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Via email: [paul@antar.org.au](mailto:paul@antar.org.au)



7 March 2019

**RE: NSW Greens' Aboriginal Affairs policy platform**

Dear Paul Wright,

Thank you for writing to us about our Aboriginal Justice policy.

Aboriginal peoples are the traditional custodians of the land now known as New South Wales, and that they have a unique cultural and spiritual relationship with this country.

New South Wales was invaded, and Aboriginal peoples have never ceded sovereignty, ownership or control of their land and waters.

Aboriginal and Torres Strait Island people should enjoy the same life expectancy and access to health, education, training, housing, community infrastructure and policing as other Australians, and that the current 'gap' in life expectancy is unacceptable.

Please find detailed answers to your questions below.

Regards,

A handwritten signature in black ink, appearing to read 'D. Shoebridge', written in a cursive style.

David Shoebridge  
Greens NSW MP

## 1. Closing the Gap

**We note that the Prime Minister's Closing the Gap Report in February 2019 acknowledged progress in only two of the Closing the Gap Strategy's targets. There is renewed hope that progress will be improved with the recent commitment of COAG to enter into formal partnership with peak First Peoples organisations operating in these respective areas.**

**We appreciate that this process needs time to work through the planning of the next phase of Closing the Gap but we ask what is a Greens Government in NSW going to do to close the life expectancy gap and the gaps in health outcomes between Aboriginal and Torres Strait Islander peoples and non- Indigenous peoples in NSW? In particular, can you inform us of the Greens' policies to address Aboriginal housing and how you will support community controlled health services?**

Much of the work the Greens are undertaking to help close the gap is detailed in other answers below. This answer will focus on housing, acknowledging that lack of safe housing, chronic overcrowding and homelessness impact so severely on the Aboriginal community in NSW. The fact that thousands of Aboriginal people do not have a home while living on land that was stolen from them is a source of national shame.

The Greens support a 'Housing First' approach, whereby housing will be provided for people who become homeless and additional needs are met with ongoing and professional support.

People experiencing homelessness will be offered social housing for as long as they require it. We will work with the sector to address issues the current Liberal-National state government has created. We will increase federal funding for transitional housing and crisis services by \$500m a year and increase NSW's funding commitment to match it.

We will ensure this money is spent effectively on support services that are culturally appropriate and foster self-determination. This is particularly important for Aboriginal and Torres Strait Islander communities, who are twice as likely to experience homelessness.

The Greens will ensure that there are no exits to homelessness – from the social housing system, as a result of domestic and family violence, leaving hospital, exiting prison, from out-of-home care or other circumstances. We are committed to a whole-of-government approach to prevent homelessness and support people when they need it.

These reforms to crisis and transitional housing will ensure nobody is without a bed, even for one night. Our broader package of building more social housing will also ensure that the waiting time for permanent housing is drastically reduced.

## **2. Justice - the criminal justice system adults /youth**

**The over-representation of Aboriginal and Torres Strait Islander peoples, both youth and adults, in the prison system is a national tragedy. We note data from the NSW Law Society that reports that the NSW Aboriginal population (2.9 per cent) accounts for 24 per cent of the NSW adult prison population; the rate of Indigenous arrest for violent crime has fallen significantly in last 15 years but no corresponding decrease in Indigenous imprisonment; although there has been a reduction in overall youth detention, Aboriginal and Torres Strait Islander young people (4 per cent of NSW population) make up 51 per cent of juvenile detention population; and, three quarters of the Aboriginal and Torres Strait Islander population have experienced negative interaction with the Justice system before the age of 23 years.<sup>1</sup>**

**ANTaR is a member of the Just Reinvest NSW and we note the great success of the Maranguka program in Bourke and Koori courts Parramatta and Surry Hills. We further note that the Law Society has called on all NSW parties to commit to establishment and expansion of First Peoples courts throughout the state.**

**In particular can you inform ANTaR of the Greens' policies to address: the over-representation of incarceration rates; funding for alternative models, particularly for Justice Reinvestment projects across NSW; and, how you intend to help address the incidence of family violence?**

Radical steps are needed to stop First Nations people from being the most imprisoned people on the planet.

Between 2001 and 2015 the number of First Nations prisoners in NSW jails more than doubled. One third of all women in NSW jails are Aboriginal as are one quarter of all men. This makes Aboriginal people more than 10 times as likely to be in jail as their non Aboriginal counterparts. This is an injustice that must not stand.

To reverse this historic injustice the Greens propose a bold reform of de-incarceration of First Nations people held in jail for nonviolent offences. This will be implemented over two years by a De-Incarceration Commission chaired by a First Nations judge. The commission will consider cases individually and ensure release does not pose an unacceptable risk to the community or to any individual.

De-incarceration will be accompanied by case management plans and ongoing resources including drug and alcohol counseling to reintegrate those released into the community. De-incarceration will be offered to all First Nations prisoners convicted of non-violent offences as at 23 March 2019.

A deincarceration order can only be made if the Commission forms the view that the person to be released can be reintegrated into the community without unacceptable risk to to the community or to any individual. A deincarceration order would act as a suspended sentence that would be revoked in

the event of further offending. It is not expected this will be a budget saving measure with all monies saved on imprisonment, currently \$181 per prisoner day, reinvested directly into reintegration and case management.

This reform is intended as a two-year program applicable only to current serving prisoners. It is designed to break the cycle of imprisonment and reoffending seen too often in First Nations communities across Australia. The outcome of the two-year deincarceration program will be reviewed to determine what ongoing systemic changes are essential to keep First Nations people from jail.

The Greens will provide specialist services for women from different backgrounds. Provide \$310 million over four years for specialist domestic and family violence services – including for Aboriginal and Torres Strait Islander.

### **3. Out of Home care**

**Aboriginal and Torres Strait Islander children are 9.8 times more likely to be removed than non-Indigenous children, and this rate is sadly growing. We further note community objections to the recent NSW government legislation that imposes a cap of two years duration for out of home care before children can be permanently adopted. We think this law will have the effect of further breaking down cultural cohesion within Aboriginal communities in NSW.**

**We therefore ask you to inform ANTaR of the Greens' policies aimed at reducing the removal of Aboriginal and Torres Strait Islander children from their families and communities.**

The Greens will coordinate resources from across government agencies including Family and Community Services, Education, Housing and Health to ensure coordinated and holistic support for children and families at risk. Invest an additional \$300 million each year in early intervention services, to families with children at risk of harm because of poverty, domestic violence, inadequate housing or parental drug and alcohol addiction.

Increasing the age of leaving care to 21 to allow young people who need it to receive ongoing support and stay in a supportive family environment where their carers receive financial assistance. Raise the age of criminal responsibility to 16 and provide appropriate supports to children and young people at risk of serious offending. Deliver real self determination to Aboriginal families in child protection and ensure Aboriginal children are kept in community and on country.

Supporting and strengthening families; and keeping children safe, happy and engaged in their homes, schools and neighbourhoods must be the goal of child protection. We will repeal the damaging forced adoptions laws rammed through the NSW Parliament in November 2018 and reverse the appalling rate at which Aboriginal children are removed from their families.

#### 4. Treaty

**As you know, in May 2017 the *Uluru Statement from the Heart* was the embodiment of the consensus position of First Peoples delegates from around Australia. Among its three core priorities, the Uluru Statement identified the importance of *agreement making* at all levels. The Victorian, South Australian and Northern Territory governments have begun treaty processes in their jurisdictions. What is your policy position regarding a potential treaty process in NSW?**

As Greens we know that Aboriginal people are the original custodians of the land. This continent's First Peoples have never surrendered sovereignty over their land. Since invasion they have faced 230 years of violence, dispossession and oppression.

Recognising this, we must also recognise that delivering real justice to this country's First Peoples needs to be a Greens priority.

January 26 marks the beginning of what is now widely recognised a genocide. It represents the loss of land, culture, language and it represents invasion. Of course the date of Australia's national day should change.

But our work for Aboriginal justice needs to far go beyond this, we need to change the country. Aboriginal people are the most incarcerated people in the world. Aboriginal children are ten times more likely to be taken from their families, Aboriginal people suffer grossly disparate health and life expectancy outcomes and this is a direct consequence of invasion and dispossession.

It's 50 years since the 1967 Referendum, 25 years since the Mabo Decision and 20 years since the Bringing Them Home report, yet the injustice continues. This is why as Greens we need to prioritise the work we do on the ground with Aboriginal communities. It is why we work with Aboriginal grandmothers demanding their grandchildren stop being stolen. This is why we stand with Aboriginal families and demand an end to deaths in custody. It is why we walk with Aboriginal elders who are fighting to protect their land and culture from the savagery of mining and forestry operations.

This is work that must be in partnership with First Nations peoples where our most important job is not to bang the drum for the Greens, but to help give Aboriginal people a stronger voice. The Greens should be proud of our consistent stance against the racist intervention and the cashless welfare card which are designed to disempower Aboriginal people. We do have a track record of working to bring justice to Aboriginal victims of violence and we can be heard to speak up against the broken criminal justice system. However more Greens MPs and more Greens members need to commit to sustained campaigning and advocacy on the ground with Aboriginal elders and communities. This is hard, challenging but essential work and it needs far greater prominence from the Greens.

In all this work our focus needs to be on empowerment. The end goal of the campaign is not a high level treaty or a well crafted piece of motherhood legislation it is far more fundamental than that. It must be Aboriginal sovereignty and self-determination.