is the uncertainty of being allowed / having the means to return back to their community after release. Further, Indigenous Peoples have many cultural obligations, which are often not understood in the Western civilisation. Regardless of being held in prison, not being able to participate in cultural activities such as customary law and funerals, has far-reaching consequences for Indigenous Peoples, resulting in feelings of guilt, loss and possible payback. Imprisonment physically prevents Indigenous Peoples of engaging in these kinds of obligations, but it remains an issue post-release, when these obligations clash with requirements related to supervision or employment, which increases the risk of recidivism.

- Concerns about the survival of Aboriginal culture

Many people shared with us their concern about retaining Aboriginal language, culture and traditions. Colonisation has interfered and destructed many traditional practices, with far-reaching and enduring consequences. We received many comments related to the destruction of the



traditional marriage system (distinguishing between 'right-way' and 'wrong-way' marriage'), meant to keep bloodlines pure, which particularly left women unprotected. It also displaced people from their traditional country, causing conflict and disengagement about belonging, ownership and entitlements.

Concern over the survival of Aboriginal culture also impacted on the traditional structure, influence and respect of Elders and Respected people being in charge of community control. The unawareness of Western people of traditional structures made them turn to those most accessible to them, which were those Indigenous Peoples who spoke English. However, those individuals sufficiently fluent in English were not necessarily the people recognised by Aboriginal culture as being authorised to speak on the community, clan, or skin group's behalf, and that approach broke down the hierarchical control of the Elders. With the enforcement of the Western criminal justice system, Elders lost the capacity to resolve problems in a traditional way (traditional negotiated punishments like payback), while still being held responsible for what is going wrong. There was a particular concern regarding the younger generation, not being exposed to the influence of Elders to teach them about respect for culture and tradition. This is both because in some communities there are not enough strong Elders around – sometimes because of them also being entangled in the criminal justice system, or young people spending long periods of time in prison or outside of the community, away from the influence of Elders.

The breakdown of traditional culture has been reinforced with the introduction of modern technology, such as the widespread use of social media and mobile devices. The influence of social media seem to have a particular impact on Aboriginal society in a way that it reinforces issues of jealousy and interferes with traditional conflict solution.

It was described by one participant as a split between two groups of Indigenous Peoples: the more traditional people and the more contemporary people, with the latter having less awareness of traditional language and culture, which creates mutual tension and misunderstanding. At the same time, a certain level of dependency has been established between the two groups. The more traditional people who have not mastered the English language to the extent that is needed to give them access to services or claim their rights, are having to rely on the more contemporary oriented Indigenous Peoples. In relying on the latter, there is less adherence to traditional values, and therefore, a loss of cultural awareness.

- Community vs individualistic lifestyle

The Western individualistic lifestyle and regulations often do not accord with the Indigenous community lifestyle. The leading principle of sharing and the obligation to take care of extended family members clashes with Western expectations in many aspects, such as limitations of how many people can live in government supported housing, at the risk of losing the house, or family related issues occurring at the house preventing people to get up in the morning to go to work. In this respect, the extended family structure, which used to be the strength of Aboriginal culture, now becomes a hindrance. This puts Indigenous Peoples in an impossible situation of having to choose between two cultures as expectations from the Western criminal justice system are often incompatible with cultural expectations.

The extended family structure also causes a lot of peer pressure for Indigenous Peoples: the expectation to share money, food and belongings (i.e., humbug) becomes untenable if whole parts of the community are without income or support. Poverty is a reality for many people, particularly in isolated communities where life is very expensive, and when the spread of welfare becomes too thin, this can cause Indigenous Peoples to give up on their attempts to earn an income or care for belongings, as these are consumed by others.



There was mention of the need of cultural awareness, definitely from people in the Western criminal justice system about Indigenous culture. Some Indigenous Peoples also mentioned the need for contemporary and future generations to learn about living in a Western culture, while retaining their own Aboriginal culture to ensure cultural safety.

Accommodation and Communities

The very moment of transition from the prison to life outside is a crucial and very challenging one, and particularly relevant when looking at throughcare strategies. Release from prison to freedom opens the doors to having access to alcohol and drugs and family peer pressure, which is particularly problematic if people managed to build some financial reserves while in prison, but there was also myriad of comments throughout our interviews related to accommodation and (not) going back to communities.

- Lack of housing and overcrowding

The lack of available accommodation for Indigenous Peoples, especially after a period of imprisonment, is a major problem at all sites we visited. Indigenous Peoples often don't have access to the private rental market, for various reasons, and therefore rely on government housing. Waiting lists are astronomical, people drop off the list if they are in prison for a certain amount of time or, if they managed to obtain accommodation, they might lose it while in prison. A reality for very many released Indigenous Peoples is that they don't have their own place to go back to, and rely on family and relatives for their housing. This leads to massive problems of overcrowding with roll on effects on every other aspect of life: living with people that are using substances, conflicts with family, the risk of losing the house because of overpopulation.

There were other, bureaucratic problems pointed out to us, such as the Department of Housing not being notified that the tenant went to prison and is no longer living there, which then results in massive overdue rental fees. The overdue fees eventually result in fines being issued that then go unpaid leading to warrants being issued and the potential for another prison sentence. Another issue was related to the Department of Housing calculating the rental price based on the number of people living there, with incorrect information if they earn an income or not.

- Not (being able to) going back to community

There are many reasons why released Indigenous Peoples don't go back to their community. It can be their own choice to not go back out of fear of payback or other family related issues, trying to prevent themselves of getting back into trouble, but sometimes Indigenous Peoples don't have that choice as they are not allowed back into the community.

If people are on early release, practice is that Corrections contact the community / people who are in charge, to ask if a person can come back. This leaves the community with a certain responsibility, for the supervised person, but also for the safety of their community, for which they often feel they don't have the capacity. Part of this under-capacity can be the lack of information and perspectives about the released prisoner; what has happened in prison, have the offending issues been addressed, what kind of support is available to them if things go wrong? It was suggested that more information and the possibility to allow for a trial period would be helpful. It becomes more problematic if people in charge of the community are not contacted, or people serve their full sentence and come to the community unannounced, as the community then doesn't know who is living there and if there are any risks involved that need managing.

There was certain reluctance from the community leaders we spoke to take people in from other communities, as accepting people into your community comes with a responsibility of care, which can overburden the capacity of that community. Town communities like around Darwin, particularly the ones close to the prison, are most vulnerable to be exposed to this.



Other reasons for not being able to go back to the community can flow from the interaction with the criminal justice system as having to be around for reporting or other justice related reasons, or relate of the availability of certain services (e.g. medical services) that are not provided in the community.

And finally, sometimes people just don't get back to their community because of a lack of transport or money to pay for it. This seems to be a particular problem in the Darwin area, as Corrections stopped the practice of transporting people back to the place of arrest, but is also an issue in the Kimberley and around Alice Springs where distances are huge and public transport not always available.

Not being allowed back into the community, or the impossibility to get there, has a significant impact on Indigenous Peoples' lives. Feelings of rejection, insecurity, displacement and discomfort of being on other people's land, all can lead people back into substance abuse and offending behaviour.

- Lack of prospects in the community

Underlying all of the above is the fact that often communities have little to offer to a released person: lack of housing, employment and support are paramount. Another issue is the fact that a lot of the houses are run down and that there is little infrastructure in the community. There was also mention of a lack of feelings of ownership of Indigenous Peoples towards government housing and that they consider the rent too high for the housing standard.

Employment and Money

Another topic that was very frequently mentioned during the interviews is employment and the lack thereof.

- Lack of employment opportunities

There is a considerable lack of employment opportunities for Indigenous Peoples returning from prison, particularly in remote communities. While all ex-prisoners risk being more vulnerable in a competitive labour market because of their criminal record, many Indigenous Peoples felt that they were even more disadvantaged, having to try harder than others to get a second chance.

- Disconnection between prison training and employment opportunities in communities

It was often mentioned that Corrections have too much of a focus on employment training at the cost of other rehabilitation programs, there was the perception that the Western (prison) system sees employment as the solution to everything, which is not the case if the underlying issues are not addressed. Regardless this, the fact that some people leave the prison with 'a shoebox full of certificates' and expectations, does not necessarily improve their employment opportunities as the training they get in prison is often not relevant for the communities they return to.

- Lack of incentives

Another concern that was shared with us was the lack of incentives for Indigenous Peoples, particularly the young ones, to earn their own living; people refer to their benefits as their salary. There is an element of 'learned dependency', in people being used to receiving support without having to work for it. As mentioned before, another discouraging factor might be the sharing responsibilities of the community lifestyle, resulting in working people seeing little personal benefit in earning an income, as it doesn't improve their own lifestyle. Again, the stress of having to deal with these different cultural aspects might result in people not engaging in seeking or retaining employment at all.



- The need for flexibility

If employment can be obtained, it can interfere with other and cultural obligations. It was therefore suggested that more flexible employment arrangements should be put in place: like providing people with casual or part time work or hiring two part-time people to cover one job. Such options would allow Indigenous Peoples to be absent from work when needed for cultural purposes without losing their employment.

- Budgeting and money spending

There were comments about budgeting: particularly the fact that the available money tends to be spent very quickly and is not invested in more sustainable benefits. Related issues are the fact that local shops in remote communities are expensive and that because of the remoteness, travelling to town and back for groceries is costing money as well. There was the suggestion that large amounts of money, such as royalties, should be paid out to communities instead of individuals.

- Money and violence

It was also mentioned that a lot of violence is related to money issues: violence between relatives, but also domestic violence, particularly related to the direct payment to women after giving birth to a child.

- Employment schemes in place

Employment schemes were also identified as contributing to community dysfunction and sustaining poverty. Examples of work programs include the Community Development Program (CDP) that requires individuals to work up to 25 hours per week, and coalescing partner programs as the 'work for the dole' (providing additional payments on top of their Allowance payments) and the Remote Jobs Program (a more recent iteration of work for the dole). Being involved in these programs, if people miss certain appointments, through cultural commitments or possibly lifestyle issues such as the over-consumption of alcohol and violence, failing to attend work may lead to welfare payments being temporarily terminated for up to eight weeks, adding to level of poverty. The extent of the problem is that it was estimated that Indigenous Peoples are breached on their Centrelink CDP benefit at average 14 times per year.

A further issue identified regarding employment, was that improved training and education did not address the ever decreasing employment opportunities available to Indigenous Peoples from isolated communities. It was stated that Indigenous peoples are in a perpetual cycle of training and education that has no positive or realistic employment outcomes, and it was suggested that a greater community buy-in into education and training and subsequent placement is required.

Further, there are a large number of Indigenous Peoples of employment age, yet, many are not registered with Centrelink and receive no payment leading to no income whatsoever. Why some are not registered is attributable to an array of reasons such as embarrassment at not having sufficient literacy skills to complete the forms or the bureaucracy involved in registering for passive welfare being often confusing and beyond the capacities of many potential and worthy recipients.

The lack of employment is often associated with boredom, feelings of loss and poverty, all possible factors leading people back into a life of substance abuse and reoffending. On the contrary, having paid work or another meaningful activity was frequently mentioned as a preventative factor. Further, lack of income leads to poverty which then has further lifestyle consequences, such as poor eating habits affecting people's health etc.

Programs and Education

Comments related to programs in prison were mainly captured under the following issues:



- That there is the need for more programs / other programs, such as education about domestic, family and lateral violence, practical support, (alcohol and drugs) counselling and life coaching.
- There were several mentions regarding programs that were popular, such as arts and music programs, but had been stopped.
- That if programs are available, they are hard for Indigenous Peoples to access as they are part of the incentives scheme; people have to be of good behaviour to get into them.
- That people are not interested in programs if there is nothing at the end of them, if they don't result in better opportunities.
- That the way programs are delivered to Indigenous prisoners is sometimes irrelevant for them. It is more than a language barrier, programs can be a cultural barrier with some concepts irrelevant to Indigenous Peoples. To address this, programs should be developed by Indigenous People from an Indigenous perspective instead of simply adapting programs initially developed for non-Indigenous prisoners to presumably fit Indigenous Peoples' needs.
- Given the community lifestyle, it was felt that it was insufficient to work with the individual in the prison and then have the expectation that they will carry this learning out to the community. People felt that family and community members should be involved or have access to similar programs.
- That programs in the prison don't provide enough hands on support and are limited to making phone calls or providing phone numbers. Services are available, but people felt they were hardly helpful, as they are not well enough explained to them.

While education was generally perceived as important, Indigenous children from isolated communities are reluctant to go to school because of the following issues:

- Because they don't speak English, they can't do their maths or other topics, and every turn they are failing (and then embarrassed), so they don't go or they go to have breakfast and shoot off.
- Because they are too ashamed, if they don't have a shower, or don't have clothes or shoes, which causes a lot of teasing and the children feel ashamed. Indigenous children don't want to bring shame on their family, while schools seem to be designed to bring that shame over them.
- There is a need for parent support and maintenance to ensure that people can give their children these basic necessities so they can go to school. They are not sending their children to school without them as they are afraid they are going to be taken away from them.
- If there are so many things going on at home, the children can't really concentrate on learning.
- There is a need for school busses transporting children to school and back.

Service Delivery

The main issues regarding service delivery were related to:

Lack of service collaboration on several levels:

- Between Corrections and external service providers / communities, between the Commonwealth and the State / Territory, between service providers within the State / Territory.
- People are released or moved to another prison without the external service providers being notified, which make continuity a problem: in every new prison the (throughcare) trajectory starts again.
- External service providers are not aware of the programs that are available in the prison.



- There is a need for formal agreements, Memoranda of Understanding, e.g. addressing issues of confidentiality.
- External services providers don't know from each other who is delivering what and when.

Lack of ongoing funding:

- A lot of service providers, but also community members, complained about the lack of stable funding: initiatives are started, and work well, but then run out of funding and are discontinued.

The bureaucratic delivery of services not matching Indigenous lifestyle:

- The whole paper trail at release is too complicated, and doesn't make sense to the released prisoner at the time, it is confusing and leaves Indigenous Peoples with the feeling to be let down. It is particularly difficult for people that don't have good English reading and writing skills.
- There are a lot of service providers going to the remote communities, a lot of faces coming and going, and Indigenous Peoples get tired from that. Service providers have to accept that Indigenous Peoples' time is as precious as theirs and they don't work according to the same time schedule, providers have to be patient and respectful and understand that Indigenous Peoples might have a lot of other priorities related to their family and community.
- For some services it takes hours on the phone before you get to talk to someone, and English is often not Indigenous Peoples first language, and once connected, they are asked about their date of birth, and Indigenous Peoples often don't know that, as their births were not registered or their birth name doesn't correspond to the name they trade as every day.
- Bureaucratic hurdles make it difficult to get for example a driver's license so people drive without one, it makes it difficult to get a car registration, and a passport, it is just all getting too hard and people give up.
- If Indigenous Peoples don't go along the Western rules, they get penalised, their support is being taken away, they are fined, and they find themselves without support for long stretches of time, relying again on their extended family.

Women and Throughcare

- When talking about service delivery to facilitate throughcare, it is a most concerning finding that there are hardly any programs in place for Indigenous Women. This is particularly concerning given their significant increase in the prison population over the last few years and the fact that they are often primary caregivers, with all the impact on the children and possible intergenerational offending.
- Services that are available are often related to domestic violence, which in turn is often related to women's' (serious) offending, but they only provide temporary shelter. Longer term supported accommodation and access to work programs is almost inexistent. Funding and programs are needed to support Indigenous women.

Police, Legal Representation and the Western Criminal Justice System

Finally, we turn to the criminal justice system (CJS) itself, and the specific problems of Indigenous Peoples in this respect.

Police



- There was a lot of referral to over-policing, particularly in the Northern Territory after the intervention, but also in the Kimberley. More police presence seems to be equal to more police interventions, resulting in more Indigenous Peoples ending up in the CJS.
- Further, Indigenous offending often occurs in public places, making them very susceptible to police intervention, someone described it as 'shooting fish in a barrel'.
- There were mixed experiences about the relationships with the police, some communities seemed to have quite a good collaboration with police, others felt a lack of support from them.
- As the police is often the first point of entry in the CJS, it was felt that there is a need for them to get cultural awareness and safety training. The major problem however seems to be the retention of staff, as with other services, there are high turnovers of staff. A way to address this would be to train Indigenous Peoples in the community.

Legal representation

- Commonly, (ALS) solicitors have a huge caseload, which results in very little time for them to engage with their clients, to get the information required to defend them properly, and to prepare them for their appearance in the Western CJS.

The Western CJS

The Western criminal justice system is often a rather disturbing place for Indigenous Peoples:

- There is the fundamental issue of Indigenous Peoples not accepting the Western CJS, them having their own traditional justice system, which is more important to them.
- For the above and other reasons, many Indigenous Peoples just don't engage with the Western CJS: they tend to plead guilty to 'have it over and done with'.
- Because of their offending behaviour and sometimes sentencing practices, a lot of Indigenous Peoples serve short sentences, which cause a lot of harm to their lives (re employment, accommodation), but gives them hardly any access to programs and little support.
- A lot of Indigenous Peoples serve their full sentence instead of attempting early release / parole, this because they lack information about the system; they don't know when they are eligible for parole or they find out last minute and it is too late to get their application in, it is all done by paperwork, which is often not very accessible to Indigenous Peoples, or they don't want the supervision and prefer to walk free.

The issue of a possible relationship between 'white law' and customary law is a difficult one. Payback is still an important practice in the communities we visited, and while often misunderstood by non-Indigenous people as a cruel, unsophisticated practice, it still has a lot of credit in Aboriginal communities. They perceive it as hard but just and democratic, regulated by traditional safeguards, allowing communities to regain peace and redemption for the offender. It is a way for the offender to reconnect with culture and tradition, with the support of Elders and Respected people, and to regain the trust and respect of the community. But the traditional way of punishment is in the hands of the communities and takes as long as needed, and that is conflicting with the Western perception of justice. There were suggestions made that minor offences could be dealt with in traditional practice, which might be a point for negotiation, but the problem is that it is particularly in case of serious offending that the balance between families and communities gets disturbed, and traditional payback felt needed.

Related to all the issues discussed in this consultation paper, the sad result is that imprisonment is often a part of life for Indigenous Peoples. It was mentioned numerous times that it is not a



deterrent, which doesn't mean that it doesn't come with shame and grief, which was very obvious from the stories we were told. It is concerning at least, to hear about prison being a place where Indigenous Peoples can get away for a while from the battles they have to fight on the outside, a place that offers them structure, shelter, safety and provides in their basic needs. No prison was ever meant to be that place and never should be.

Conclusion

At the end of this consultation paper, we come to the following conclusions:

According to the service providers and the community members of the regions we visited, there seems to be a lack of throughcare strategies in place in the prisons. As this is an observation from the outside, we intend to double check this with Corrections in the Northern Territory and Western Australia, to see what they actually have in place. But even if there are (sufficient) services provided in the prison, the external service providers seem to be insufficiently aware of them and there seems to be a lack of communication and collaboration. Good practices that are in place are for example the Elders' Visiting Program (EVP) in the Northern Territory, supporting particularly young people in the prison from a cultural perspective, and it was suggested that this program should be strengthened. It was proposed that a possible improvement in the EVP would be that it should empower the Elders to have greater responsibility for the lives of Indigenous prisoners. Next, there should be greater emphasis on cultural ways in prison, that is, the inclusion of elements of customary law in sentencing and prison. Also, the Elders should be involved at every stage of the criminal justice system process, from prison to Community Corrections and re-entry. There was also the suggestion from a Corrective Services member for a more active involvement of Corrections in external programs. An example was the potential for outstations to transition from Corrections operated to being managed by Indigenous Peoples. There are a number of outstations currently operating in the Northern Territory by Corrective Services. Should the management be transferred to Indigenous Peoples, they could be operated via traditional and culturally appropriate practices that adopt a transition back to community function.

It was clear from the conversations we had that thorough exit planning from the prison to the community is essential, particularly related to the main topics we discussed above: most urgent seems to be the provision of support in finding appropriate accommodation and securing work and income, but also dealing with less practical issues, such as grief and trauma, substance abuse and health problems.

However, we did come across numerous examples of good practice, and it is definitely not the case that no good throughcare programs are in place. We particularly refer to the services as delivered by Men's Outreach in the Kimberley and NAAJA in Darwin, and while currently no throughcare program is in place in Alice Springs, CAALAS' intention is to resurrect this, and Mission Australia and Tangentyere Council are providing similar services. It is important to note that throughcare services can be needed for extended periods of time, and that the current limitation to 12 months after release, as is the case for Men's Outreach, is sometimes insufficient and should be more flexibly available if needed.

Important is that these services need to be delivered by and in collaboration with Indigenous Peoples and their communities. Because of the importance of Aboriginal culture and dealing with the aftermaths of colonisation, empowerment of Indigenous Peoples is crucial in this matter. Given the community lifestyle we described above, an individualistic approach might not be appropriate; programs are needed that involve families and other community members.

The development / consolidation of effective throughcare strategies should in first instance focus on two important areas, being supported housing and employment strategies.



Supported housing is essential for when people get out of the prison. People need support in practical arrangements, but also to build self-confidence in a safe environment with less peer pressure, supporting them in their journey to their normal environment, which would reduce the chance of recidivism. Good programs seem to be in place in Alice Springs and Darwin with transitional housing organised by Anglicare, Salvation Army and Mission Australia. More of this kind of support seems to be needed in the Kimberley, where several participants mentioned the need for halfway houses.

Employment strategies that are holistic and appropriate for return to communities are another major area of need. An example of good practice seemed the MacDonnell Regional council community work program. The MacDonnell program operates with low risk offenders that the courts may place on orders on advice from Corrections to undertake community work programs. On these sites, a supervisor from each community will supervise the offender work undertaken. On these orders there is potential for the offenders to work in teams and they will do community work or projects. It is a prison diversion program that has direct benefits to the Indigenous People's communities. The Council also supports training in the prison, so offenders are gaining skills while they are in the prison. Importantly, this training is directly linked and transferable to the workplace when they are released. If possible, the Council tries to absorb released prisoners into their works teams because they come out of prison with a set of skills that are transferable to community work.

Concluding, if any of these services are to work, there is the need to invest in stable funding and collaboration between service deliverers. Services need to provide hands on support, by caseworkers sitting down with the client, facilitating the paperwork and physically supporting them through the myriad of issues that need to be dealt with after release. This requires considerable manpower, particularly given the 'tyranny of the distance' in the regions we visited.

Hilde Tubex, John Rynne and Harry Blagg

