

**AUSTRALIA'S COMBINED 18th, 19th AND 20th REPORTS
UNDER THE CONVENTION ON THE ELIMINATION OF ALL
FORMS OF RACIAL DISCRIMINATION**

**APPENDIX 1
State and Territory Examples**

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I. INTRODUCTION

Purpose of this Appendix

1. The Australian Government is pleased to present this Appendix to Australia's combined 18th, 19th and 20th reports under article 9 of the Convention on the Elimination of All Forms of Racial Discrimination (the convention) to the Committee on the Elimination of all Forms of Racial Discrimination (the committee).
2. Australia has a federal constitutional system in which powers are shared between federal institutions and the six states (New South Wales, Victoria, Queensland, Western Australia, South Australia and Tasmania, and three self-governing territories (the Australian Capital Territory, the Northern Territory and the Territory of Norfolk Island). Further information about Australia's political structure is available in part B of the common core document.
3. As Australia is a federation, the Australian Government and state and territory governments share responsibility for the implementation of the convention. The Australian Government consulted the states and territories to prepare its report. Where possible federal, state and territory responses to relevant concluding observations and recommendations are included in Australia's report. However, given the vast array of state and territory initiatives, Australia has also prepared this Appendix to provide a more complete picture of relevant of cross-jurisdictional policies and programs over the reporting period.

II. RESPONSES TO THE CONCLUDING OBSERVATIONS OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Concluding Observations 9, 10, and 25 - Establishment of a domestic implementation mechanism for the convention across the federal system and review of anti-discrimination laws, including burden of proof requirements for demonstrating discrimination

Australian Capital Territory

4. The ACT Human Rights and Discrimination Commissioner notes that the Victorian Equal Opportunity Act was the most recently reviewed and amended amongst state and territory anti-discrimination laws, yet many of the features noted here are also present in other state and territory laws.

5. For example, section 70 of the ACT *Discrimination Act 1991* requires that ‘if apart from an exception, exemption, excuse, qualification or justification’ conduct would be unlawful discrimination, vilification or sexual harassment, the onus of establishing that exception lies on those seeking to rely on it.

Concluding Observation 12 - Biometric data and sensitisation campaigns against stereotyping

Northern Territory

6. The Northern Territory reports high levels of integration with the Muslim community into the broader community and low levels of discrimination. In 2013, an Australian–New Zealand Counter-Terrorism Committee funded project was undertaken by the government to understand the risk of radicalisation within the local Islamic youth population. The project indicated that the risk at that time was very low and there was no evidence within the reporting period that this situation had changed.

Queensland

7. Queensland actively promotes cultural diversity and building social cohesion. In *The Queensland Plan: Queenslanders’ 30-year vision*, Queenslanders have set a goal for a community where everybody belongs and no one is left behind. In line with this, the vision of the *Queensland Cultural Diversity Policy* is to provide equality of opportunity for all Queenslanders so that each and every person can participate in its strong economy and enjoy its vibrant society.

8. The Queensland Government, Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA), is proactive in combatting racial or religious stereotypes, working closely with the Muslim community and other faith communities and across government to recognise the contribution of culturally diverse Queenslanders and demonstrate public leadership about saying ‘no’ to racism.

Tasmania

9. The Tasmanian Government is finalising an e-learning cultural competency training package for all of its staff. This will help develop awareness and knowledge of cultural diversity and help prevent stereotyping of people from other cultural backgrounds.

Victoria

10. Victoria has undertaken a range of initiatives to counter the stereotyping of particular communities in relation to terrorism and criminality. The government provides significant financial support to the peak body representing Victorian Muslims, the Islamic Council of Victoria, to underscore its work to both support and accurately represent the state's Muslim communities. The government's Promoting Community Harmony Program also funds media and communication training to help faith and other community representatives address misconceptions and stereotypes.

11. Victoria Police is reviewing its policies to ensure they do not lead to racial profiling and drafting additional guidelines. A receipting pilot is also being developed to enable community members to have a record of their contact with police. A range of non-discriminatory approaches are also developed and implemented in its training.

Concluding Observation 13 - Regulation of Australian corporations

South Australia

12. The South Australian Government enacted the *Aboriginal Heritage Act 1988* (SA) to protect Aboriginal heritage, the recognition of which is of vital importance to all Aboriginal people and communities. The government has committed to:

- developing the Aboriginal Regional Authorities policy, to be implemented in 2015, to harness the strengths of the Aboriginal community to represent itself in decision making
- drafting legislation to recognise the self-determining governance structures of Aboriginal nations, and the unique cultural authority of these. The legislation will set out guiding principles for cooperation and allow agreements to be negotiated between government and certain Aboriginal groups.

13. Support continues for the Aboriginal Land Trust under the *Aboriginal Lands Trust Act 2013* (SA), to manage and maximise the value of its considerable landholding for the benefit of all Aboriginal people in the state. In 2013 it was estimated that Aboriginal land interests comprised about 23% of South Australia's land area.

Concluding Observation 14 - Access to services, multicultural policy and social inclusion agenda

Access to services

Australian Capital Territory

14. The ACT's *Towards Culturally Appropriate and Inclusive Services – a coordinating framework for ACT Health 2014–2018*, provides guidance, objectives and associated actions to improve organisational responsiveness to the needs of people from culturally and linguistically diverse backgrounds or with limited English language proficiency.

New South Wales

15. Multicultural NSW continues to support and hold government agencies accountable for planning equitable service delivery outcomes for the state's diverse community, including driving a coordinated approach to service delivery for newly arrived migrants and humanitarian entrants. Multicultural NSW co-chairs the New South Wales Government Immigration and Settlement Planning Committee, which represents the state on the inter-jurisdictional Senior Officials Settlement Outcomes Group.

Northern Territory

16. Cross-cultural training for all Northern Territory Government officers is compulsory. The level of training is higher for those involved in direct Indigenous service delivery and policy development. It is compulsory for all selection criteria for NT Public Service vacancies to include 'an ability to interact effectively with people of different cultures'.

17. The Northern Territory has also adopted a *Language Services Policy* which recognises the importance of providing culturally and linguistically sound service to ensure all clients are able to access these in a fair and equitable way. The policy acknowledges the importance for government agencies to make use of the Aboriginal Interpreter Service.

Tasmania

18. Following the Federal Government's decision to cease funding municipal and essential services in remote communities, Tasmania negotiated a one off payment to assist with the transfer of responsibility to the State. Cape Barren Island is the only remote Aboriginal community under Tasmanian jurisdiction. A working group was established to scope the work needed to be done to ensure the future sustainability of the community. An asset maintenance audit was then undertaken, which indicated that upgrades were required to some housing and municipal and essential services. Once these upgrades have been completed, a new funding agreement will be negotiated with the Cape Barren Island Aboriginal Association which will give the organisation responsibility and accountability in managing its own funding. Until that time, funding will continue to be managed by the State Government. At all stages through the transfer process, the Cape Barren Island Aboriginal Association has been consulted and informed of progress.

Multicultural policies

New South Wales

19. In 2014, Multicultural NSW launched a new direction in multicultural policy through its Strategic Plan, *Harmony in Action 2014–2017*. This, coupled with amendments to its enabling legislation, will see Multicultural NSW maximise the state's diversity dividend by promoting social cohesion and cultural diversity. Multicultural NSW advises on government policy and programs; consults and engages with diverse communities; builds community capacity through partnerships with all sectors through a grants program and strategic partnerships; provides interpreting and translation services; celebrates multicultural achievements; and promotes the benefits of the state's cultural and linguistic diversity.

Northern Territory

20. The Northern Territory Government recognises the importance of acknowledging, promoting and celebrating the territory's multicultural diversity. Work is currently underway to develop a multicultural participation framework in consultation with the Minister's Advisory Council on Multicultural Affairs and the broader community. This is expected to be finalised by mid-2015. In addition to regular community engagement activities, the government provides funding to the multicultural community through its grant program to celebrate diversity and strengthen social cohesion. This includes:

- the Multicultural Affairs Sponsorship Program to fund projects that benefit social inclusion, social cohesion, and cultural and linguistic diversity
- Harmony Grants to organisations for projects that enhance multiculturalism. Funding is available for community and school celebrations, as well as participation in the Darwin Waterfront Harmony Soiree.

Queensland

21. The *Queensland Cultural Diversity Policy* (the Policy) was released in December 2013. It focuses on maximising the benefits cultural diversity brings to the state and making sure all Queenslanders can access the same opportunities and support to participate fully in Queensland's economy and society. The Policy identifies four outcomes to focus state government effort — language independence; education participation and attainment; economic independence and participation; and community participation. These four outcomes are underpinned by a renewed commitment to delivering frontline services that are the best culturally responsive services in Australia.

22. In July 2014, the Queensland Government released the *first Queensland Cultural Diversity Action Plan* (the Action Plan). The Action Plan outlines the steps the Queensland Government will take to achieve improvements across the Policy outcomes and deliver on the vision. A total of 170 actions are identified reflecting the strong commitment across government to improved outcomes for culturally diverse Queenslanders. Included are two specific purpose grants rounds – the *Valuing Diversity Grants Program* which provides funding to support local and signature events that showcase and celebrate Queensland's diversity; and the *Economic Participation Grants Program* which assists organisations to deliver innovative projects that support economic participation and business development for Queenslanders from culturally diverse backgrounds

Tasmania

23. The Tasmanian Community Fund is a state-funded, independent entity which provides grants to not-for profit organisations to benefit the Tasmanian community, meet the needs of migrant communities, as well as retain and promote culture. The Tasmanian Government provides a range of other funding, including grants to:

- empower migrant and refugee communities and individuals
- help governments and inter-governmental organisations improve support and services for migrants and refugees
- facilitate successful settlement of new arrivals to Tasmania and promote social cohesion and expression of cultural diversity.

Victoria

24. In March 2014 the Victorian Government launched a new Multicultural Affairs and Citizenship Policy: *Victoria's advantage – unity, diversity, opportunity*. This outlines the vision for harnessing increasing cultural, linguistic and religious diversity for the social, cultural and economic advantage of all Victorians.

25. The policy addresses future challenges to ensure that all Victorians are supported and encouraged to participate in the community and to access services that are responsive to their cultural, linguistic and religious needs. Indicators – such as labour force participation and school retention rates – are included to measure the progress of Victoria's culturally diverse communities.¹

¹ Further information available at: www.multicultural.vic.gov.au/resources/victorias-advantage-unity-diversity-opportunity

Western Australia

26. The Office of Multicultural Interests has released a new Strategic Plan 2014–2018 for Western Australia to promote multiculturalism and achieve an inclusive and cohesive multicultural community. The plan aims to:

- strengthen the capacity of culturally diverse communities
- support the development of culturally inclusive policies, programs and services
- facilitate full participation by culturally diverse communities in social, economic, cultural and civic activities
- develop intercultural understanding and promote the benefits of the state's cultural diversity.

Concluding Observations 15 and 26 - Indigenous recognition and reconciliation

Indigenous recognition and reconciliation

Australian Capital Territory

27. The Australian Capital Territory's whole-of-government Aboriginal and Torres Strait Islander Agreement 2015–2018 is under negotiation and will be an agreement between the ACT Government, the ACT Aboriginal and Torres Strait Islander Elected Body, service partners, community organisations and the territory's Aboriginal and Torres Strait Islander community.

28. The territory has no overarching Reconciliation Action Plan, however each ACT Government Directorate is helped to establish a documented Reconciliation Action Plan. This includes actions to increase reconciliation goals and activities relating to relationships, respect and opportunities. For example, the ACT Health Directorate has been on a reconciliation journey since 2010, with regular monitoring and reporting against action items. A new Reconciliation Action Plan is currently under development for 2015-2018.

New South Wales

29. The New South Wales Government recognises that changing the Constitution to recognise the first Australians is an important step, and has given its in-principle support for the referendum.

Tasmania

30. The Tasmanian Government strongly supports the recognition of Aboriginal and Torres Strait Islander people as the first Australians in the Australian Constitution. Further, the Premier has encouraged "all Tasmanians to join the reconciliation conversation and to build stronger relationships with Aboriginal and Torres Strait Islander peoples, especially the Tasmanian Aboriginal community".

Victoria

31. The Victorian Aboriginal Affairs Framework 2013-2018 promotes respect and recognition of Aboriginal culture. It is supported by whole-of-government guiding principles that include:

- acknowledging, respecting, and valuing Aboriginal culture
- acknowledging the right of Aboriginal people to maintain their identity and culture
- recognising that a strong cultural identity is fundamental to the wellbeing of Aboriginal people.

32. All Victorian Government departments are required to develop and implement Aboriginal Inclusion Action Plans. Through these, departments acknowledge Aboriginal culture, values and practices and demonstrate how access by Aboriginal people to the department will be improved, both in its capacity as an employer and a provider and funder of services. Most departments now have these plans in place.

Western Australia

33. During the reporting period, Western Australia's Department of Aboriginal Affairs continued to fund and administer its school based Aboriginal culture and history awareness program, Partnership, Acceptance, Learning, Sharing. The department sponsored and administered a number of reconciliation activities, including a major annual Reconciliation Banner Project where corporate, government and community based partners combine to place banners in the Perth central business district during Reconciliation Week. A number of state government departments have developed Reconciliation Action Plans to increase Aboriginal employees and to improve the delivery of culturally appropriate services and programs.

Concluding Observation 17 - Article 4(a) reservation, absence of Northern Territory legislation prohibiting incitement to racial hatred; information on complaints, prosecutions and sentences regarding acts of racial hatred or incitement in states and territories with legislation specifying such offence

Australian Capital Territory

34. The ACT prohibits discrimination on the grounds of race and the incitement of racial hatred through vilification provisions of the *Discrimination Act 1991*. Vilification that incites violence is known as 'serious vilification' and is an offence under the Act. In addition, Part 2.4 of the *Criminal Code 2002* (ACT) includes the offence of incitement (section 47). The ACT Law Reform Advisory Council is reviewing the Act, the scope of which covers consideration of vilification provisions. In May 2014, the ACT Human Rights Commission held its fourth annual ACT Race Roundtable, one of the strategies being employed to prevent and address race discrimination and vilification. Between 1 July 2012 and 30 June 2014, the ACT Human Rights Commission received 17 complaints about vilification on the ground of race.

New South Wales

35. Serious racial vilification is a criminal offence under Section 20D of the *Anti-Discrimination Act 1977* (NSW). However, to date, there have been no prosecutions for this offence.

36. In September 2013, the NSW Law Reform Commission released a review of sentencing laws. It concluded that state sentencing legislation should continue to require courts to take into account whether a crime is racially motivated in sentencing (recommendation 4.8 of *Report 139: Sentencing*). The commission recommended some minor changes to better identify when courts should take into account that an offence was motivated by prejudice or hatred.²

37. In December 2013, the Standing Committee on Law and Justice tabled a report on its inquiry into racial vilification law. The inquiry examined the effectiveness of section 20D of the Anti-Discrimination Act 1977 which creates the offence of serious racial vilification. The committee concluded that the effectiveness of section 20D had been hindered by a number of procedural impediments and made several recommendations to overcome these. The government is currently considering both reports.

² Available at: http://www.lawreform.justice.nsw.gov.au/lrc/lrc_completed_projects/lrc_sentencingcurrentprojects.html

38. While there have been no prosecutions for the offence of serious racial vilification, there is a mechanism for complaints concerning racial vilification to be conciliated by the Anti-Discrimination Board and, where conciliation is not successful, determined by the Administrative Decisions Tribunal. In the period 1 July 2008 to 30 June 2014, the following enquiries, complaints and referrals to the tribunal were made concerning racial vilification:

Year	Enquiries received by tribunal	Complaints received by tribunal	Complaints referred to tribunal
2011–2012	31	15	Not available
2010–2011	59	21	3
2009–2010	73	22	2
2008–2009	47	14	3

South Australia

39. South Australia is a signatory to the Australian Government's National Anti-Racism Strategy: *Racism. It stops with me*, led by the Race Discrimination Commissioner in partnership with the Australian Human Rights Commission and government and community bodies.

Tasmania

40. Civil anti-vilification provisions are available under section 19 of the *Anti-Discrimination Act 1998* (TAS). There are at present no laws in Tasmania that make racial vilification or incitement a criminal offence. Amendments to the Anti-Discrimination Act came into force on 1 January 2014. These extend prohibited conduct under the Act to that which humiliates, offends, intimidates, ridicules or insults on the ground of race.

Victoria

41. The *Racial and Religious Tolerance Act 2001* (VIC) prohibits racial vilification—any conduct that incites hatred against, serious contempt for, or revulsion or severe ridicule of, another person on the grounds of their race. Complaints of racial vilification can be taken to the Victorian Equal Opportunity and Human Rights Commission for dispute resolution or to the Victorian Civil and Administrative Tribunal for formal determination. Serious vilification is also an offence under this Act.

42. Under the *Sentencing Act 1991* (VIC), in sentencing an offender a court must have regard to whether the offence was motivated (wholly or partly) by hatred for or prejudice against a group of people with common characteristics with which the victim was associated or with which the offender believed the victim was associated.

Western Australia

43. The *Equal Opportunity Act 1984* (WA) covers racial harassment in employment, education and accommodation. Racial harassment and incitement to racial hatred is a crime under the *Criminal Code 1913* (WA).

Concluding Observation 18 - *Legislative reforms to the Native Title Act 1993 (Cth), burden of proof and mechanisms for effective consultations with Indigenous peoples*

Native Title reforms

Australian Capital Territory

44. The ACT Government is developing a project proposal on how to best reach agreement on the recognition of the territory's traditional custodians. The ACT Community Services Directorate is

seeking advice from leaders in Aboriginal and Torres Strait Islander affairs on how to assist the community to engage on this matter.

New South Wales

45. New South Wales recently completed a review of the *Aboriginal Land Rights Act 1983* (NSW) to determine whether the objectives of the Act remained current and if changes were required. The government consulted broadly and in partnership with Aboriginal Land Councils and members of the Aboriginal community on the form and function of the Act. It has considered the recommendations of the review, and the Bill of amendments has passed through the Parliament for commencement in July 2015. The reforms aim to increase the efficiency, accountability and economic capacity of the Aboriginal Land Rights network to deliver greater benefits to the state's Aboriginal people.

Northern Territory

46. The Northern Land Council and Northern Territory Government, in consultation with the Australian Government and NT Cattlemen's Association, have developed a short-form anthropological 'connection report' to fast-track resolution of native title claims over pastoral leases located in the Top End. This resulted in 49 positive determinations between 2011 and 2014.

Tasmania

47. The *Native Title Act* (TAS) was introduced in 1994. Native title has had little practical impact in Tasmania, primarily because the necessary traditional and unbroken connection with the land has not been maintained. The Tasmanian Aboriginal community generally shares this understanding. As a result there have only been four native title claims, none of which have progressed. As a recognition of native title concepts, successive Tasmanian governments have to date returned a total of 55,617 hectares of land to the Tasmanian Aboriginal community and fund the Aboriginal Land Council of Tasmania to manage those lands.

Victoria

48. One of the main objectives of the *Native Title Act 1993* (Cth) is to provide for the recognition and protection of native title, however this has had limited effectiveness in Victoria where extinguishment of native title through land dealings has been more extensive and proof of the continuity of native title 'connection' has proved onerous. Victoria developed an alternative native title settlement framework under the *Traditional Owner Settlement Act 2010* (VIC). Unlike the Native Title Act, the Traditional Owner Settlement Act does not entail a legal test for establishing who the traditional owners are for a given area. In 2013, Victoria published *Threshold guidelines for Victorian traditional owner groups seeking a settlement under the Traditional Owner Settlement Act*. These guidelines provide information about matters Traditional Owner groups need to prepare for and address before negotiations.

49. The first comprehensive settlement under the Traditional Owner Settlement Act commenced on 24 October 2013, settling with the Dja Dja Wurrung Traditional Owner group four native title claims that had been with the Federal Court since 1998. The settlement was the culmination of 18 months of negotiations and formally recognises the Dja Dja Wurrung people as the traditional owners for part of central Victoria. The financial value of the settlement package is \$9.65 million, with funding to assist the Dja Dja Wurrung Corporation to meet its settlement obligations and advance the cultural and economic aspirations of Dja Dja Wurrung people.

Western Australia

50. Legislation in Western Australia which may have an impact or effect on native title interests must comply with the *Native Title Act 1993* (Cth). This effectively requires corporations to deal with certain classes of Aboriginal peoples (registered native title claimants and holders) as though they were instead ordinary titleholders. For example, where the state seeks to grant an interest to a third party to explore, mine or otherwise disturb land pursuant to the *Mining Act 1978* (WA) the granting authority must ensure that the relevant procedural rights as afforded by the *Native Title Act* have been complied with.

Effective consultation mechanisms with Indigenous peoples

New South Wales

51. The Ministerial Taskforce on Aboriginal Affairs has conducted extensive consultation with Aboriginal people to inform a strategy that resulted in the development and release of OCHRE, the New South Wales Government's plan for Aboriginal affairs. One initiative of the taskforce was establishing the position of deputy ombudsman responsible for Aboriginal programs. This will provide Aboriginal people with an additional avenue to question the efficacy of government programs and services and a higher level of government accountability.

Queensland

52. As part of the Stronger Families reforms, which are designed to ensure the delivering of the right services at the right time to support families keep children safely at home, the Queensland Government has developed a range of responses to consult with Aboriginal and Torres Strait Islander stakeholder groups and representatives to ensure the work of the reform meets the needs and expectations of Aboriginal and Torres Strait Islander people and communities.

53. For example, the department's Aboriginal and Torres Strait Islander Child and Family Reform team have fortnightly meetings with the Queensland Aboriginal and Torres Strait Islander Child Protection Peak to support efforts of co-design and build effective consultation mechanisms across Queensland between the department and the child protection sector.

South Australia

54. To ensure effective consultation with Aboriginal peoples around all policies affecting their lives and resources, the South Australian Government has committed to draft legislation to recognise the self-determining governance structures of Aboriginal communities, and their unique cultural authority. The legislation will set out guiding principles for cooperation, and allow for negotiation of agreements, between government and certain Aboriginal groups. This will be complemented by community capacity building initiatives to support improved Aboriginal regional governance and improved recognition of Aboriginal culture and values across government and the community. The government has also committed to developing an Aboriginal Regional Authorities policy to harness the strengths of the Aboriginal community and to most effectively represent Aboriginal interests at the regional level. The policy is to be implemented in 2015.

Tasmania

55. Consultation is undertaken with the Tasmanian Aboriginal community through a number of forums. The Tasmanian Government through its Office of Aboriginal Affairs regularly consults with Tasmania's Aboriginal people and organisations on issues affecting the community, as do other state government agencies and departments. In addition, an interim Aboriginal Heritage Council was established in 2012 to advise the government on the protection and management of Aboriginal heritage. In 2015, the Government committed to reset its relationship with the Tasmanian Aboriginal community. The Government is working with the Tasmanian Aboriginal community, with

the aim of achieving a greater understanding between Tasmanian Aboriginal and non-Aboriginal people in a way that acknowledges Aboriginal history and culture.

Western Australia

56. The Western Australian Aboriginal Advisory Council was established under the *Aboriginal Affairs Planning Authority Act 1972* (WA). It advises the Minister for Aboriginal Affairs and the Department of Aboriginal Affairs on matters relating to the interests and wellbeing of Aboriginal people. It consists of Aboriginal people chosen by and from Aboriginal people living in Western Australia. In 2014 the council held its inaugural summit in Perth, bringing people from across the state to discuss ways to improve engagement with government.

Concluding Observation 19 - Provision of legal aid and training for law enforcement personnel and legal profession in the provision of professional and culturally appropriate Indigenous legal and interpretive services within the criminal justice system

Indigenous legal services

Australian Capital Territory

57. In its 2014–15 budget, the ACT Government committed \$100,000 a year in recurrent funding to supplement the budget of the Aboriginal Legal Service (ACT/NSW) and strengthen court duty lawyers for Aboriginal defendants.

Queensland

58. The *Queensland Cultural Diversity Action Plan* (the Action Plan) outlines the steps the Queensland Government will take to drive improvements for culturally diverse Queenslanders across a number of priority policy areas, including in the delivery of culturally responsive and accessible legal and interpretive services, and in law enforcement. This is underpinned by a continued commitment across government to the implementation of the *Queensland Language Service Policy* which sets out the arrangements and expectations of government in providing access to interpreter and translations services for clients requiring assistance.

59. Some example initiatives include:

- Legal Aid Queensland is working in partnership with the Brisbane-based Refugee and Immigration Legal Service to provide a legal assistance and advice clinic to culturally diverse clients who have difficulties with employment law, consumer law (banking, housing, mobile phones), domestic violence and protection order applications, and child protection.
- The Queensland Department of Justice and Attorney-General is providing information sessions and workshops about the department's services of interest to people from culturally diverse backgrounds in areas of identified need.
- The Department of Justice and Attorney-General is providing simultaneous interpreter support to multiple defendants in courtrooms where possible.
- The Queensland Public Safety Business Agency is recruiting and training police and fire personnel from a variety of cultural backgrounds to improve connections between culturally diverse communities, the Queensland Police Service and Queensland Fire and Emergency Services.

60. It is acknowledged that, while face to face discussions are the best practice, particularly with Indigenous clients where English is a second language and the legal system is confusing and intimidating, this may not also be possible particularly for people in remote communities who have courts circuiting to their communities either once per month, quarterly or half yearly.

61. To address this situation, the Department of Justice and Attorney-General have installed video-conferencing facilities in a number of remote and regional courthouses. These facilities are able to be used by legal practitioners to undertake interviews and gain instructions.

62. The use of interpreters in the justice system is an important and significant step in providing access to justice to Indigenous defendants and victims. The ability to speak in the local dialogue and explain complex legal terms would break down the confusion and anxiety attached to any court appearance. The Department of Justice and Attorney-General has provided training for Indigenous interpreters in the last six years.

South Australia

63. South Australia is working across all government agencies to improve awareness of, access, and processes relating to the provision of Aboriginal language interpreters and translators. A new South Australian Government Policy for Aboriginal Languages Interpreters and Translators was adopted in February 2014 to ensure that government agencies use Aboriginal language interpreters and translators consistently and appropriately.

Human rights and cultural awareness training

New South Wales

64. Following recommendations of the Legislative Council Inquiry into the Family Response to the Murders in Bowraville, NSW Police commenced a review of its Aboriginal cultural awareness training and materials. It is intended to bolster training at both academy and local command levels.

Northern Territory

65. The Northern Territory Police recruitment course, as well as development courses focused on remote policing, place a strong emphasis on Indigenous cultural awareness and equipping police with the skills to communicate, interact and make appropriate referrals.

Tasmania

66. The Department of Police and Emergency Management has prepared multicultural language services guidelines in partnership with the Department of Premier and Cabinet. These fortify the department's commitment to equitable service delivery for people with English language barriers.

67. The department also has a Policing in a Culturally Diverse Tasmania policy—a broad guide for law enforcement personnel on undertaking their duties in a culturally appropriate way. The department has released an Aboriginal Strategic Plan for 2014–2022, and the Tasmanian Police Service includes a state Aboriginal liaison coordinator, district and assistant Aboriginal officers. Their role is to represent Aboriginal perspectives and issues in the broader operation of the department and to improve links with the Aboriginal community.³

Victoria

68. The Victorian Aboriginal Legal Service and the Aboriginal Family Violence Legal and Prevention Service are both members of the Aboriginal Justice Forum, which oversees the development and implementation of the Victorian Aboriginal Justice Agreement. Cultural awareness training is a key activity, which includes training in relevant areas such as courts.

69. Victoria Police has a number of training packages, including for cultural and Indigenous sensitivities, that are designed to enhance policing responses to the community.

³ Further information: www.police.tas.gov.au/about-us/corporate-documents/aboriginal-strategic-plan/

70. It also participates in the regional Aboriginal justice advisory committees and has established state-wide and Local Aboriginal Justice Advisory Committees.

Western Australia

71. Western Australia Police provides training to recruits on cultural, religious and social diversity, along with specific issues dealing with Aboriginal awareness. It also encourages and supports specialised professional development to operational police officers.

72. Substantial changes have been made to training for Justices of the Peace, including delivery of electronic and hardcopy training modules to ensure those who are unable to attend annual training sessions still have access to appropriate information on court duties and functions.

Concluding Observation 20 - Incarceration rates of Indigenous peoples and provision of adequate health care; addressing social and economic factors underpinning Indigenous contact with the criminal justice system

Law and justice

Northern Territory

73. The Northern Territory Police Force pursues crime prevention and proactive policing strategies to target antisocial behaviour before it escalates into more serious offending, which may require apprehension. Such initiatives include targeted operations and temporary beat locations, where police target takeaway liquor outlets and the illegal consumption of alcohol. In addition, the rollout of the SupportLink Referral Management System provides a centralised mechanism for police to make targeted referrals for victims and offenders who require social services assistance. For offenders, the referral by police to social support aims to reduce the likelihood of reoffending and further contact with police.

74. Community Justice Centre (CJC)

The CJC delivers mediation training for local peacemakers from the Yuendumu Family Violence and Mediation Group. It is also involved with community safety working groups in collaboration with Central Desert Shire, the Northern Territory Police Force, Department of the Chief Minister and the Department of Housing. It collaborates with the Department of Correctional Services and community based Indigenous mediators to facilitate correctional centre conferencing between the offender and victim that reinforces re-integration prospects without continued violence.

The Ponki Tiwi Mediation Training Program received an Australian Crime and Violence Prevention Award in 2013 and the training has expanded to include participants from Lajamanu, Gunbalanya, Katherine and surrounding communities.

75. Alcohol Mandatory Treatment

The *Alcohol Mandatory Treatment Act* (NT) commenced on 1 July 2013. It is a legislative framework for the mandated assessment, treatment and aftercare of people who chronically misuse alcohol and who are either unlikely or unable to voluntarily access treatment options. This Act aims to stabilise and improve the health and social functioning of people, restore their capacity to make decisions about their alcohol use and personal welfare, and improve their access to ongoing treatment.

76. *Darwin Correctional Precinct*

On 8 September 2014 the new 1,048 bed Darwin Correctional Precinct was opened. Its design optimises inmate activities that help engage prisoners in programs, education, vocational education and prison industries. Inmates also undertake reparation, work release and programed activities.

South Australia

77. *Cross-Border Legislation*

The *Cross-border Justice Act 2009* (SA) facilitates the administration of justice in regions straddling the State's borders with Western Australia and the Northern Territory. (Western Australia and the Northern Territory have mirror / complementary cross-borders legislation in place.)

The legislation is directly aimed at persons who have a connection with a cross-border region (Aboriginal people living on regional or remote lands) and provides for these people to have court matters heard, orders to be supervised and custody to occur in any participating jurisdiction (South Australia, the Northern Territory and Western Australia).

The South Australian Department for Correctional Services (DCS) was an active participant in the Prisons and Community Corrections working groups as part of this Project, liaising with other Justice Agencies and Correctional counterparts interstate.

78. *Offender Management Plan*

The South Australian Offender Management Plan is a multi-agency response to manage the state's highest risk offenders. The critical component of the plan is the co-ordinated and managed focus on individual offenders, using the collective resources of participating agencies including South Australian Police, Correctional Services; Health and the Department of Families & Community (including Housing South Australia, Families South Australia and Disability Services).

The emphasis is on information sharing, which leads to informed decision making and a collaborative response that links agency interventions. By working together under a co-ordinated framework, responses by agencies to serious criminal behaviour are more effective and efficient. The plan focuses on two streams of multi-agency service delivery: Offender rehabilitation and law enforcement.

The rehabilitation stream involves providing or brokering services that address criminogenic needs. This includes, but is not limited to health, substance abuse, meaningful employment and housing needs. This is partnered with a law enforcement focus on the offender to limit the opportunity for offending; or to increase the probability of apprehension should offending continue.

79. *Aboriginal Services Unit*

Within the South Australia Department for Correctional Services is the Aboriginal Services Unit, established to service the needs of Aboriginal stakeholders as well as to monitor the department's implementation of recommendations from the Royal Commission into Aboriginal Deaths in Custody (1991). This unit works across the department at both strategic, and operational levels to provide advocacy for Aboriginal departmental staff, as well as oversee the development of culturally appropriate services.

Key activities include establishing a visiting elders program at the Adelaide Women's Prison, Mobilong Prison and Port Augusta Prison, and recruiting an Aboriginal visiting inspector.

Tasmania

80. Tasmania's imprisonment rate for Aboriginal and Torres Strait Islanders is significantly lower than any other state or territory at 467.9 per 100,000 adults in 2013–14. The average daily number of Aboriginal and Torres Strait Islander females in Tasmania's prisons has remained stable for a number of years according to the Australian Bureau of Statistics' publication *Corrective Services Australia* (with an average eight in custody in 2011, 11 in 2012 and six in 2013).

Restorative justice, justice reinvestment and diversionary measures

Queensland

81. Queensland Corrective Services provides Indigenous specific programs both in prisons and through various Probation and Parole offices across Queensland that are aimed at addressing Indigenous offender rehabilitation needs. In addition, a range of Indigenous specific services and facilities have been implemented in Queensland prisons, such as the Indigenous Elders Visiting Scheme, Indigenous Cultural Liaison and Cultural Development Officers, and Indigenous Cultural Centres.

82. Probation and Parole offices operate in Indigenous communities such as Mornington Island, Palm Island and Doomadgee, which provide confidence to the judiciary that Indigenous offenders can be managed in their community and diverted from prison where appropriate.

South Australia

83. The South Australian Government has a strong interest in activity that is underpinned by justice reinvestment principles, which involve working with communities to understand underlying causes of crime. A Justice Reinvestment South Australia Working Group has been meeting regularly since June 2012.

Western Australia

84. The Western Australia Department of Aboriginal Affairs supports the provision of Aboriginal community patrols in 14 locations across the state through service agreements with locally-based non-government organisations predominantly operated and staffed by Aboriginal people.

85. The patrols provide street-level, non-coercive interventions to assist people at risk of harm. The service is culturally sensitive and aimed at reducing unnecessary contact between Aboriginal people and the criminal justice system, by assisting those in situations of potential harm, taking them to a safer place and linking them with support services.

86. In 2013, the department reviewed the patrols across the state, and found strong community acceptance and support for the program and its community based operating model.

Circle sentencing

Australian Capital Territory

87. The ACT Government established a circle sentencing court in 2004 to address issues of over representation of Aboriginal and Torres Strait Islander people in the criminal justice system. The Galambany Court provides a culturally relevant sentencing process for eligible Aboriginal and Torres Strait Islander adults and youth. The Galambany Court sits within the Magistrates Court jurisdiction and involves Aboriginal and Torres Strait Islander community members in the court process as panel members. Galambany means 'I, we all, including you'. It recognises the various origins of people of Aboriginal and Torres Strait Islander descent living on Ngunnawal country today. The court is a permanent fixture within the ACT Magistrates Court jurisdiction and the government has identified a number of strategies to strengthen its operations.

South Australia

88. South Australia operates a diversionary court called the Nunga Court (the regional Aboriginal name given to it by the local Aboriginal community). Piloted in June 1999 it was Australia's first Aboriginal Sentencing Court. The Nunga Court and the Aboriginal Sentencing Courts operate monthly across different regions of the state. Aboriginal Sentencing Courts are presided over by a magistrate who is assisted by Aboriginal Elders and respected persons. As they are sentencing courts, they do not hear trials or contested matters. They provide an opportunity for Aboriginal court users to have their voice heard in a culturally appropriate manner, and family members and supporters are encouraged to attend and speak directly to the court.

89. Aboriginal justice officers provide information about the location and operation of the courts, as well as support to Aboriginal court users and their families. They also advise magistrates and the court generally regarding appropriate services and programs that may assist in the court user's rehabilitation.

Indigenous youth in the criminal justice system

Australian Capital Territory

90. In recognition of the over representation of Aboriginal and Torres Strait Islander people in the criminal justice system and the disadvantage experienced by Aboriginal and Torres Strait Islander youth, the Restorative Justice Unit established the position of Indigenous guidance partner. The partner works with Aboriginal and Torres Strait Islander youth to support them through a restorative justice conference and help them complete their restorative justice agreement.

Western Australia

91. Western Australia's Regional Youth Justice Strategy in the Mid-West Gascoyne, Goldfields, Kimberley and Pilbara regions includes youth bail services, bail options, prevention and diversion officers, and dedicated juvenile justice team coordinators. It has proven successful in raising the diversion rate and reducing remands in custody, with fewer young people entering the formal justice system and detention centres. The Metropolitan Youth Bail Service provides short-term accommodation for young people eligible for bail, and has been expanded to locate responsible adults to assume responsibility for the release a young person from custody on bail.

Indigenous women in the criminal justice system

New South Wales

92. From 2011–12, solicitors from Wirringa-Baiya Aboriginal Women's Legal Centre, Women's Legal Services NSW and Hawkesbury Nepean Community Legal Centre have provided civil and family law advice to women in the Silverwater Women's, Dillwynia and Emu Plains Correctional Centres. The centres provided advice to 24 women a month and community legal education about topics including human rights law and other civil law matters.

Northern Territory

93. Alice Springs Correctional Centre has an industries shed, which involves 30 women prisoners in activities including food packaging, textiles, creative work and ragging operations. The new Darwin Correctional Precinct has a dedicated female section with a mother and babies unit to enable women to care for their young children while incarcerated. Industries are being developed to provide the women with meaningful employment, including in the food packaging, bakery and creative work areas.

Victoria

94. The Victorian Aboriginal Justice Agreement Phase 3 (AJA3) acknowledges that we need to work with women in the prison system both pre-and post release, and more importantly, their initial diversion. While the great majority of Koories in prison are male, the number of Koori women has been increasing, highlighting a lack of diversion options. The high proportion of Koori women on remand who subsequently do not get a custodial sentence is of particular concern. Not only does incarceration have a significant impact on individual Koori women, but it also has significant consequences for their communities, potentially exposing children to the risks of neglect, abuse, hunger and homelessness, and increasing their likelihood of adverse contact with the criminal justice system in future.

95. As part of this, AJA3 included a Victorian Equal Opportunity and Human Rights Commission research project that documented the experiences of Koori women within the justice system, particularly their experience of custody. This report, *'Unfinished business: Koori women and the justice system'*, was released in August 2013 and provides evidence to support diversionary programs for Koori women, as well as specific recommendations regarding the establishment of a culturally and gender appropriate model of diversion

Western Australia

96. The *Female Prisoners Plan 2012–2022* sets out the strategic and operational direction required to improve gender specific facilities, services and interventions. It also identifies actions required to successfully manage female prisoners including Indigenous female prisoners.

Implementation of recommendations of the Royal Commission into Aboriginal Deaths in Custody

Northern Territory

97. *Royal Commission Aboriginal Deaths in Custody*

All recommendations accepted by the Northern Territory Government have previously been implemented.

These include clarification of legislation and legislative reform, and for other jurisdictions to learn from Northern Territory practices in relation to the school-based constables program and Indigenous-specific recruitment programs. Significant legislative reform, particularly with the *Liquor Act 1978* (NT) and the *Alcohol Reform (Prevention of Alcohol Related Crime and Substance Misuse) Act 2011* (NT), has occurred.

98. *Coronial inquiries*

All government agencies must report on coronial recommendations that fall within their jurisdiction. For example, the Northern Territory Police Force maintains a central register of all inquest findings from the coroner directed at police, and provides bi-annual status reports on recommendation to the coroner's office.

On 17 September 2012, the coroner handed down findings on the unnatural death of a prisoner in police custody on 4 January 2012. Recommendations relating to detainee treatment, particularly for assisted carries, were incorporated into Northern Territory Police Force policy and the General Order - Custody updated to incorporate the coroner's findings. Annual operational safety and tactics training were also updated with techniques for assisted carries, and wheelchairs procured for use at the territory's four major watch houses.

A new position of custody superintendent was created with oversight of all watch houses across the territory, including periodic roster audits. Watch houses at Alice Springs and Darwin are now equipped with a medical room and custody nurse 12 hours a day and 24 hours over weekends, and the service recently extended to Katherine, with a room and nurse for 12 hours, six days a week.

An At-Risk of Suicide and Self Harm Policy was released in August 2013, which was developed in conjunction with stakeholders including the Department of Health. The document was developed recognising that Indigenous Australians take their own lives at younger ages than non-Indigenous Australians, with the rate of suicide for Aboriginal youth in the Northern Territory being five times higher than the national rate. The document recognises the complexities associated with prevention of suicide and self-harm, and sets out departmental principles and expectations with respect to at-risk responses.

Queensland

99. Since the Royal Commission into Aboriginal Deaths in Custody, Queensland Corrective Services have increased the proportion of secure cells with suicide resistant features across the correctional system to 93 per cent (as at 30 June 2014).

South Australia

100. Correctional Services continues to ensure that every reasonable measure is taken to identify offenders most at risk of self-harm and, wherever possible, prevent deaths in custody.

101. Prisoners are assessed for risk of self-harm when they enter the prison. Multidisciplinary High Risk Assessment Teams (HRAT) involving prison management, health and intervention staff have been established in each prison, and prisoners who are assessed to be at risk are monitored by the HRAT. As a result, prisoners may be separated for their own protection, the protection of others, or admitted to a health facility for forensic mental care. The HRAT also provides intervention and support to such prisoners.

102. In addition, the department's Aboriginal Services Unit coordinates the Prevention of Aboriginal Deaths in Custody Forum, which is held every six weeks at different prisons. This focuses on reducing reoffending and ongoing commitment to recommendations made as a result of the Royal Commission into Aboriginal Deaths in Custody. It provides an opportunity for Aboriginal prisoners to communicate issues important to them. As a result of these strategies, Aboriginal deaths in custody have drastically decreased. In 2013-14, there were no unnatural deaths of Aboriginal prisoners.

Victoria

103. The first phase of the Victorian Aboriginal Justice Agreement in 2000 committed the government to review of the recommendations from the Royal Commission into Aboriginal Deaths in Custody in partnership with the Koori community. The review report was tabled in the Victorian Parliament in October 2005. The justice related recommendations of the review were responded to through the Aboriginal Justice Agreement phase two. The Aboriginal Justice Agreement phase three continues this work.

Prison conditions and the provision of adequate health care to prisoners

Australian Capital Territory

104. The ACT Government's Health Directorate provides health services to detainees at a number of settings including at the territory's court cells, the adult correctional facility (the Alexander Maconochie Centre), the Periodic Detention Centre and at the Bimberi Youth Justice Centre.

105. An Aboriginal and Torres Strait Islander drug and alcohol liaison officer is also funded, as well as a mental health liaison officer to work with Aboriginal and Torres Strait Islander peoples both inside and outside the correctional system. Winnunga Nimmityjah Aboriginal Health Service, the ACT's Aboriginal community controlled health organisation, provides an outreach service to the territory's correctional facilities. This comprises medical and other team support to deliver health services to Aboriginal and Torres Strait Islander peoples in custody. The ACT Government's Health Directorate has a senior nursing position and the rotation of a psychiatric registrar attached to the service.

106. Gungan Gulwan Youth Aboriginal Corporation under an ACT Health service funding agreement (2013-16) provides an alcohol and other drug treatment and support service to young Aboriginal and Torres Strait Islander peoples who are at risk of or experiencing problematic alcohol, tobacco or other drug use. This service also includes outreach to the Alexander Maconochie Centre and Bimberi Youth Justice Centre.

Northern Territory

107. Comprehensive primary health services designed to meet the specific needs of Indigenous prisoners will be delivered at the new Darwin Correctional Precinct. This has the capacity to deliver on-site X-ray services and a range of allied health services according to demand. These are focused on addressing chronic disease, taking into account the early onset and prevalence of chronic disease among Aboriginal and Torres Strait Islander people.

108. During 2011–12, Northern Territory Police Force, in collaboration with the Department of Health, placed nurses in the Darwin, Katherine and Alice Springs watch houses. This was rolled out between December 2011 and April 2012 and corresponded with peak custody intake periods. It ensured that nurses assessed and monitored vulnerable members of the public and that those unfit to be in custody were appropriately referred to a medical facility.

109. The Department of Correctional Services' Healthy Lifestyles Strategy, directed at staff and prisoners in adult correctional centres, provides a framework to shape and shift the organisation's thinking and attitudes around four key initiatives:

- *No Joke! Quit the Smoke* – a quit smoking initiative
- *Take in Good Tucker!* – a healthy food initiative
- *Polish those Pearls!* – to address the connection between bad gums and perio-cardio disease
- *Listen' ear!* – to raise awareness that Indigenous people in particular have very high rates of all forms of inflammation and infection of the middle ear.

110. The department also provides a range of alcohol and other drugs programs to prisoners to reduce the incidence of violence, antisocial behaviour, injury and illness.

Queensland

111. All onsite health services at publically operated correctional facilities are provided by Queensland Health. The services are provided by competent multidisciplinary healthcare teams consisting of nursing, medical and allied health staff. The care provided to prisoners is of a standard comparable to that available to the general community. It is safe, patient-centred, socially appropriate, accessible, equitable and evidence-based care.

South Australia

112. The South Australian Prison Health Service provides prisoners, including Aboriginal prisoners, with access to comprehensive, coordinated health care. Health care provision is focused on meeting the complex multiple health problems experienced by Indigenous Australians, as well as co-morbidities compounded by other social and historical abuses. Given the over-representation of Aborigines in the prison population, the health of this group is fundamentally relevant to the health of the wider Aboriginal community.

Tasmania

113. In recent years the Tasmanian Government has made a significant investment in prison infrastructure, including improved facilities for exercise, education and accommodation. New prison facilities were opened in 2006. All those entering prison in Tasmania are medically assessed and may be referred for treatment. Suicide and self-harm behaviour is intensively managed by the Tasmania Prison Service Therapeutic Services Unit, Correctional Primary Health Services and a dedicated Crisis Support Unit.

Victoria

114. The second phase of the Aboriginal Justice Agreement articulated the need to develop an evidence base to guide the development and enhancement of culturally appropriate mental health services for Aboriginal prisoners.

115. The third phase of the agreement, launched in 2013, committed to a Koori prisoner mental health and cognitive function study. Now complete, this study made a number of recommendations to improve the mental health of Aboriginal prisoners, including that the department develop an action plan to underpin mental health service delivery for Aboriginal prisoners based on the social and emotional wellbeing model of mental health. Key themes emerging from the recommendations were to:

- invest in programs and services that build resilience, promote positive social and emotional wellbeing and prevent mental health problems from developing
- increase the cultural awareness, understanding and capacity of the prison workforce to respond to Aboriginal people and their needs
- improve the cultural responsiveness of services and programs by embedding cultural values in service design and policy
- strengthen partnerships with Aboriginal community organisations to support transition and continuity of care
- improve reporting and data to inform future service planning and delivery.

116. In response to the findings of the Koori Prisoner Study, the Aboriginal Social and Emotional Wellbeing Strategy was developed and endorsed at the Aboriginal Justice Forum in 2014.

Western Australia

117. Western Australia's Drug and Alcohol Office implemented sobering-up centres in response to the 1988 Royal Commission into Aboriginal Deaths in Custody. This recommended establishing safe places for intoxicated people and the decriminalisation of public drunkenness. Sobering-up centres provide a safe, care-oriented environment where people intoxicated in public can sober up. This diverts them from police lock-ups and reduces the likelihood of them causing harm to themselves or others in the community. Services include overnight care in a supervised setting, showers, laundry facilities and meals. Alcohol intervention and supported referral is also available. There are currently 10 sobering-up centres in Western Australia with a total capacity of 173 beds.

Concluding Observation 21 - Preservation of national languages

Indigenous languages

New South Wales

118. OCHRE (Opportunity, Choice, Healing, Responsibility and Empowerment) is the state's plan for Aboriginal affairs. Released in April 2013, OCHRE outlines a number of key initiatives, including Aboriginal Language and Culture Nests, which support Aboriginal students to learn, reclaim, revitalise and maintain Aboriginal languages. The nests are viewed as a conduit to community empowerment, cultural self-determination, cultural reconnection/connection and cultural health and wellbeing. They will create learning pathways for Aboriginal students, teachers and community members, and help to build identity, self-esteem and resilience amongst Aboriginal students and community.

Indigenous languages in schools

New South Wales

119. The Minister for Aboriginal Affairs launched a revised K-10 Aboriginal Languages Scope and Sequence on 13 December 2013. This provides the basis to develop Aboriginal language units of work and will guide program development in schools and communities with Aboriginal language programs.

120. Five language and culture nests have been established, which seek to revitalise Aboriginal languages through a coordinated and strategic approach. They provide links between Aboriginal communities, schools, TAFEs and universities in language regions. The nests are:

- improving knowledge of, and competency in, Aboriginal languages
- strengthening Aboriginal identity, pride and community resilience
- increasing the number of language learners
- increasing the number of language teachers
- helping to increased school attendance and retention.

Northern Territory

121. The committee's concern regarding the Northern Territory Government's abolition of bilingual education funding is noted. The government's *A share in the future Indigenous education strategy 2015–2024* gives direction for future work regarding the teaching and learning of Indigenous languages and cultures in schools (see *A Share in the future – review of Indigenous education in the NT*, Bruce Wilson, July 2013). This includes a focus on further developing operational policy surrounding effective teaching of Indigenous languages and cultures, identifying system and school level resources and skills required for the effective teaching of Indigenous languages and cultures, as well as improving access to the quality of programs in schools. The government is currently strengthening bilingual education in eight designated bilingual schools.

Queensland

122. Queensland state schools can choose to teach Aboriginal and Torres Strait Islander Languages.

123. When selecting the language to offer, Queensland state schools consult with their community and consider a range of factors to ensure a quality language program. This includes ensuring continuity of learning from primary to secondary school as well as ongoing availability of quality teachers.

124. The Queensland Curriculum, Assessment and Reporting Authority offers a syllabus for Aboriginal and Torres Strait Islander Languages for Prep – Year 10 and for Years 11 – 12.

125. To support schools to implement this syllabus, the Department developed the Aboriginal and Torres Strait Islander Languages in Education Queensland Schools: A guide to implementing the Aboriginal and Torres Strait Islander Languages Syllabus.

126. This guide provides comprehensive advice to principals on a range of topics including how to establish an Aboriginal and Torres Strait Islander Language program in their school through consultation with their local community.

South Australia

127. The South Australian Government delivers Aboriginal cultural studies in the state curriculum. Over 4,000 students each year in state schools learn Aboriginal languages, with a ratio of about 2:3 Aboriginal versus non-Aboriginal students. This highlights that non-Aboriginal students are studying Aboriginal languages, which is a positive reconciliation strategy. The group of strong languages still spoken in the remote north-western regions of the state are further supported by the development of first-language teaching materials and programs, and associated professional learning for staff.⁴

128. The Department for Education and Child Development also employs Aboriginal culture and language instructors in schools and supports the study of Aboriginal languages at senior secondary school through the South Australia Certificate of Education subject *Australian Languages*. TAFE and the University of Adelaide also run the Anangu Pitjantjatjara Yankunytjatjara (APY) program offering courses including *Learning an endangered Indigenous language* to Aboriginal students living on the APY Lands. Universities facilitate Aboriginal student entry and offer programs such as Indigenous studies and a Pitjantjatjara language and culture course.

Western Australia

129. In 2014, 16 Aboriginal languages were being taught to Aboriginal and non-Aboriginal students in 49 public schools across remote, regional and metropolitan areas of Western Australia. There are 12 remote, 24 regional and 11 metropolitan schools. Data from the August 2014 Census confirmed that 6,170 Kindergarten to Year 12 students are learning an Aboriginal language. These are not bilingual programs.

130. For Years 11 and 12, Western Australia schools can offer, in the dialect of their choice, the Aboriginal Languages of Western Australia course. Year 11 and 12 eligible Indigenous students can learn English through English as an Additional Language or Dialect courses.

Minority languages

Western Australia

131. Through the Community Languages Program, funding was allocated each year to support not-for-profit community organisations to promote language and culture through out of school hours tuition for school-aged children. In January 2014, administration of the program was transferred from the Department of Education to the Office of Multicultural Interests.

⁴ Further information: in Department for Education and Child Development *Aboriginal Strategy 2013 –2016* http://www.aboriginaleducation.sa.edu.au/files/links/Aboriginal_Strategy.pdf and

Department for Education and Child Development Aboriginal Strategy policy regarding the Australian Curriculum: Curriculum, Pedagogy, Assessment and Reporting Policy for Reception – Year 10 available at: http://www.decd.sa.gov.au/teachingandlearning/files/pages/Policy/DECD_Curriculum_Pedagogy_1.pdf

Concluding Observation 22 - Eradicating socio-economic disparities, cultural appropriateness of public service delivery, Indigenous self-empowerment

Indigenous Opportunities Policy

Australian Capital Territory

132. The ACT Government supports the inclusion of Aboriginal and Torres Strait Islander students in vocational education and training through a range of support services and initiatives. These include wrap around services, fee concessions and foundation skills training. The importance of increased access to vocational education and training for Aboriginal and Torres Strait Islander students was also recognised through specific training targets in the *National partnership agreement on skills reform* (2012–2017). The ACT is on track to exceed the agreed Aboriginal and Torres Strait Islander student commencement targets under the agreement. The ACT has also provided grants for a range of culturally appropriate adult and community education programs including in Aboriginal and Torres Strait Islander leadership and governance, diversity mentoring, and pre-vocational and vocational training.

Northern Territory

133. The *Framing the future* foundation plan for the Northern Territory sets the guidelines for a prosperous economy, a strong society, a confident culture and a balanced environment.⁵ One of the three objectives of ‘to develop a confident culture’ is to recognise Aboriginal culture and allow territorians to follow their traditions and languages to focus on an inclusive and participative society. Actions are focused on promoting recognition and respect for Aboriginal people, organisations, culture and language. The facilitation of Indigenous economic development is an integral part of this.

134. The government also has a strategy in place to increase the number of Indigenous employees: the Indigenous Employment and Career Development Strategy 2010–2012. Indigenous employment in the Northern Territory public sector had increased from 4.6% in June 2002 to 8.1% in June 2011.

South Australia

135. The South Australian Government committed to close the gap between Aboriginal and non-Aboriginal Australians in areas such as life expectancy, child mortality, education and employment by making government and non-government services more accessible, culturally appropriate and responsive. It has committed to developing a state-wide Aboriginal Economic Participation Strategy to guide and coordinate state government activity that will enable all South Australians to increase opportunities for economic participation and improve economic outcomes for Aboriginal people.

136. To address socio-economic disparities and provide for culturally appropriate service delivery, the government has also:

- amended the South Australian Constitution to recognise Aboriginal peoples as traditional owners and occupants of state land and waters
- committed to drafting legislation to recognise the self-determining governance structures of Aboriginal communities, and the unique cultural authority of those communities. The legislation will set out guiding principles for cooperation, and allow for agreements to be negotiated between government and certain Aboriginal groups. This will be complemented by community capacity building initiatives to support improved Aboriginal regional governance

⁵ Strategy available at: http://www.dcm.nt.gov.au/framing_the_future

and improved recognition of Aboriginal culture and values in non-Aboriginal organisations and across the community

- developed the Aboriginal Regional Authorities policy to harness the strengths of the Aboriginal community to most effectively represent Aboriginal interests. The policy is to be implemented in 2015
- committed all state government agencies to developing new State Government Reconciliation Action Plans, to guide reconciliation activity and accountability.

137. The Department for Communities and Social Inclusion's Aboriginal Priorities Plan 2012–13 achieved over 50% of its objectives, with many of the remaining actions being considered as priorities in the next plan. A new priorities plan is currently being scoped and implementation is anticipated from mid-2015. The plan will document a range of actions under the following four priority areas:

- Aboriginal young people
- Aboriginal women
- Aboriginal residents of remote communities
- governance and community engagement.

138. Cultural awareness and operational training is conducted for department staff with a focus on how to work appropriately and effectively with people from culturally and linguistically diverse groups. The department is aiming for at least 80% of its staff to have completed the training by June 2015.

Tasmania

139. The Department of Education is supporting a number of resources and programs to close the gap, including Aboriginal education workers (supporting Aboriginal perspectives in schools) and Aboriginal education officers (to support the retention of Aboriginal secondary students). The department's Enrolment, Attendance and Participation Policy, and Enrolment Procedures, support the integration of students for whom English is an additional language into their local schools, supporting social cohesion and language.

140. Following a review into the accessibility of services in 2013, a Multicultural Access Point website and Multicultural Language Services Guidelines were launched for Tasmanian Government agencies. The website contains information about housing access, education options, transport, social events and employment opportunities for migrants. The guidelines, which include the provision of interpretive services, assist people with limited English language proficiency in communicating with service providers.⁶

Victoria

141. The Victorian Aboriginal Affairs Framework 2013–2018 has been established to improve life outcomes for Aboriginal Victorians. Central to this is improved access to services. The framework identifies a set of seven key access criteria to guide evaluations of service effectiveness and future system reforms, and to provide more effective access for Aboriginal Victorians and improve outcomes consistent with framework priorities.

142. The framework seeks to ensure that existing services are inclusive and respond appropriately to the needs of Aboriginal Victorians. All departments now have plans in place to action these priorities.

⁶ Further information: <http://www.multicultural.tas.gov.au/> & www.dpac.tas.gov.au/multicultural

143. In December 2013, Victoria released the Victorian Aboriginal Economic Strategy 2013–2020. This builds partnerships between Aboriginal Victorians and the public and private sectors and takes an integrated approach to Aboriginal economic participation across education, skills development and training, access to jobs, and business and wealth building opportunities.

Concluding Observation 23 - International students and racially motivated violence

New South Wales

144. Bureau of Crime Statistics and Research data indicates:

- in 2012–13, there were about 233 incidents that involved racial/ethnicity prejudice, of which about 61 resulted in charges being laid. Of these, 73 female and 120 male victims were identified
- in 2013–14, there were about 154 incidents that involved racial/ethnicity prejudice, of which about 42 resulted in charges being laid. Of these, 44 female and 91 male victims were identified.

Tasmania

145. The Office of the Anti-Discrimination Commissioner in Tasmania collects information on incidents of abuse and harassment as part of its *Report it!* project. In 2013–14, the majority of reports related to incidents in which the person's race or nationality was believed to be the basis for the action. Of the people targeted, 16% were Aboriginal or Torres Strait Islanders; 16% were migrants or humanitarian entrants; and 15% were international students.

Concluding Observation 27 - Human rights education

Australian Curriculum

Australian Capital Territory

146. The ACT is committed to implementing the Foundation to Year 10 Australian Curriculum.

147. The curriculum includes the in-depth study of human rights from historical, contemporary and legal perspectives. It also allows students to explore different perspectives about Australia's national identity, including those of Aboriginal and Torres Strait Islanders, and a range of social and cultural values and beliefs.

148. The senior secondary Australian Curriculum builds on students' knowledge of social, cultural and political understandings, the origins and significance of human rights movements, and organisations and laws that have helped define the modern world.