

RCIADIC
Review of NSW
Government Implementation
of Recommendations

Aboriginal Justice Advisory Council

AJAC

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Introduction

This report is the Aboriginal Justice Advisory Council's overall assessment of the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

In assessing the implementation of the Royal Commission's recommendations the report focuses on the major areas of activity covered by the recommendations. The Royal Commission handed down its final report and recommendations in 1992. Since that time 5 responses to recommendations have been compiled by the NSW Government. This report principally assesses the latest Government report, covering the period of the 1998 calendar year.

The report discusses the structure of recommendations, comments on the reporting process, and then provides an overall assessment of the implementation of the recommendations by NSW Government. The report then provides an overview of the areas where action is needed. The report addresses recommendations collected under headings of major activity.

The Recommendations and the Reporting Process

A number of problems with the recommendations made by the Royal Commission into Aboriginal Deaths in Custody. A significant number of important issues are ignored in the recommendations. The Commission failed to adequately address women's issues, either as victims or offenders, and its recommendations about juvenile and children's issues are limited.

A large number of the recommendations of the Royal Commission are focused on reforming certain criminal justice procedures, not necessarily on achieving defined and measurable outcomes. With a focus specifically on procedural reform broader underlying causes of Aboriginal contact with the criminal justice system are not fully addressed by the recommendations of the Royal Commission.

The attention of the recommendations is on the type and manner of procedural reform rather than on the intended outcome of that reform. This specific focus on procedural reform ignores structural deficiencies in the criminal justice system in dealing with Aboriginal people and communities. In particular it does not address methods of empowering Aboriginal people, in a meaningful way, within the operations of the criminal justice system. For example only two recommendations specifically address improving police Aboriginal relations and only one, recommendation 214, focuses on the important aspect of community policing, and empowering Aboriginal people in policing decisions. However, the recommendation is so broad that the effectiveness of the implementation is limited.

As recommendations focus on specific procedures there is little scope for reports addressing recommendations of the Royal Commission to examine flow on effects of procedural change. For example, changes in New South Wales surrounding the responsibility for the administration of police and court cells may have meant that technically fewer people are under direct police custody, without however any real decline in the number of people in custody generally.

A number of recommendations, or policy approaches adopted to implement them, are counteracted by other Government policies or legislation. For example recommendation 62 states *"That Governments and Aboriginal organisations recognise that the problems affecting Aboriginal juveniles are so widespread and have such potentially disastrous repercussions for the future that there is an urgent need for Governments and Aboriginal organisations to negotiate together to devise strategies designed to reduce the rate at which Aboriginal juveniles are involved in the welfare and criminal justice systems and, in particular, to reduce the rate at which Aboriginal juveniles are separated from their families and communities, whether by being declared to be in need of care, detained, imprisoned or otherwise."* The Government response to this recommendation points to the introduction of the Young Offenders Act, 1997 that aims to divert young people from the criminal justice system. However, the Children (Protection and Parental Responsibility) Act 1997 and the recent amendments to the Summary Offences Act, both increase police powers to deal with young people in public places, and increase the likelihood of contact of Aboriginal young people with the justice system. Both these developments are not addressed in the response. Both the specific focus of the recommendation and the process of reporting on its implementation does not allow for a broader examination of issues affecting the level of contact between Aboriginal people with the criminal justice system.

The recommendations made by the Royal Commission do not specify evaluation measures. The Royal Commission therefore, did not establish means by which the successful implementation of its recommendations can be measured. Indeed the drafting of some of the recommendations makes it difficult to determine what would constitute their full or successful implementation. The lack of any specific measures of effectiveness does not contribute to greater levels of accountability.

A number of recommendations made by the Royal Commission could be seen to influence the response to other recommendations. Principally, the recommendations relating to self-determination and Aboriginal involvement in the design and delivery of Government services should underpin responses to almost all other recommendations. Recommendation 188 states "*That Governments negotiate with appropriate Aboriginal organisations and communities to determine guidelines as to the procedures and processes which should be followed to ensure that the self-determination principle is applied in the design and implementation of any policy or program or the substantial modification of any policy or program which will particularly affect Aboriginal people.*" Reporting on the implementation of this recommendation is the responsibility of the Department of Aboriginal Affairs. However, the recommendation clearly applies to all Government agencies and all policies and programs and subsequently should affect the manner in which other recommendations are implemented. Although many agencies employ consultation mechanisms, there remains significant scope for increased consistency and coordination

The current Government reporting format which requires that individual recommendations be responded to separately and that recommendations be assigned individually to agencies means that recommendations such as 188 cannot be addressed properly and that its relationship to other recommendations cannot be properly considered in the Government response. This failure means that broad recommendations such as 188 cannot be properly reported on, and the success of their implementation cannot be fully assessed.

As previously mentioned the final report of the Royal Commission was released in 1992. Since that time a number of significant changes have occurred within the justice system that are not addressed by the Royal Commission. Such things as the impact of Truth in Sentencing principles on the overall number of Aboriginal people in gaol, the impact of new fines legislation and the increase of police powers are issues which cannot be addressed through reports responding to Royal Commission recommendations as these issues did not exist at the time of the Commission.

A focus on responding to individual recommendations of the Royal Commission would further mean that any positive activities that fall outside those recommendations would also be ignored by the reports. In recent years Government has also included a thematic section in the report that can include these positive efforts, but it then only highlights positive efforts and not legislation and policy that may negatively impact on Aboriginal people.

Requiring individual agencies to respond to specific recommendations allows agencies to place their own interpretation the practical intent of the recommendations. This interpretation is often very broad. For example recommendation 62 states that government should recognise the *urgent* need for government to negotiate with Aboriginal communities to develop comprehensive strategies to address reasons why Aboriginal young people are involved in the criminal and welfare systems at a disproportionate rate. The government response

had previously pointed to the presence of one Aboriginal person on a youth issues steering committee. The government did not respond to this recommendation in its latest report, which would indicate it was considered implemented, when clearly it requires on-going and significant attention beyond Aboriginal representation on a committee.

The individual reporting process requires agencies to define the limits of the recommendation and the standards by which it is judged implemented. However, there are no mechanisms established to monitor, nor standards established to measure its success or effectiveness.

However, perhaps the most significant weakness in the reporting process is its decentralised and retrospective nature. There is no specific agency or body accorded the responsibility to properly oversee the implementation of recommendations and set and monitor performance measures of implementation. Opportunities to explore creative or alternative approaches to recommendation implementation are not provided for in the existing process. A central coordinating and monitoring mechanism will build impetus and leadership to effectively addressing the over representation of Aboriginal people in the criminal justice system. The retrospective reporting process requires agencies to examine and state what has been done over the previous twelve months in respect of specific recommendations. Effective implementation is more likely when agencies are required to identify barriers to effectiveness and develop strategies to address those barriers.

Further, this retrospective process inhibits meaningful collaboration by Government agencies on broader recommendations. There is no means by which constructive comment can be provided on agency responses prior to their implementation. Constructive comment on agencies efforts will be more valuable at the beginning of the implementation period.

Overall Assessment and Summary

Overall there are a significant number of recommendations yet to be implemented by Government agencies. Of the 339 recommendations, approximately 42 are specifically directed towards other States, the Commonwealth Government or Aboriginal organisations, leaving 299 that apply to NSW. At a conservative assessment over 140 (approximately one half) of these recommendations appear to have not been implemented in NSW. Further, the actual level of implementation of the majority of the remaining recommendations is difficult to define. Ideally, some type of change or measurable improvement must be achieved as a result of the implementation, and that achievement sustained, before recommendations should be considered fully implemented.

Implementation has occurred more effectively in some agencies than others and in some areas of policy than others. For example the NSW Police Service have largely implemented recommendations relating to coronial inquiries and custody practices. However recommendations that require a substantial change in style of policing, such as those relating to negotiation and community policing with Aboriginal communities, have not been implemented.

Some agencies have performed better than others. For instance, the Board of Studies appears to have acted effectively on most of the recommendations applying to it, even to the point of compiling a publication explaining the recommendations it has responsibility for. In contrast, the Department of Aboriginal Affairs appears to have implemented few of the 29 recommendations that are its responsibility. Those recommendations that are said to have been implemented are difficult to assess in terms of level of effectiveness or success.

Of concern are Government initiatives which are actively increasing Aboriginal contact with the criminal justice system. There are a number of areas of Government policy and legislation that contradict the spirit and intention of many of the recommendations made by the Royal Commission. Particularly, the increase in police powers by the Crimes Amendment (Police and Public Safety) Act and the Children (Protection and Parental Responsibility) Act, the failure to decriminalise offensive language, and current police policies of targeting recidivists conflict with Royal Commission recommendations in that they increase Aboriginal involvement with the criminal justice system. There appears to be little benefit in promoting or reporting on activities which aim to reduce Aboriginal contact with the criminal justice system when major Government initiatives, policy and legislation seem to increase that contact.

In relation to policing some recommendations have been implemented effectively. Recommendations relating to safety in custody appear to have been largely implemented by police, however there is still a need for the development of effective monitoring processes to ensure those custodial standards are complied with. Recommendations about coronial and death in custody inquiries also appear to have been implemented and complied with. However, some recommendations have been implemented less effectively and in some cases not implemented. For example, recommendations about the use of arrest as a last resort are not as effective as anticipated, and arrest for offensive language is a common practice. Aboriginal people remain severely over represented in prosecutions for offensive language and conduct (at an average rate of 15 times that of the general community, and more

than 80 times in some local Government areas). Formal arrest and charge still appears to be the preferred method of proceeding against Aboriginal people.

Recommendations about community policing and negotiation over style of policing with Aboriginal communities appear to have not been implemented. Some police commands consult with Aboriginal groups and the Police Service is in the process of establishing state, regional and local Aboriginal committees. These activities, however, do not meet the requirements of the Royal Commission's recommendations. The Royal Commission called for a greater sharing of decision making with Aboriginal communities about how those communities are policed and a greater level of accountability to the Aboriginal community at a local level.

Recommendations about issues of public drunkenness appear not to have been implemented. Policing practices around public drinking still appear to result in charges of offensive language. In addition, there are insufficient adequately resourced treatment facilities for Aboriginal people.

There are no negotiated local agreements with Aboriginal people to control public drinking and the supply of liquor. Indeed existing local liquor accords appear to have been developed in isolation of Aboriginal people and are often reported to operate to the detriment of Aboriginal people.

Recommendations relating to the operation of bail as it relates to Aboriginal people have yet to be implemented. Access to bail and inappropriate bail conditions continue to be a major source of complaint for Aboriginal communities and Aboriginal Legal Services.

The Royal Commission's recommendations on juvenile justice and Aboriginal children's issues are considered to be particularly weak. However, they did recommend that Government implement comprehensive plans to reduce the over representation of Aboriginal young people in custody. While the Young Offenders Act is in place, there is concern about the participation rate of Aboriginal young people in the options offered by that Act. Aboriginal young people continue to comprise approximately 30% of juvenile detainees, and the number of truly Aboriginal community developed and controlled programs available for those young people is seriously low.

Some innovative and promising initiatives have commenced in the area of adult corrections, such as the Second Chance Program in Brewarrina, Rail Town at Ivanhoe and the mobile prison. These developments are fully noted and encouraged. However there are still concerns about options in mainstream prisons for Aboriginal people. The Aboriginal community often complains about the classification system and apparent indirect discrimination of that system. While it is recognised that Corrective Services have identified a position to deal with Indigenous classification the progress in this area needs to be monitored.

Coronial reports continue to note failures in transfer of vital information about prisoners and break downs in information procedures which have at times contributed to deaths in custody. There is a need for regular monitoring of these processes. There is also need to improve some cell complexes, particularly removing hanging points from all cells. There is a need to improve access to non custodial options for Aboriginal people, such as periodic detention and home detention, and greater access to community service orders. There is also scope to provide greater

community control of those options and to more closely liaise with Aboriginal communities about sentencing generally.

The Royal Commission made recommendations which apply to whole of Government and the development of policy and programs. These are considered poorly implemented. There is no guarantee that Aboriginal people will be involved in the development, delivery and evaluation of all programs and services that significantly affect Aboriginal people. Funding processes have not been simplified, reviewed or reformed to better meet the needs of Aboriginal communities. Many Aboriginal communities and organisations still strongly complain about the complexity of funding arrangements, duplication in funding bodies, unrealistic performance indicators and generally a bureaucratic and convoluted process.

While there has been much activity in recent years in the area of Aboriginal cultural awareness training, standards have not been developed and the quality and effectiveness of the training varies from agency to agency.

One of the most significant sets of recommendations made by the Royal Commission were for the development of comprehensive community plans, covering all social and economic issues affecting individual communities. This has not been achieved.

While the Royal Commission may be a decade old and there may be structural problems with its recommendations, its general findings are still current. The problems that the Royal Commission made so public continue to beset Aboriginal communities across NSW. Aboriginal people continue to experience social and economic marginalisation, cultural isolation and disadvantage in every social sphere. Inevitably these continuing problems have maintained the massive over representation of Aboriginal people in the NSW criminal justice system. Implementation of the Commission's recommendations has not impacted on the over representation of Aboriginal people in the criminal justice system.

Recommendations Relating to Police

The Royal Commission made 81 recommendations that are specifically the responsibility of police. These recommendations cover:

- Elimination of mistreatment of Aboriginal people by police,
- Review of the use of paramilitary forces,
- Police adopt principle of arrest as a last resort,
- Government examine the possibility of some offences result in formal caution rather than prosecution, police place emphasis on community policing with Aboriginal communities,
- Police provide mechanisms for Aboriginal communities to have a direct input into the type and manner of policing of their communities,
- Aboriginal groups devise procedures for sensitive policing of public and private areas,
- Police negotiate with Aboriginal communities about methods of policing, perceived problems,
- Establish protocols to notify Aboriginal communities when people are arrested,
- Circumstances where Aboriginal people are taken into protective custody because of intoxication,
- Decisions about the placement and conduct of police officers,
- Establishment of policy development units,
- Aboriginal involvement in the process for dealing with complaints against police,
- Legislate for police cautions or Court Attendance Notices for juveniles,
- That Government regularly publish information on the number of people in custody

Significant changes and improvements have occurred in the treatment of Aboriginal people in custody and an overall improvement of the safety of police custody since the Royal Commission handed down its recommendations. This progress should be noted and police encouraged to continue with these improvements. However, there appears to be a number of areas requiring further action, particularly in the areas of negotiating with Aboriginal communities about policing practices, using arrest as a last resort and community policing.

Offensive language

The continued practice of prosecuting significant numbers of Aboriginal people for charges of offensive language and behaviour is of concern. The intent of this recommendation that police monitor the use of these charges to ensure Aboriginal people are not unfairly prosecuted for these matters. A recent report completed by AJAC found that Aboriginal people are proceeded against for these charges at a rate of 15 times the state average. In some local Government areas that rate is over 80 times the state average. These figures do not include people proceeded against by way of summons. There appears to be little police monitoring of offensive language charges.

Arrest as a last resort and cautions

Recommendation 87 deals with the use of arrest as a last resort. While this recommendation is incorporated in the Police Commissioners Instructions what the "last resort" is needs to be specified. Currently it is broad and difficult to define or

evaluate effectively. The recommendation is an attempt to limit the use of discretion by police officers, however the bounds of that discretion need greater clarity. During the period January 1998 to February 1999 a total of 36,369 legal treatment processes were commenced against Aboriginal people. Of those 23,503 or 64% were charges. While police report there has been an increase in the use of Court Attendance Notices, Field Court Attendance Notices and Summons, the police preference in dealing with Aboriginal people is still formal arrest and charge.

Further, recommendation 87 recommends that Government examine the possibility of certain charges resulting in formal cautions rather than prosecutions. This has partially been addressed for juveniles through the Young Offenders Act although it is not available for adults. In light of the high rate of prosecutions of Aboriginal adults for minor offences this recommendation needs re examination.

Negotiation with communities

There are 4 recommendations (88, 214, 215, and 223) which deal with formal police interaction with Aboriginal communities and a greater emphasis on community policing. While some local area commands have involved Aboriginal people in consultative groups, and the current establishment of Aboriginal consultative framework of state, regional and local groups is encouraging, it does not necessarily constitute implementation of these recommendations. Recommendations call for the implementation of procedures at local levels to effectively and openly deal with complaints by Aboriginal people, involve Aboriginal people in the selection of local police, and that establish negotiation with Aboriginal people around the types and methods of policing in local communities. These recommendations require police to give Aboriginal communities more effective control over the way those communities are policed, not necessarily to comment or be consulted, but to work in full partnership with local police in setting the direction for policing of those local areas. This is not achieved through the current mechanisms established. Recommendations, 88, 214, 215, and 223, therefore, have not been fully implemented.

Investigating Complaints

Currently the NSW Ombudsman has the authority to investigate complaints against police. While the Ombudsman's Office has a specific Aboriginal police complaints unit, and Aboriginal people are involved directly in investigating these matters, Aboriginal people are not involved in final determinations as recommended by the Royal Commission.

Cell visitor schemes

The Royal Commission recommended the establishment of cell visitor schemes where they did not currently exist. While it is noted that some locations have such schemes in NSW it appears that they are often the result of local community and or local police action, not comprehensively initiated by NSW Police Service. This recommendation can be more effectively implemented. The Royal Commission called for the broad establishment of such schemes where a need exists and the Commission further recommended that Government adequately fund these schemes as well as providing participants with training and appropriate remuneration. Training appears to be lacking and the programs, where they exist, rely heavily on volunteers.

Publication of custody information

The Royal Commission recommended that Government regularly publish information detailing the number and details of people passing through police cells. This information is not published and made public on a regular basis. It can be suggested that full open public debate on the issue of Aboriginal incarceration is severely limited because this information is not provided publicly.

Current practices which are in conflict with the recommendations

Some current legislation and police policies are of concern. Extension of police powers by the Crimes Legislation Amendment (Police and Public Safety) Act and the Children (Protection and Parental Responsibility) Act have caused an increase in police powers, specifically police powers in public places, and an increase in the discretion available to police. Resulting from the increase in police powers the number of young Aboriginal people coming into formal contact with police has increased. This legislation conflicts with recommendations made by the Royal Commission and contradicts the spirit of the Royal Commission. Similarly the current police practice of identifying and targeting recidivists is reported to have a direct impact on Aboriginal young people in country areas and conflicts with Royal Commission recommendations 62 and 239.

Recommendations Relating to Coronial Inquiries

The Royal Commission made a number of recommendations in relation to the conduct of coronial inquiries, including that:

- Families have the right to engage independent medical examiners,
- The family be notified of a coronial inquiry,
- Families have the right to object to a post mortem,
- The coroner implement procedures to resolve cultural objections to post mortems,
- The coroner make recommendations to Government,
- The coroner have the power to follow up on those recommendations,
- Police in charge of an investigation report to the coroner,
- Police officer in charge of investigation of a death to be appointed by a Commissioner,
- Police officers investigating must have had no connection with the circumstances of the death,
- Highly qualified investigators to head police investigations and to report to a senior officer.

While almost all recommendations about the conduct of coronial inquiries have been implemented both by the coroners office and particularly by the NSW Police Service, there is still one area which requires further attention: objections to post mortems. Currently the position for the State Coroner's Office is that no formal protocol is needed. While the Coroners Act now provides provision for appeal to the NSW Supreme Court to object to a post mortem, this solution is not appropriate for Aboriginal people as it requires knowledge of the law and the ability to make a Supreme Court application. While it is noted that the Coroner may deal with these issues without a formal protocol there is need for the establishment of a formal system for dealing with these matters by the NSW Coroners Office. For these issues to be resolved properly people need to know how to object, what is expected of them and what they can expect from the State Coroner. There are instances where

objections have been held by families but without the means to express them. There is a need for these recommendations (24-25) to be implemented.

Recommendations Relating to the Public Consumption of Alcohol

The recommendations relating the public consumption of alcohol have been poorly implemented in NSW. The Royal Commission made a number of recommendations relating to the public consumption of alcohol, including that:

- Legislation provide the right to appeal for persons excluded from hotels,
- The abolition of the offence of public drunkenness be accompanied by adequate resources for care and treatment facilities,
- Government monitor the effect of dry area declarations,
- Aboriginal and non Aboriginal people negotiate local agreements around the consumption of alcohol in public
- A plan for dealing with local issues of public consumption of alcohol be negotiated between police and Aboriginal organisations
- Police monitor the effect of decriminalisation of public drunkenness to ensure people are not being arrested for other minor offences instead,
- The results of such monitoring should be made public,
- Government consider limiting the number of licensed premises in some areas,
- Legislate for local options for liquor sales trading hours in areas with high Aboriginal populations,
- Legislation be available to allow communities to control the availability of alcohol.

Recommendations are predominantly the responsibility of the Department of Gaming and Racing, Police Service and the Department of Community Services. There has been little real action to implement the recommendations relating to issues of public consumption of alcohol. The issues identified by the Royal Commission relating to Aboriginal contact with the criminal justice system around public drunkenness remain largely unaddressed.

Licensed premises and the provision of alcohol

Legislation has not been amended to include the right to appeal from exclusion from licensed premises as recommended. There is no formal mechanism to appeal decisions to exclude. Indeed the establishment of liquor accords in particular local Government areas highlights this area of concern. The Royal Commission recommended that local plans relating to public drinking should be negotiated between Aboriginal people, police and local Government. Currently there is no specific requirement to negotiate with Aboriginal groups in the development of liquor accords and there is no independent assessment of the effect of liquor accords on particular groups, especially Aboriginal communities.

While it is noted that liquor accords can provide effective means for controlling alcohol related problems, it is clear that in a number of areas liquor accords are bringing a greater number of Aboriginal people into contact with police and criminal justice agencies. The practice of excluding a person from all local hotels for life on the basis that they have been removed from one hotel (barred from one barred from all policy) is of concern and currently the subject of legal challenge. Liquor accords can act to control the public behaviour of people around licensed premises but can also indirectly target Aboriginal people. Without the recommended avenue of appeal

from being excluded to licensed premises these liquor accords can, and in some place do, act to directly discriminate against Aboriginal people by an arbitrary process of denial of service.

Proclaimed places

While there is a statutory obligation on police officers to take intoxicated persons to a proclaimed place or to their home, the lack of proclaimed places in NSW, particularly in rural areas is a matter of concern. Of further concern is that in NSW, police stations can be proclaimed places in contradiction to the stated aim of proclaimed places: to provide an alternative to police cells for intoxicated persons. While the intention of the recommendations of the Royal Commission is to reduce the number of Aboriginal people coming into custody and to reduce the amount of time spent by Aboriginal people in custody this cannot be achieved without adequately funded proclaimed places. The intent of this recommendation is undermined by police stations serving as proclaimed places.

Other offences

The Royal Commission also recommended that people coming into police contact for public drunkenness not be charged with other offences. Current research into charges for offensive language and behaviour suggest otherwise. Aboriginal people are charged at a rate 15 times greater than the rest of the community for these offences; strong indications are that these prosecutions occur in situations that would have previously been dealt with by public drunkenness laws. There is serious need to review offensive language and behaviour offences as there is a strong likelihood that the policing of those offences is in conflict with this recommendation.

Controlling the supply of alcohol

Currently there are no specific provisions for Aboriginal communities to directly control the supply of alcohol into their communities as recommended by the Royal Commission.

Monitoring dry area declarations

There are currently no measures in place to monitor the effects of dry area declarations on Aboriginal people. While applications for dry area declarations are sent to the Anti Discrimination Board (ADB), the Board notes that it does not have resources to investigate every application. The process of vetting applications has little effect on monitoring the ongoing effect of those declarations.

The Ministerial Guidelines on alcohol free zones state that “*a council is required to send a copy of the proposal to any known organisation representing or able to speak on behalf of an identifiable Aboriginal or ethnic group within the local area and invite representations or objections within 30 days (from the date of sending the copy of the proposal)*”. This does not meet the requirement stated in the recommendation that Aboriginal and non-Aboriginal people *negotiate* local agreements. Further the Ministerial Guidelines list a number of councils that must consult with the ADB prior to establishing an alcohol free area. However these do not include a number of local Government areas with significant Aboriginal populations and further, the ADB itself states that it does not have resources to effectively research every dry area declaration. The process of the ADB screening dry area applications does not

provides an effective ongoing monitoring of their effects as required by the Royal Commission's recommendations.

Recommendations Relating to Bail

In relation to bail the Royal Commission made a number of recommendations:

- That Government closely monitor the application of bail, and ensure that principles of bail legislation be enacted in practice,
- That people be informed of their rights to apply for bail,
- That Aboriginal Legal Service access is granted to people who are bail refused,
- That criteria for granting of bail be revised,
- To amend legislation to allow for senior police to review bail decisions.

The recommendations call for regular monitoring of Aboriginal people's access to bail, however there appears to have been no monitoring since the recommendation was made. Concern over Aboriginal access to bail and community concern about onerous bail conditions highlight the need for further action in this area.

The Commission further recommended that bail legislation be amended to allow for senior police to review bail decisions taken by more junior officers. The Bail Act was amended in 1999 to allow this to occur.

Recommendations Relating to Custody

The Royal Commission made a range of recommendations relating to police, prison and juvenile custody. The transfer of management of court/police cell complexes from the police service to the Department of Corrective Services has affected the implementation of some of the recommendations. While the administrative responsibility may have changed the recommendation intent remains the same.

The Royal Commission made a number of recommendations relating to the safe treatment of people in custody. While many of these recommendations have been implemented through procedures and operating instructions, there is no regular monitoring of them. Coroners have found that a number of recommendations have not been complied with.

The Commission recommended that:

- There be a recognition of duty of care,
- Screening forms be used when people enter custody,
- There be provision of medical services to people in custody,
- There is a transfer of medical data between custodial authorities and access to prisoners medical information,
- There is humane and courteous treatment of people in custody,
- Detainees welfare is regularly monitored and recorded,
- There is personal monitoring of detainees,

While these recommendations appear to have been implemented in operating procedures and guidelines there is no regular monitoring to determine the level of compliance with them in practice.

Exchanging Information between police and custodial bodies

While these issues appear to be addressed by operational guidelines, Coronial inquiries have highlighted instances when these practices have not been thoroughly adhered to, where there has been confusion in passing information between custodial authorities, and the timeliness in which that information has been delivered. For example, the Coroner investigating the death of an Aboriginal man at Bathurst correctional centre, found that police had not forwarded the screening form to Corrective Services outlining the previous hospitalisation of the deceased and therefore not fully informing them of their knowledge of his medical needs. In a further investigation the Acting State Coroner found that Corrective Services staff had not properly read a form provided by police highlighting previous suicide attempts of the prisoner.

There is a specific need for custodial authorities to establish models of best practice in the treatment and services to people in custody in line with the Royal Commission recommendations and for there to be regular assessment of the level of compliance with them. Currently the most descriptive assessments of these practices are provided in coronial reports, however that information is obviously provided too late.

The State Coroner found that there has not been protocols for the exchange of information between the Department of Juvenile Justice and the Department of Corrective Services about prisoners. There appears to be a lack of information transferred by Juvenile Justice to Corrective Services about potentially suicidal inmates.

Aboriginal people to be placed near their families

This matter is addressed on through the Department of Corrective Services Aboriginal Action Plan. However, there is still widespread Aboriginal community concern about the number of Aboriginal detainees from rural areas imprisoned in Sydney. While commendation must be given to Corrective Services for recent initiatives such as Rail Town in Ivanhoe and the Second Chance Program at Brewarrina, there still appears to be barriers within the prisoner classification system which preclude many Aboriginal inmates from being located near their families.

Segregation of Aboriginal inmates

Noting the propensity for self harm of Aboriginal detainees when isolated the Commission recommended that it be recognised that it is undesirable to segregate Aboriginal inmates. While this is recognised in Corrective Services policy, there is no independent means of assessing to what extent segregation practices occur, the reasons behind those practices or the implementation of the protocol. Segregation within juvenile justice centres is used as a last resort, however there appears to be no effective systematic monitoring of its use.

Response to inmate requests

The Commission recommended that prison and juvenile centres streamline, as much as possible, the process of inmates making requests. While both Corrective Services and Juvenile Justice report having streamlined procedures, there are no established methods to evaluate the effectiveness of those measures, nor any means of independent assessment.

Review of cells

While reviews of the standard of cell complexes has occurred and improvements have been made, there are still instances of the discovery of hanging points,

particularly in prison cells, by the State Coroner. There is a serious need for ongoing independent assessment of the standard of cells in police and correction centres to ensure that hanging points are removed. Further the State Coroner has found that practices in the management of court cell complexes have been less than satisfactory, that officers have not been informed of at risk prisoners, that searches have not been effectively carried out, that cell inspections have not been properly done, and that “safe cells” have not been safe and have not met minimum standards.

Employment of Aboriginal people

While it is recognised that the Department of Corrective Services and Juvenile Justice do employ Aboriginal people neither agency has coordinated effective Aboriginal employment strategies. Given the reported high rates of turnover of Aboriginal staff, policies are needed to fully implement this recommendation.

Comprehensive reports to Parliament on people in custody

The Commission recommended that Ministers provide the State Parliament with an annual comprehensive report on Aboriginal people in custody, detention, police custody and the details of that custody. While some information is reported such as in Department of Corrective Services Annual reports, no such annual comprehensive report is completed.

Recommendations Relating to Government Policy

The Royal Commission made a number of recommendations relating to the general direction of Government policy concerning Aboriginal people. These recommendations are predominantly the responsibility of the Department of Aboriginal Affairs. The Royal Commission made recommendations about simplifying funding arrangements, involving Aboriginal people directly in decision-making, developing community planning, and further research into conditions in Aboriginal communities with the aim of using that research to inform policy development. Few of these recommendations appear to have been implemented.

The recommendations relate to:

- Ensuring that Aboriginal people are not discriminated against in the delivery of services,
- Research into the economic situation of Aboriginal people,
- Development of economic plans,
- The identification of funding available for Aboriginal communities,
- That research involve Aboriginal people and findings be communicated to Aboriginal communities,
- That holistic social, economic and cultural plans be facilitated with Aboriginal communities,
- That training programs be developed so that all Government workers with contact with Aboriginal people understand Aboriginal culture and traditions,
- That Government negotiate with Aboriginal communities to ensure that the principle of self-determination is applied to the development and implementation or modification of programs and policies that will particularly affect Aboriginal people.

Ensuring no discrimination in services

While the NSW Anti Discrimination Act provides legal protection from discrimination in most instances, and a means of redress when discrimination does occur, it does not meet the specific requirements of this recommendation. Discrimination can occur in a number of ways principally by lack of access to basic services. For example; a number of Aboriginal communities have limited access to basic local Government services that are enjoyed by non-Aboriginal communities within the same local Government area such as garbage collection, sewerage and water. Further there has been no systematic examination about the difficulty in accessing basic services suffered by many Aboriginal communities because of lack of transport or service availability. This recommendation appears not to have been fully implemented. This indicates that the full intent of the recommendation and its broader consequences for the delivery of Government services requires further consideration.

Research into economic situation of Aboriginal people

The Royal Commission recommended that Government conduct research into the economic circumstances of Aboriginal communities, specifically examining the contribution Aboriginal people make to local economies and to identify the funding sources that may be available to those communities. This research has not been conducted; there is no detailed knowledge of the economic positions of Aboriginal communities in New South Wales. The Commission made this recommendation so that Government policy could be informed by its findings, as such any type of economic or employment policy initiated by the NSW Government risks being developed with limited knowledge of the direct needs of Aboriginal communities.

Community planning

As part of further developing and strengthening Aboriginal communities, and as a mean of addressing the underlying causes of Aboriginal incarceration, the Commission made specific recommendations that Government facilitate the development of social, cultural and economic plans with Aboriginal communities. These recommendations are fundamental to the Royal Commission's findings and are an attempt to address the longer-term problem of Aboriginal disadvantage.

In its response the NSW Government points to the Aboriginal Community Development Program (ACDP) as indicating the implementation of these recommendations. While the ACDP is noted, it does not adequately satisfy full implementation.

Training on Aboriginal culture and society

To ensure that Government employees working with or providing services to Aboriginal people have a better understanding of Aboriginal people, the Royal Commission recommended that they participate in training on Aboriginal culture, traditions and society; generally referred to as cross cultural or Aboriginal awareness training. The Royal Commission specifically recommended that this training be developed in conjunction with the local Aboriginal communities with which Government employees work.

Many Government agencies have conducted training programs and there has been significant expenditure on this type of training in recent years particularly. While there are a plethora of training providers and training programs on offer there have been

no models developed to accredit this training. No standards have been established regarding the development of training programs in accordance with Royal Commission recommendations.

Evaluation varies and usually focuses on participants impressions rather than determining whether the training has facilitated long term changes and improvements in service delivery. Without standards and meaningful evaluation, training is delivered without context and risks being seen as an end in itself rather than as the catalyst for change as the Commission intended.

Given the resources dedicated to this training, the varying standard of the training that is delivered and the need for improvement in quality of training, there is a need for Government to develop standards around the development, implementation and evaluation of these training programs to ensure that they are meeting the requirements of the Commission.

Delivery of services to Aboriginal people by Aboriginal people

The Commission specifically recommended that the implementation of any policy or program that will significantly affect Aboriginal people be contracted to an Aboriginal organisation, or where that is not possible that a non Aboriginal organisation delivering the program should employ Aboriginal people for that purpose. While there has been greater use of Aboriginal organisations in service delivery there is no specific policy applicable to the whole of Government to ensure that this occurs as a matter of course. The practice of involving Aboriginal organisations in program and service delivery varies from agency to agency. There is a general need for consistency across Government and a greater enshrining of this practice for all Government departments.

Funding

The Commission made a number of recommendations relating to the funding of Aboriginal programs and funding available to Aboriginal organisations. The Commission recommended that funding guidelines be streamlined and simplified, that funding be provided through a single source, that block funding be provided and that funding be on a triennial basis. These recommendations have yet to be fully implemented

There is still widespread frustration within Aboriginal communities about the complicated nature of funding applications and reporting requirements. Funding for Aboriginal programs is not coordinated across Government and there is strong evidence of duplication and confusion between agencies. Most funding is either one off or annually. No Government wide standards for funding Aboriginal programs exist and cooperation between agencies occurs in a very limited manner. Indeed the Council on the Cost of Government found that determining the amount of funding directed to Aboriginal programs is problematic.

The Commission recommended that Government negotiate with Aboriginal communities to determine performance measures relating to the expenditure of funds and that maximum devolution occur to allow communities to identify their own priorities in the allocation of those funds. This does not occur regularly in funding of Aboriginal programs or organisations.

Self Determination in Policies and Programs

The Royal Commission recommended that Government negotiate with Aboriginal communities to develop protocols to ensure that principles of self-determination guide the development, implementation and evaluation of all programs and services that particularly affect Aboriginal people. While in some contexts the principle of self-determination is recognised, it is not incorporated effectively into policy and does not appear to apply consistently across Government. This recommendation is integral to a full understanding of the overall context of Royal Commission recommendations as it has direct implications for how other recommendations are implemented. That is, other recommendations should be implemented in recognition of the principles of self-determination.

References to self determination are made in various policy statements. However, how this principle is applied in practice is difficult to identify. Qualifying the definition of the term “self determination” as an initial step, would assist in identifying practices that support this principle. The implementation of this recommendation and its effectiveness can be significantly strengthened.

Recommendations Relating to Courts

In making recommendations about courts the Royal Commission focused on:

- Employment of Aboriginal people
- access to interpreters,
- effective legal representation,

Employment of Aboriginal people in court

While there has been a significant increase of the number of Aboriginal people employed in courts in NSW, there are still areas with significant numbers of Aboriginal people appearing at Local Court where there are no Aboriginal staff. Further, there is little employment of Aboriginal people in higher courts.

Training for court staff

Training for court staff on Aboriginal issues has occurred although the program is characterised by a lack of dedicated resources. In some instances participation is voluntary. There is also a lack of a specifically developed training programs to meet the needs of court staff, particularly in the higher courts.

Access to interpreters

The Government response to the Commission recommendation that Aboriginal people have access to interpreters at court, points to the existing ability of people to use interpreters in court. However, there are no accredited Aboriginal interpreters in NSW and there is no system of formal accreditation or training of Aboriginal interpreters. Fundamentally most Aboriginal people in NSW that have language difficulties at court experience problems due to the differences between standard English and Aboriginal English. These ongoing communication problems frequently result in misunderstanding and disadvantage to Aboriginal people.

Recommendations Relating to Non-custodial Sentences

The Royal Commission made a number of recommendations about the important issue of non-custodial sentences, particularly with the aim of making those options more widely available and relevant for Aboriginal people. Recommendations included:

- That authorities responsible for non custodial sentencing orders advise sentencing authorities of the effectiveness of such orders
- That proceedings for breach of order should be done by summons or CAN not by arrest,
- That sentencing authorities in remote areas consult with communities to determine sentences communities think are appropriate,
- That Government ensure that an appropriate range of sentencing options is available,
- Evaluation of pre and post release support schemes,
- That Government consult Aboriginal communities in reviewing sentencing options,
- Resources be made available to ensure that sentencing options provided for by legislation are available in practice particularly in remote areas,
- Authorities ensure that community service orders are done with Aboriginal organisations, and that communities are involved in the planning and development of such orders,
- Government employ Aboriginal people to implement non custodial sentencing options and to inform community of the range of options,
- That Government monitor the effectiveness of non custodial sentencing options, and retain statistics of Aboriginal participation,
- That Probation and Juvenile Justice officers consult with the community to ensure that work done through orders is seen as valuable by the community,
- Imprisonment for fine default be subject to the determination by a judge or magistrate,
- That home detention be provided for where not currently available.

Breach of orders

Legislation needs to be amended to ensure that in the first instance a breach of a non custodial order is dealt with by way of summons or court attendance notice. Currently a large amount of discretion exists both with police and judicial officers as to the manner of proceeding. This does not fully comply with the recommendation that summons or court attendance notice be the means of proceeding for breach of order.

Assessing non custodial sentencing options

The Royal Commission made a number of recommendations about the assessment and evaluation of non custodial sentencing options. While the valuable work of the Research Unit at the Department of Corrective Services is noted there is a need for broader and continued research, particularly in relation to juvenile offenders. There has been no overall assessment of pre and post release programs as recommended by the Royal Commission and there is little publicly available information as to the overall effectiveness of non custodial sentencing options on rates of offending.

Interaction with communities regarding sentences

The Royal Commission required sentencing authorities to consult with remote Aboriginal communities to determine sentences that the community considers

appropriate for individual offenders. Currently sentencing authorities do not regularly or systematically consult with communities in this regard. Formal mechanisms may be required to allow this to occur.

While it is recognised that the Probation and Parole Service have policy that states that Aboriginal offenders be placed with Aboriginal organisations if it is their preference, there is a need to review the number and standard of placements as well as to ascertain whether the work they are doing is valued by the community as per the Royal Commission recommendations.

Aboriginal people do not appear to have been employed to administer non custodial options for members of their communities as stated by the Commission. While some employment occurs within both Juvenile Justice and Corrective Services, these agencies lack formal policies, procedures and resources specifically relating to the employment of Aboriginal people in this regard.

Resourcing non custodial sentencing options

The Royal Commission recommended that non custodial sentencing options be adequately resourced to ensure that non custodial sentencing options that are available in legislation are also available in practice. There are few options regarding drug and alcohol programs for offenders, particularly juvenile offenders. Funding services in some places and not others is evident. Services appear to be provided on an ad hoc basis. There is a need for a review of resources provided for non custodial sentencing options to ensure that those options are broadly available and that some locations are not continually disadvantaged.

Access to non custodial sentencing options

The Royal Commission required Government to review non custodial sentencing options with the aim of ensuring that such options were available to all Aboriginal people. To date this review has not occurred resulting in an apparent discrepancy as to the availability of non custodial sentencing options, particularly in rural and remote locations. The options of home detention and periodic detention are limited for those in rural areas. There is a need for a review of the non custodial sentencing options available in rural areas and of the resourcing needs for those options to be viable.

Recommendations Relating to Aboriginal Juvenile Justice

The Royal Commission made 12 recommendations that specifically relate to Aboriginal juvenile justice issues including:

- Separation of Aboriginal young people from their families and communities,
- Collaboration with Aboriginal communities and organisations concerning service delivery and program development,
- Appropriate resources directed into Aboriginal youth programs - specifically Aboriginal community controlled,
- Training and employment opportunities for Aboriginal people to work with Aboriginal youth,
- Children's rights regarding confidentiality and legal representation,
- Aboriginal juvenile detainees should not be detained in police lockups,
- Granting of bail to Aboriginal youth.

The Department of Juvenile Justice and NSW Police Services have primary responsibility for implementing the Royal Commission's recommendations relating to

juvenile justice issues. The Department of Community Services, and the Attorney Generals' Department have a fundamental level of responsibility. Accordingly, over half of these recommendations (235,237,240,242,243,244,245) have been reported as being fully implemented. Recommendations 62, 238 and 239 are reported as being partially implemented and the remaining recommendations 234, 241 are matters for other States or primarily a Commonwealth matter.

The majority of the recommendations were reported as being fully implemented as early as 1992-93, and yet there has been an increase in the number of Aboriginal youth being separated from their families and communities and placed in juvenile detention centres. There has also been an increase in the number of Aboriginal juveniles having contact with the criminal justice system generally.

Reducing over representation

The most significant recommendation that the Royal Commission made regarding juvenile justice issues was that *"Government recognise the problems affecting Aboriginal juveniles are so widespread and have such potentially disastrous repercussions for the future that there is an urgent need for Governments and Aboriginal organisations to negotiate together to devise strategies designed to reduce the rate at which Aboriginal juveniles are involved in the welfare and criminal justice systems"*.

There appears to have been little attempt to implement this recommendation and there are no broad comprehensive strategies developed to address these problems. Fundamentally the problems highlighted by the Royal Commission as affecting Aboriginal juveniles remain unchanged. As highlighted earlier, amendments to the Summary Offences Act, Children (Care and Parental Responsibility) Act, and police policy of targeting recidivists have increased the number of Aboriginal young people coming into contact with the criminal justice system.

Aboriginal young people in custody and bail

The Commission recommended that Aboriginal juveniles be held in police custody only as a matter of last resort, that police treat bail applications as a matter of urgency and that telephone bail be available to remote areas. While this is reflected in the Police Commissioners Instructions its implementation in practice requires further examination.

A significant number of Aboriginal juveniles continue to be held in police cells, particularly in the far west where bail courts are not readily available. Telephone bail is not available in NSW. The Department of Juvenile Justice funds a limited number of bail hostels. Juveniles outside those locations do not benefit from them. The significant number of Aboriginal young people that are held on remand in juvenile detention centres is itself adequate indication that implementation of these recommendations has not had the desired impact.

Arrest as a last resort

The matter of arresting youth as a last possible means of resort and the use of cautions has been addressed by the Young Offenders Act 1997. The operation of this Act is yet to undergo full evaluation. In some regions Aboriginal youth are not accessing Youth Justice Conferencing to the extent of the general community, not accessing the alternatives of cautions, and are more likely to come into contact with the criminal justice system than the general population. From evidence available

from the Department of Juvenile Justice and Police Service, Aboriginal youth are still more likely to experience court rather than diversionary programs.

Community based programs

The Commission recommended that Government recognise that Aboriginal community based and controlled programs for young people have the greatest prospect of success and that this be recognised in levels of funding. The Commission also recommended that Aboriginal communities be given training to allow them to effectively administer programs. This is little evidence of this occurring.

Recommendations Relating to Education

The Royal Commission Inquiry outlined approximately fourteen recommendation specifically related to education. These recommendations include:

- The development of Aboriginal related curriculum and syllabuses,
- The involvement, contribution and participation of Aboriginal people and communities in the development of school curriculum and syllabuses,
- Aboriginal people and communities remunerated for the consultation and collaboration,
- That Aboriginal viewpoints on historical, cultural and social matters are incorporated into school curriculum and syllabuses,
- Partnership arrangements with the Aboriginal Education Consultative Groups,
- Teacher training courses enhances knowledge and understanding of Aboriginal historical, social and cultural matters and Aboriginal people,
- That support and resources are dedicated to Aboriginal education employment and training opportunities.

The NSW Board of studies and the Department of Education and Training have been responsible for the majority of recommendations relating to education. Whilst a number of landmark developments have been made in regard to the introduction of Aboriginal education related syllabus and curriculum development, only nine of the total recommendations have been reported on as “partially implemented and ongoing”.

The NSW Board of Studies has successfully integrated Aboriginal education and language programs in the curriculum and syllabuses for students, particularly in public schools. The additional resources developed such as the Aboriginal Emergent Readers Kit, Making a Difference: A guide to the Education Related Recommendations of RCIADIC and the NSW Aboriginal Languages Interim Framework K-10 are particularly promising. The development of an Aboriginal Curriculum Unit is also a primarily important factor in the development of culturally appropriate material. The manner in which this information is generated is what makes the courses exciting and successful. Aboriginal community people need to be actively called upon as educators and to be paid for their services and skills, at a greater level.

A characteristic of the education related recommendations is that significant parts of the recommendation have been successfully implemented, and those calling for remuneration and collaboration with local Aboriginal community groups have not been fully implemented.

Remuneration for Aboriginal people

The Commission recommended that Aboriginal people who assist in schools be appropriately remunerated. The Department of Education stipulates in the Aboriginal Education Policy that people be remunerated “wherever possible” when Aboriginal community members are called upon to share their knowledge, and that schools must sign an agreement to employ Aboriginal personnel. There is little evidence to demonstrate how often this occurs at a local or school level. Some anecdotal evidence would suggest that this remuneration does not occur as a matter of course.

Teacher training

A number of recommendations relating to appropriate education and training of teachers and education related staff, and the employment of Aboriginal staff. Recommendation 295, which describes teacher training courses, suggests that Aboriginal people be involved in the training courses both at student teacher and in-service level. Whilst the report on this recommendation demonstrates that Aboriginal people contribute to the development of courses, there is a lack of evidence to suggest that Aboriginal advice controls the training.

Recommendations Relating to Family, Identity, Language and Heritage

The Royal Commission outlined a number of recommendations which relate to family, community, language and heritage, specifically recommendations 52-57. These recommendation concern matters of:

- Funding available to support the continuation of services to support family re-connection, grief, loss and separation issues,
- Governments support for a mechanism of records access,
- Legislative enactment and policy development,
- Funding to support the National Aboriginal Languages Policy,
- Development of Aboriginal cultural centres and museums.

The above recommendations and in particular their successful implementation, play an intricate role in law and justice issues for Aboriginal people. Grief, loss, trauma and separation issues, resulting from past policies of dispossession, colonisation and assimilation, appear not to have been effectively addressed within the Aboriginal community at a State or National level. Effective implementation of these recommendations will contribute to a decline in offending in Aboriginal communities by reducing the prevalence of significant causal factors.

Access to records

It appears that only one of the recommendations (rec.54) relating to access to records has been fully implemented. Recommendations relating to accessing archives and funding to re-establish Aboriginal family and community links have been partially implemented. It is felt that the implementation was pre-empted by the recommendations of the Human Rights Inquiry in the Separation of Aboriginal Children from their Families. Responses to these most pertinent issues raised in the above recommendations means that agencies can report on implementation of recommendations from two different inquiries, whilst not providing additional funds to account for the importance of the issues raised.

Funding for organisations such as LinkUp

While the Department of Community Services and the Department of Health have both provided LinkUp with funding there is no agreement that this funding will be ongoing. Whilst this funding is a positive step it comes eight years after the initial recommendation, and the lack of services during that time may have compounded the problems faced by Aboriginal people affected by past removal policies.

Access to archival records about family and community histories

Action to address this recommendation risks being seen more as a response to the HREOC inquiry due to the length of time taken. The State Government is yet to develop the “one stop shop” that will enable Aboriginal people to access records about themselves.

Funding to maintain Aboriginal languages

Recommendations that state funding bodies reflect the importance of the National Aboriginal Language Policy and provide funds to Aboriginal communities and organisations, have not been fully implemented. The NSW Board of Studies has introduced an Aboriginal Languages framework K-10. However, the nature of the recommendation specifically concerns providing funding to Aboriginal communities and organisations to maintain Aboriginal languages.

Recommendations Relating to Drug and Alcohol

The Royal Commission provided nine recommendations which concern drug and alcohol issues. The issues raised included:

- That research be conducted into the causal relationship between drug/ alcohol and other drugs and criminal activity,
- That Aboriginal people be involved in the development of services,
- Establishment of adequately funded rehabilitation programs which empower Aboriginal people and communities,
- Priority training for Aboriginal workers and cultural awareness training for non-Aboriginal workers working with Aboriginal people,
- Establishment of early intervention programs in Aboriginal health services.

Implementation of Recommendations 64, 69, 80, and 282-288 have all been reported as being partially implemented.

Research into drug and alcohol issues

Recommendations 64 and 69 refer to research, especially concerning the causal relationships between alcohol and crime rates, and that Aboriginal people, communities or organisations be involved in the development, implementation and interpretation of research. The NSW Health Department refers to the NSW Adult Alcohol Action Plan and the NSW Drug Strategy, which adopts a harm minimisation policy and targets the Aboriginal community. Whilst this policy initiative has provided positive strategies for drug and alcohol harm minimisation, it is not considered to be fully implemented. Quality research provides a sound basis for policy development. This recommendation requires further action.

Development of early intervention programs

One particular concern is regarding Recommendation 283, concerning the establishment of Aboriginal early intervention programs in Aboriginal health centres, hospitals and community health centres. NSW Health reports that an Aboriginal Health Education Officer and Aboriginal Health Liaison Officer conference was held addressing a variety of issues, but not specifically early intervention programs. Whilst it is recognised that policy directions such as the otitis media program play a role in early intervention, the recommendation specifies that early intervention programmes be developed. Until this has been adequately achieved, the second phase of the recommendation cannot be reported on.

Alcohol and other drug programs

The Royal Commission recommended that Governments give a high priority to funding alcohol and other drug treatment and prevention programs; specifically programs that are functionally accessible to Aboriginal clients and that are staffed by Aboriginal workers. There is a lack of services available to Aboriginal people, specifically drug treatment services. There is an even greater lack of services specifically available to women and to juveniles living outside the Sydney Metropolitan area. This recommendation has not been fully implemented.

Recommendations Relating to Health

The Royal Commission identified 25 Recommendations related to health. Key themes outlined in Recommendations 246 to 271 include:

- Maintain comprehensive and up to date information on Aboriginal Health programs;
- Improvement and increase training in health care,
- Aboriginal community controlled health services to be studied,
- Communication between mainstream and Aboriginal community based health care services,
- Increased access to health care services and facilities,
- Increased community control of health resources,
- Expansion of Aboriginal mental health services and workers,
- Aboriginal people be involved in the development and implementation of policy,
- Appropriate training and career development opportunities for Aboriginal (mental) health workers,
- Aboriginal involvement in each stage of development of Aboriginal health statistics,
- Re-designing of health care facilities.

It is noted that Aboriginal Health has made significant developments in strengthening Aboriginal health and communities. Whilst there is obvious progress in policy development and coordinated approaches (for example in establishing the Aboriginal Health Partnership) in Aboriginal Health, recommendations are still reported as being partially implemented.

Collection of information on Aboriginal health

In response to recommendation 246 NSW Health reports on the Aboriginal Health Information Guidelines. The recommendation however, specifically requests that information regarding the resources directed to, programs and activities of Aboriginal

health and related information is made public, especially to Aboriginal organisations. There is still no comprehensive information collated on all Aboriginal health programs in New South Wales, especially including the inputs into Aboriginal health programs. That information then cannot be disseminated to Aboriginal community organisations as required by the recommendation.

Training issues

Recommendations 247, 249,255, 257,263, concerning appropriate training for Aboriginal and non-Aboriginal staff, especially in locations with high concentrations of Aboriginal people requires further examination. The Department of Health had developed a Cultural Awareness Package and is currently developing a more comprehensive package. However, it is felt that a cultural awareness training package will not in itself ensure that health workers and related professionals are fully aware of all the current health issues affecting a particular community.

Mental health

An Aboriginal mental health strategy was launched in NSW in 1997, however the staffing position to implement the policy has been vacant and its implementation has been slow. A lack of trained Aboriginal mental health workers across New South Wales is often reported by Aboriginal communities.

Aboriginal control of health services

The Commission recommended that where significant Aboriginal populations exist that Government negotiate with Aboriginal organisations to deliver medical and health service, including those to non-Aboriginal people. This recommendation includes services broader than Aboriginal Medical Services. It involves providing Aboriginal communities with control of the health resources of their region. This does not occur in the manner intended by the Royal Commission.

Evaluation of health services

The Royal Commission specifically recommended that funding bodies evaluate Aboriginal health programs, and that the evaluation *not* be linked to ongoing funding. This was to ensure that Aboriginal health programs were operating effectively and that Aboriginal community organisations that may administer those programs were not punished for lacking administrative skills. However, currently evaluation focuses on funding and performance agreements.

Conclusion

Although the Royal Commission into Aboriginal Deaths in Custody undeniably played an important role in emphasising the pressing need for Government to more actively address Aboriginal justice issues, the fact remains that, eight years on, the position of indigenous Australians is largely unchanged.

This review has noted steps taken by the NSW Government since 1992 to reform laws, policies and programs affecting the involvement of Aboriginal people in the justice system, but, equally, it highlights the inadequacy of these responses in many areas.

Perhaps area requiring greatest Government attention is the need for agencies to involve Aboriginal communities in decision making processes. In addition, the

government needs to systematically address the underlying causes of social and economic disadvantage for Aboriginal people and the application of laws which contribute to the marked over-representation of Aboriginal people in the criminal justice system.

This report has also identified the weaknesses in the focus of the recommendations of the Royal Commission itself - in particular the emphasis upon procedural reform rather than the establishment of defined and measurable outcomes for Aboriginal people.

These issues, and the significant changes within the criminal justice system that have taken place independently of the implementation process which cannot be examined in the content of the Commission's original recommendations, highlight a pressing need for a new approach to developing laws, policies and programs which impact upon Aboriginal people. Such a review should include new approaches to assessing and measuring the impact of new and existing laws, policies and programs whilst maintaining a focus on the spirit and the intention of the Commission's recommendations

Appendix 2-Summerised Recommendations of the Royal Commission

- 1- Public implementation of the recommendations
- 2 - The establishment and role of Aboriginal Justice Advisory Committees
- 3 - Provision of administrative support to AJAC
- 4 - Claims made by families in respect of deaths in custody
- 5 - Provision of funds and services to families and friends of deceased
- 6 - Definition of Deaths in Custody
- 7 - One Coroner to have responsibility for all deaths in custody
- 8 - Development of protocol for coronial inquiries
- 9 - Coroner to be at least a Stipendiary Magistrate
- 10 - Custodial authorities to immediately notify Coroner of deaths
- 11 - Public hearings of coronial inquires and recording of evidence
- 12 - Coroner to investigate quality of the care, treatment and supervision of the deceased
- 13 - Coroner to make recommendations on any relevant matters
- 14 - Coroner's findings and recommendations to be provided to relevant agencies
- 15 - Relevant agencies to respond to Coroner's recommendations
- 16 - All parties to have copies of agency responses to Coroner's recommendations.
- 17 - State Coroner to report annually to Attorney General
- 18 - State Coroner able to make any recommendations relevant to prevention of death
- 19 - Custodial authorities to immediately notify family
- 20 - Notification of ALS of deaths in custody
- 21 - Family and ALS to be notified of inquest
- 22 - Family be given all opportunity to attend inquest
- 23 - Legal representation for family at inquest
- 24 - ALS and family entitled to be kept fully advised of coronial inquiry
- 25 - Family may view body and scene of death and have body examined by own medical practitioner
- 26 - State Coroner to appoint solicitor or barrister to assist inquiry
- 27 - Lawyer assisting coronial inquiry may be an independent Government lawyer
- 28 - Lawyer assisting coronial inquiry to ensure proper consideration of all relevant evidence
- 29 - Police officer in charge of investigation can be required to report to Coroner
- 30 - Lawyer assisting Coroner to review conduct of police investigation
- 31 - Lawyer assisting coroner may request further police investigation
- 32 - Police officer in charge of investigation of a death to be appointed by a Commissioner
- 33 - Police officers investigating must have had no connection with the circumstances of the death
- 34 - Highly qualified investigators to head police investigations and to report to senior officer
- 35 - Protocol for police investigations of deaths in custody
- 36 - Police investigation to provide coroner with all relevant evidence
- 37 - Specialist forensic pathologists to conduct post mortem
- 38 - Resolution of cultural objections to post mortems
- 39 - Protocol for resolving cultural objections to post mortems on all Aboriginal deaths
- 40 - Coroners to maintain database re deaths in custody
- 41 - Monitoring of statistical information relating to Aboriginal people in custody
- 42 - Regular publication of statistics on police custody
- 43 - Regular surveys of police custody issues
- 44 - Australian Institute of Criminology to co-ordinate State surveys regarding police custody
- 45 - Uniform approach to data collection amongst States re custody issues
- 46 - Surveys of custody issues to facilitate interstate comparisons
- 47 - Ministers to provide Parliament with statistics relating to Aboriginal people in custody
- 48 - Aboriginal People to be consulted re use of social indicators for policy purposes
- 49 - Specific census for Aboriginal population
- 50 - Data collection agencies to consult with ATSIC
- 51 - Aboriginal involvement to be considered when funding research
- 52 - Funding for re-establishment of Aboriginal familial and community links
- 53 - Access to Government archives of Aboriginal families and history.

- 54 - Legislating for the Aboriginal Child Placement Principle and Aboriginal Child Care Agencies
- 55 - National Aboriginal Language Policy
- 56 - Preservation of Aboriginal culture, history and traditions
- 57 - Archiving and accessing the records of the Royal Commission
- 58 - Right to appeal exclusions from a hotel
- 59 - Police to enforce prohibition from serving intoxicated persons
- 60 - Addressing mistreatment of Aborigines by Police
- 61 - Use of paramilitary forces in Aboriginal communities
- 62 - Reducing involvement of Aboriginal juveniles with the welfare and criminal justice systems
- 63 - Establishment of National Task Force on Aboriginal alcohol use
- 64 - Aborigines to be involved in research into Aboriginal alcohol use
- 65 - Aborigines & Ministerial Council on Drug Strategy to research Aboriginal drug & alcohol use
- 66 - Greater research into extent, causes and consequences of alcohol use amongst Aborigines
- 67 - Monitoring the health, social and economic consequences of alcohol use by Aborigines
- 68 - Maintenance of data on Aboriginal social indicators
- 69 - Research into the links between the use of alcohol and other drugs
- 70 - Recognition of the multiple causes of alcohol abuse
- 71 - Research into Aboriginal views regarding alcohol use
- 72 - Government to address the underlying causes of truancy
- 73 - Provision of culturally appropriate infrastructure and housing to Aborigines
- 74 - Support and utilise research into culturally appropriate designs of infrastructure for Aborigines
- 75 - Building of roads for Aboriginal communities and/or over Aboriginal lands
- 76 - Integrated provision of infrastructure, housing and essential services
- 77 - Equitable access to roads funding
- 78 - Access to Queensland State Government grants
- 79 - Offence of public drunkenness to be abolished
- 80 - Funding for the care and treatment of intoxicated persons
- 81 - Police to consider alternatives to custody for intoxicated persons
- 82 - Monitoring the effect of Dry Area Declarations
- 83 - Laws relating to the public consumption of alcohol
- 84 - Negotiation of issues relating to public drinking
- 85 - Monitoring results of decriminalisation of public drunkenness
- 86 - Restrained use of offensive language charges
- 87 - Police adherence to principle of arrest as a sanction of last resort
- 88 - Level and appropriateness of community policing to be reviewed
- 89 - Granting of bail to be monitored and legislation amended if necessary
- 90 - Notification of ALS whenever an Aboriginal person is not released on bail
- 91 - Amendment of bail legislation to reduce custody rates
- 92 - Legislating and enforcing principle of arrest as a last resort
- 93 - Removal of past convictions from criminal records
- 94 - Increased variety of Community Service Orders
- 95 - Programs to reduce rate of motor vehicle offences
- 96 - Court officials and employees to receive cultural training
- 97 - Consultation with Aboriginal groups re cultural training for court employees
- 98 - Phasing out use of Justices of the Peace
- 99 - Provision of court interpreters for Aboriginal People
- 100 - Employment of Aboriginal persons in the court system
- 101 - Sentencing Authorities to be informed of results of the various non-custodial orders
- 102 - Arrest not to be used for breach of non-custodial orders
- 103 - Dollar value of a day's community service order to be more than that of a day in prison
- 104 - Aboriginal People in discrete or remote communities should be consulted re appropriate sentences
- 105 - Funding to recognise the wide role of the ALS
- 106 - ALS may represent the interests of both the Aboriginal community and the Aboriginal offender
- 107 - Aboriginal people to be consulted in relation to the structure and locations of the ALS
- 108 - Recognition of difficulty of remote communities receiving adequate legal representation
- 109 - Review of range of non-custodial options
- 110 - Evaluation of pre-release and post-release support schemes
- 111 - Review of non-sentencing options in consultation with Aboriginal organisations
- 112 - Sufficient personnel and infrastructure to ensure success of non-custodial options
- 113 - Involvement of Aboriginal people in non-custodial options

- 114 - Employment of Aboriginal people in non-custodial programs and related education of the community
- 115 - Monitoring of recidivism to evaluate effectiveness of sentencing options
- 116 - CSOs to be designed in consultation with Aboriginal communities
- 117 - Alternatives to imprisonment to be available for breach of CSOs
- 118 - Home detention to be used as both a method of early release and a non-custodial option
- 119 - Sufficient support & infrastructure to ensure Aborigines have access to probation & parole
- 120 - Amnesty for unpaid fines
- 121 - Non-custodial options for fine default
- 122 - Recognition of legal duty of care owed to persons in custody
- 123 - Guidelines for exercising duty of care to persons in custody
- 124 - Police and/or Corrective Services to conduct a briefing after a custodial incident
- 125 - Screening forms to be used for persons entering police custody
- 126 - Screening forms and risk assessments for people taken into custody
- 127 - Provision of medical services to persons in police custody
- 128 - Medical attention for persons held by Police on behalf of Corrective Services
- 129 - Consideration of the use of blood alcohol testing for those entering police custody
- 130 - Protocols for the transfer of medical data between custodial authorities
- 131 - Information relating to prisoner's medical condition to be accessible
- 132 - Procedures to ensure officers are aware of prisoner's medical condition
- 133 - Police officers to be trained regarding Aboriginal health issues and risk assessment
- 134 - Police to treat detainees humanely and courteously
- 135 - Prisoners not easily roused to be given medical attention and not to be taken to a watch house
- 136 - Person not easily roused to be taken from watch house to appropriate medical facility
- 137 - Regular monitoring of detainee's welfare
- 138 - Police to keep regular records regarding detainee's welfare
- 139 - Electronic monitoring of detainees in police cells to be supplemented by personal monitoring
- 140 - Alarm and intercom systems to be installed in cells
- 141 - Detainees in cells to be monitored by an attendant
- 142 - Prohibition of use of padded cells as punishment.
- 143 - Provision of meals to all detainees
- 144 - Aboriginal persons not to be alone in cells
- 145 - Operation of cell visitor schemes
- 146 - Friends and family to be encouraged to visit detainees
- 147 - Police to notify relatives if detainee is at risk or taken to hospital
- 148 - Priority to be given to the funding of diversionary programs over cell re-design
- 149 - Use of flexible custody arrangements for police detainees
- 150 - Standard of health care in correctional centres to be just as high as in the community
- 151 - Specialist psychiatric attention for detainees/prisoners
- 152 - Review provision of health services to Aboriginal prisoners
- 153 - Ongoing review of prison medical service providers
- 154 - Prisoner medical services to have cultural training and to consult with and employ Aboriginal persons
- 155 - Prisoner officers to be trained in identifying and managing at risk prisoners
- 156 - Thorough medical assessment of Aboriginal people entering correctional centres
- 157 - Prisoner medical service to obtain a comprehensive medical history of prisoners
- 158 - Immediate medical assistance and resuscitation attempts for those apparently dead
- 159 - All custodial facilities to have resuscitation equipment
- 160 - All custodial officers to receive training in resuscitation techniques
- 161 - Medical attention to be provided to prisoners when in doubt
- 162 - Protocol for use of firearms by prison and police officer
- 163 - Police and prisoner officers to be trained in restraint techniques
- 164 - Prisoners or detainees who inflict self-harm should not be charged in relation to the incident
- 165 - Review of equipment and facilities in cells which may be used to cause harm
- 166 - Exchange of information between Police and Corrective Services
- 167 - Same standards to apply to juvenile detention centres as apply to police and prison custody
- 168 - Aboriginal People to be in custodial facilities as close as possible to their families
- 169 - Funding of family visits to the prisoner, if the family are not closely located
- 170 - Family visits should occur with the minimum of supervision
- 171 - Recognition of extended kinship and familial obligations of Aboriginal prisoners

- 172 - Right to periodic visits from Aboriginal organisations such as the ALS
- 173 - Improvement of custodial environment via provision of shared accommodation and other means
- 174 - Employment of and frequent visits from Aboriginal Welfare Officers
- 175 - Transitional period for prisoners prior to them entering the prison routine
- 176 - Employment and role of complaints officers in custodial institutions
- 177 - Ensure staff have appropriate attitudes and receive cross-cultural training
- 178 - Employment of Aboriginal staff throughout Corrective Services
- 179 - Simplification of procedures for prisoner requests etc
- 180 - Visiting justices to be a magistrate. Breaches of the general law to be heard in public courts.
- 181 - Segregation of Aboriginal inmates to be avoided but minimum standards to apply if used
- 182 - Serious breach of discipline if officers are not humane and courteous with prisoners
- 183 - Facilitate establishment of Aboriginal support groups within institutions
- 184 - Aboriginal prisoners to have access to education, training and work
- 185 - DEET develop strategy for training and education in institutions
- 186 - Prisoners to be remunerated for education or training undertaken within work hours
- 187 - Corrective Services to study effectiveness of community corrections
- 188 - Self-determination principles to apply to the design and implementation of policies and programs
- 189 - Commonwealth Government to constitute ATSIC as an independent employing authority
- 190 - Block grant funding for Aboriginal groups on a triennial basis
- 191 - Funding for Aboriginal organisations and communities to be allocated through a single source
- 192 - Programs to be delivered either by Aboriginal organisations or following consultation
- 193 - Methods by which Aboriginal groups are required to account should be simple
- 194 - Funding to develop and monitor performance indicators for programs
- 195 - Aboriginal organisations and communities to be funded on a triennial basis
- 196 - Governments to fully explain funding processes to Aboriginal groups
- 197 - Aboriginal groups to receive training in management and accounting procedures
- 198 - Aboriginal people to have equal access to essential services
- 199 - Recognition of the varied organisational structures of Aboriginal groups
- 200 - Funding for communities to be equitably distributed between Aboriginal and Non-Aboriginal people
- 201 - Application of methods of Tangentyere Council when developing local governance schemes
- 202 - Provision of administrative, political and management training to Aboriginal organisations
- 203 - Governments to give priority to economic and cultural development plans by Aboriginal groups
- 204 - Community development plans to be designed with the participation of the community
- 205 - Funding of Aboriginal media organisations and increased media involvement in Aboriginal issues
- 206 - Creation of a media award for Aboriginal affairs reporting
- 207 - Journalism courses to cover Aboriginal affairs
- 208 - Improved contact and understanding between the media and Aboriginal people
- 209 - Support for Aboriginal arts organisations
- 210 - Training of Government employees in Aboriginal traditions and culture
- 211 - Aboriginal people to be informed about human rights and anti-discrimination legislation
- 212 - Aboriginal people to be encouraged to exercise their legal rights under anti-discrimination laws
- 213 - Racial vilification to be a civil offence
- 214 - Community policing with the involvement of the police and Aboriginal people
- 215 - Police to consult with representatives of the Aboriginal community
- 216 - Specific to the Northern Territory
- 217 - Specific to the Northern Territory
- 218 - Specific to the Northern Territory
- 219 - Implementation of ALRC report re Recognition of Aboriginal Customary Law
- 220 - Community police and justice programs to be funded and encouraged
- 221 - Remuneration of Aborigines involved in community policing and justice programs
- 222 - National Police Research Unit to evaluate efforts to improve Police/Aboriginal relations
- 223 - Protocol for interaction between Police and Aborigines
- 224 - ALS to be notified upon arrest or detention of Aboriginal persons
- 225 - Police to establish units to develop Aboriginal policies and programs
- 226 - Procedures for dealing with complaints against the Police
- 227 - Police Services to study the Northern Territory Police School
- 228 - Police training to address past and present interaction between police and Aborigines
- 229 - Police to recruit more Aboriginal people of both genders
- 230 - Aboriginal persons applying to the Police Service to have access to bridging courses
- 231 - Police Services to actively pursue improvement in its relationship with Aboriginal people

- 232 - Policing recommendation specific to Queensland
- 233 - Policing recommendation specific to Western Australia
- 234 - ALS to be funded to advise and represent juveniles
- 235 - Aboriginal people to be the primary advisers re the interests & welfare of Aboriginal juveniles
- 236 - Recognition that community based and devised Aboriginal youth programs have the most effect
- 237 - Aborigines to be employed in all levels of the juvenile justice system
- 238 - Aborigines to be trained in the provision of youth programs to ensure their success
- 239 - Police to arrest juveniles as a last resort
- 240 - Police to increase use of cautions for juveniles, preferably with family present
- 241 - The use of justice panels to be tailored to ensure their suitability for Aboriginal offenders
- 242 - Regulation of use of police lockups for juveniles
- 243 - Police to notify ALS and family when juvenile detained
- 244 - Police to interrogate juveniles in the presence of Aboriginal welfare person or family
- 245 - Legislation, regulations and police standing orders to incorporate recommendations
- 246 - Maintain comprehensive and up-to-date information on Aboriginal health programs
- 247 - Improved and increased training in health care
- 248 - Aboriginal community-controlled health services to be studied
- 249 - Non-Aboriginal health professionals to have access to skilled interpreters where language barriers exist.
- 250 - Communication between mainstream and Aboriginal community based health care services
- 251 - Increased access to health care services and facilities
- 252 - Casualty procedures to be tailored for areas with a high Aboriginal population
- 253 - Health care facilities to be tailored in areas with a high Aboriginal populations
- 254 - Aborigines to be involved in decisions relating to health service delivery
- 255 - Ensure that health care staff have appropriate attitudes
- 256 - Increased employment of Aboriginal staff as health care workers in mainstream services
- 257 - Encourage Aborigines to undertake medical & health care studies
- 258 - Government to contract community controlled Aboriginal health services in remote areas
- 259 - Funding for Aboriginal community controlled health services work in prevention & social welfare
- 260 - Evaluation of community controlled health services
- 261 - Increased use of Aboriginal liaison officers in hospitals
- 262 - Registration of Aboriginal Health Workers and establishment of career structures
- 263 - Where non-compliance rate amongst Aboriginal patients is high, the causes should be sought
- 264 - Expansion of Aboriginal mental health services
- 265 - Increased number of health professionals with training in mental illness and Aboriginal health.
- 266 - Mental health services to be linked with local health and support services
- 267 - Standard diagnostic protocols for aerial diagnosis
- 268 - Increased research into the health problems of Aboriginal people
- 269 - Aboriginal health research to adhere to ethical guidelines
- 270 - Increased collection and use of Aboriginal health statistics
- 271 - Funding of implementation of the National Aboriginal Health Strategy
- 272 - Monitoring of holders of liquor licences to ensure they obey regulations
- 273 - Appointment of community workers with the power to inspect licensed premises
- 274 - Governments to consider reducing the number of licensed premises
- 275 - At least one Aborigine to be appointed to the Northern Territory Liquor Commission
- 276 - Support for local variations of liquor sale trading hours
- 277 - Communities to have mechanism to object to liquor licences
- 278 - Assistance to be given to communities wishing to control the availability of liquor
- 279 - Stronger provisions against 'sly grogging'
- 280 - Aboriginal communities to be assisted in solving problems with beer canteens
- 281 - Assistance for Aborigines wishing to regulate beer canteens & provide alternative entertainment
- 282 - Aboriginal people to be involved in media campaigns & promotions re health and alcohol issues
- 283 - Provision of early intervention programs in health centres
- 284 - Support for Aboriginal people establishing alcohol-free work places & employee assistance programs
- 285 - Aboriginal organisations to employ Aboriginal drug and alcohol community workers
- 286 - Programs to address petrol sniffing
- 287 - Alcohol and drug programs to be culturally appropriate and staffed by Aboriginal people
- 288 - Those providing alcohol and drug programs to understand both the health and cultural issues
- 289 - Greater focus on pre-school initiatives for Aborigines and parental involvement
- 290 - School curricula to incorporate Aboriginal issues and perspective's

- 291 - Aboriginal involvement in the development and delivery of Aboriginal teaching in schools
- 292 - School education to include social issues such as the legal system, drugs, sex education
- 293 - Aboriginal involvement in the delivery of school programs
- 294 - Governments to note methodology of Bachelor College, NT re training Aboriginal teachers
- 295 - Teacher training courses to include training re Aboriginal issues
- 296 - Guidelines for the role of teachers to be agreed upon by Aboriginal people and teachers
- 297 - Appropriate recognition and remuneration for Aboriginal Education Workers
- 298 - Support for Aboriginal community controlled adult education institutions
- 299 - Education policy aims include parental & community involvement and strengthened identity
- 300 - Support for schemes to increase Aboriginal employment
- 301 - Government agreements for funding under the Commonwealth's Aboriginal Education Development Policy
- 302 - Adoption of ATSIC regional divisions when delivering employment programs
- 303 - Governments to study the Western Australian Aboriginal Economic Officer Program and similar schemes
- 304 - Funding priority to be given to training and employment programs not unemployment benefits.
- 305 - Employment of Aboriginal people in all levels of the Public Sector
- 306 - Until equity in private sector, Government to aim for over-representation of Aborigines in public sector
- 307 - Government to give preference to tenders who employ Aboriginal people
- 308 - Establish board comprising private & public sector bodies to address employment issues
- 309 - Funding for local employment committees and programs
- 310 - DEET to focus upon programs for Aboriginal offenders
- 311 - ATSIC's administration of its Enterprise Program
- 312 - Funding for employment programs even if not commercially viable
- 313 - Enterprise Program should be flexible and receive regular funding
- 314 - Aboriginal people to be consulted and involved in mining and tourism projects
- 315 - Involvement of Aborigines in decisions relating to National Parks
- 316 - Unit to assist Aboriginal communities in Northern Australia
- 317 - Community Development Employment Projects to be extended to rural populations
- 318 - Other Aboriginal groups to assist ATSIC with CDEP Schemes
- 319 - Considerations when reviewing CDEP schemes
- 320 - Economic analysis and planning for Aboriginal communities on a regional basis
- 321 - Housing policy to cover both physical housing and necessary support services
- 322 - Factors to take into account when assessing housing stock
- 323 - Assistance to be given to Aboriginal groups to undertake their own housing projects
- 324 - Adoption of the Tangentyere model of service delivery
- 325 - Assistance for Aboriginal groups in relation to home maintenance
- 326 - Increased employment of Aboriginal people in remote construction projects
- 327 - Aboriginal people to be trained in the building and maintenance of community infrastructure
- 328 - Funding to enable the Standard Guidelines for Corrections in Australia to be implemented
- 329 - Legislation to embody the Standard Guidelines for Corrections
- 330 - National Standards Body to consult with Aboriginal groups
- 331 - National Standards Body to develop guidelines tailored to Aboriginal prisoners
- 332 - Adoption of standard guidelines for police custodial facilities
- 333 - Australia adopt the Optional Protocol of the International Convention on Civil & Political Rights
- 334 - Legislation to address the land needs of Aboriginal people
- 335 - Governments to provide an accelerated process for the granting of land title
- 336 - Unalienated Crown land to be granted to Aboriginal people on the basis of traditional association
- 337 - Aboriginal land needs to be considered even where they no longer have legitimate land claims
- 338 - Aboriginal land held under leasehold to be converted to freehold title

339 - Immediate support for the reconciliation process

Appendix 2-Agencies with major responsibilities for implementation of Recommendations

Police- Recommendation Nos.

10, 19, 20, 32, 33, 34, 35, 36, 42, 47, 59, 60, 61, 85, 86, 87, 88, 89, 90, 91, 102, 120, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 158, 159, 160, 161, 162, 163, 164, 165, 166, 177, 214, 215, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 235, 239, 240, 242, 243, 244, 245,

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Gaming and Racing- Recommendation Nos.

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