

Aboriginal Incarceration Working Group Report Quarter 3 | July to September 2020

1. Meeting of members of the Aboriginal Incarceration Working Group

The working group met on 6 August 2020. The members of the working group are: Legal Aid NSW (Chair); the Aboriginal Legal Service (also representing the Law Society of NSW); Community Legal Centres NSW, Corrective Services NSW, Just Reinvest, the NSW Bar Association, NSW Bureau of Crimes Statistics and Research and the NSW Department of Communities and Justice.

2. Guest speaker: Paul O'Reilly, Executive Director, Youth Justice NSW

Paul O'Reilly, Executive Director of Youth Justice NSW, attended the working group meeting as guest and spoke about the direction of Youth Justice generally and also the impact of COVID-19. He spoke about the numbers of those in detention in Youth Justice NSW. While there has been a drop in numbers in 2020, there is still a disproportionately high number of young Aboriginal people in detention and a lot of work to be done. In terms of the overrepresentation of Aboriginal youth, there are a number of areas of focus in Youth Justice NSW to address this, including: working with Police Youth Command to increase the use of Youth Justice conferencing; addressing avoidable short-term remand and assessing why the numbers are so much higher in some locations than others; and working to improve cultural capability in Youth Justice staff by focussing on positive connections to culture and community.

There was a productive exchange of information and questions and answers, including a discussion of the Custody Health Survey and how this could be used to drill down into data on the level of support available for young people in detention with a disability.

3. Update on implementation of recommendations from Bail Conditions Workshop

As outlined in the March 2020 working group report, the recommendations and interventions designed by working group members in the bail workshops that took place in late 2019 and early 2020 were endorsed, in principle, by the Criminal Justice Board. However, due to the significant impact that COVID-19 has had on the bail system, planning and implementation of those recommendations has been on hold. At this meeting the working group agreed to the Chair revisiting discussions with the Criminal Justice Board on steps to resource, plan and implement those recommendations. A further update will be provided out of session.

4. The Walama Court Proposal

The working group members discussed the Walama Court proposal and agreed to include a question for the NSW Attorney General at the upcoming Plenary Group meeting on the Walama Court, seeking his views on whether it is likely to be established in NSW.

5. Closing the Gap

The working group members discussed the Closing the Gap justice targets, noting that the NSW Government is a signatory to the new National Partnership Agreement for Closing the Gap, and, for the first time, a law and justice outcome is included as well as targets. Arising out of the discussion,

arrangements have been made for members of the group to attend a BOCSAR presentation on Closing the Gap targets on 25 August 2020.

The members agreed that the working group should have an ongoing role in understanding and analysing Close the Gap justice targets for youth detention and adult incarceration in NSW, and that consideration should be given to inclusion of this area of focus in revised Terms of Reference. This will be further discussed at the next meeting.

6. Next meeting

The Quarter 4 meeting of the Aboriginal Incarceration Working Group is on Thursday 5 November 2020.

Brendan Thomas
Chair, Aboriginal Incarceration Working Group

August 2020