



The Hon Sarah Mitchell MLC
Minister for Early Childhood Education
Minister for Aboriginal Affairs
Assistant Minister for Education

Mr Paul Wright
National Director
ANTaR
PO Box 77
STRAWBERRY HILLS NSW 2012

Dear Mr Wright

I am writing in response to your letter sent 1 March 2019 to the Premier of NSW, regarding the NSW Liberals & Nationals Government's Aboriginal Affairs policy platform for the upcoming State Election.

The below aims to respond to the questions raised in your initial correspondence.

Closing the Gap

The NSW Government is strongly committed to ensuring the refreshed agenda is developed collaboratively with Aboriginal and Torres Strait Islander people.

COAG's recent decision to establish a formal partnership with First Nations people through their representatives was a significant step in the right direction and one which the NSW Government remains committed.

The NSW Government will continue to work constructively with CAPO and other jurisdictions, as we seek to implement COAG's pathway to achieve this important reform.

The criminal justice System

The over-representation of Aboriginal people in the criminal justice system is a major concern to the NSW Government.

That's why the NSW Government has commenced a number of initiatives, to reduce reoffending among Indigenous offenders on a far greater scale than the proposed Walama Court would or justice reinvestment pilots.

Key reforms and initiatives to improve Aboriginal outcomes and reduce overrepresentation in the NSW criminal justice system include:

- Reforms to sentencing and parole legislation which focus on increasing access to supervision in the community;
- \$330m invested over three years (2017-20) in additional initiatives to reduce reoffending part of which will contribute to the implementation of programs available to Aboriginal offenders;
- Reforms to driver licence disqualification to reduce the number of Aboriginal people driving without a licence. More than 14% of those sentenced for unauthorised driving and almost a third of those imprisoned, identify as Aboriginal;
- Expanded trial of the Youth Koori Court, an initiative structured around restorative justice principles;
- \$3.75 million for the Clontarf Foundation to improve education and employment prospects for Aboriginal students;
- \$33.1 million over four years to a new Aboriginal Social Housing Strategy; and
- \$10 million over four years for a new social impact investment to improve Aboriginal employment outcomes.

Out of Home Care

As Minister for Aboriginal Affairs I take the removal of Aboriginal children and young people from their families very seriously.

The NSW Government believes Aboriginal children should have a sense of their Aboriginal identity, be raised in their own culture, and value family, extended family, kinship networks, culture and community.

I am aware that some Aboriginal people and organisations have expressed concerns about the recent changes to the NSW child protection system, especially changes to adoption laws.

I understand these concerns; adoption was used in the past as part of assimilation policies, disconnecting children from their families, communities and culture. However, the NSW Government is determined to avoid a repetition of past practices, which had a devastating impact on so many Aboriginal families.

Adoption, even after the reforms, is still the least preferred option for Aboriginal children and young people in out of home care. The changes aim to keep children safe at home or with family. Families have the opportunity to respond to concerns there might be about a child's safety before care orders are placed and to create a family led plan.

The Aboriginal Child Placement Principles confirm that when Aboriginal children are removed from their families for care and protection reasons, Aboriginal children and

young people are placed, where it is safe and feasible, within their family, extended family, local Aboriginal community or wider Aboriginal community.

In 2016/2017 there was a reduction of 20 per cent of Aboriginal children entering out-of-home care and NSW had the lowest rate of growth of Aboriginal children in out-of-care nationally.

This was achieved by seeing more children earlier, engaging families in Family Group Conferencing and supporting families earlier to access support services where needed. However, we need to do more to prevent these children from entering the care system in the first place.

Treaty

The process to recognise Aboriginal and Torres Strait Islander people in the Australian Constitution is an issue for the Commonwealth Government.

The NSW Government remains an in-principle supporter of the need for recognition of Aboriginal and Torres Strait Islander people in the Australian Constitution.

We continue to listen to what Aboriginal people are saying on the issue of Commonwealth constitutional recognition in my discussions with Aboriginal people from across NSW.

We have achieved some positive progress, but there is always more to do.

Yours sincerely

A handwritten signature in blue ink that reads "Sarah Mitchell". The signature is written in a cursive, flowing style.

Sarah Mitchell MLC

cc:

The Hon. Gladys Berejiklian MP, Premier
The Hon. John Barilaro MP, Deputy Premier