



ACT
Government

Justice and Community Safety

Be the Change We Seek

Aboriginal and Torres Strait Islander Framework



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Our Artwork



The artist

Matthew Longmore is an Aboriginal man whose heritage is the Barngala people, the Traditional owners of the Eyre Peninsula in South Australia. Like many Aboriginal people, Matthew did not grow up on country and is re-building a connection to his Aboriginal heritage as an adult.

The meaning of the artwork

‘New Beginnings’ – Flying away from my past and searching for new beginnings is the theme behind this artwork of mine. Doing art gives me something positive to engage in, takes me away from my problems, and takes my mind elsewhere closer to my culture.

Acknowledgement of Country

This document was developed on Aboriginal land. ACT Corrective Services acknowledges the Ngunnawal people as traditional custodians, and recognise any other people or families with connection to the lands of the ACT and region. We acknowledge their spiritual connection to Country and continuing culture. We acknowledge Elders past, present and emerging and give appreciation to the continuing importance of language, land, culture, and spiritual beliefs of all Aboriginal and Torres Strait Islander people. We acknowledge all Aboriginal and Torres Strait Islander people who work and engage with the ACTCS and share their knowledge and contribute to the diversity of the local Aboriginal and Torres Strait Islander community.



Acknowledgement of contributors

ACTCS acknowledges the work of Curijo Pty Ltd in developing this Framework in consultation with Aboriginal and Torres Strait Islander people, our staff, clients and stakeholders. ACTCS further thanks the community members, organisations and directorate officers who contributed to the consultations informing this Framework.

A note on language use

The term ‘Aboriginal and Torres Strait Islander people’ is used throughout this document to refer to individuals or groups of individuals, whereas ‘People/s’ has been used occasionally when referencing specific or diverse community groups. The word Indigenous is used only when quoting a primary source, or in use of the term ‘non-Indigenous’.

It is acknowledged that ACTCS interacts with Aboriginal and Torres Strait Islander people at different points in the criminal justice and corrections pathway, including accused and sentenced clients in custody or on a community supervision order, which includes a community service work condition. When referring to all these groups, the word ‘client’ is used, otherwise the Framework uses language specific to each setting.

Acronyms

Acronym	Meaning
ACCHO	Aboriginal Community Controlled Health Service
ACTCS	ACT Corrective Services
AMC	Alexander Maconochie Centre
CSAC	Corrective Services Administrators’ Council
OID	Overcoming Indigenous Disadvantage

Foreword

The ACT Corrective Services (ACTCS) Aboriginal and Torres Strait Islander Framework (the 'Framework') builds on our commitment to addressing the over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice system.

It achieves this by examining the factors that support Aboriginal and Torres Strait Islander clients in their healing, rehabilitation and reintegration, whether in a custodial setting or serving community orders.

It builds on ACTCS' Strategic Plan 2019–2024 and adds to the suite of Frameworks developed to address the specific needs of women and people with disabilities.

As a correctional service, ACTCS recognises that all clients should be held accountable for the crimes they commit, and that targeted service delivery and support can result in reducing reoffending through healing and rehabilitation for a safer community.

For Aboriginal and Torres Strait Islander clients, there is often a significant interplay between offending, trauma experiences, mental illness, and cognitive disability.

Development of the Framework was undertaken in consultation with community stakeholders and Aboriginal and Torres Strait Islander people with lived experience of corrective services.

I look forward to the operationalisation of this Framework and the achievements of continuing on a pathway to positive change.



Ray Johnson APM
Commissioner
ACT Corrective Services

1. Framework foundations

1.1 Our aim

Be the Change We Seek – Aboriginal and Torres Strait Islander Framework is an important foundation document which supports our aim to be recognised as a provider of effective and culturally sensitive corrective services that positively change lives, reduce reoffending, and prevent future victims.

Our objectives are documented in a suite of plans and policies including the ACT Corrective Services Strategic Plan 2019–2024 *One Team One Purpose – Supporting a Safer Community*, the recommendations and actions proposed in the 2019 *Healthy Prison Review of the Alexander Maconochie Centre* by the ACT Inspector of Correctional Services, and the *Justice Action Plan of the Aboriginal and Torres Strait Islander Agreement 2019–2028*.

Aboriginal and Torres Strait Islander people continue to be over-represented in the ACT criminal justice system, in both custodial and community supervision settings. ACT Corrective Services (ACTCS) aims to address this as recommended in this Framework by providing culturally appropriate programs and services and culturally capable staff to build towards an environment of culturally safe correctional services that promote healing, rehabilitation, and successful reintegration into the community.

The Framework's four focus areas were identified through engagement with community, clients and staff. The four focus areas are:

- A culturally capable and accountable workforce
- Culturally safe and responsive services and supports
- Rehabilitation and community reintegration
- Partnerships and collaborations.

This Framework provides information and guidance on behaviours, actions and approaches that could assist in reducing Aboriginal and Torres Strait Islander people's contact with ACTCS and the criminal justice system more generally, and to develop and implement culturally responsive practices across ACT Corrective Services.

1.2 Aboriginal and Torres Strait Islander people in the ACT justice system

Over the last 20 years there has been a 190 per cent increase in the incarceration of Aboriginal and Torres Strait Islander people nationally; by comparison the non-Indigenous rate has increased by 90 per cent. The incarceration of Aboriginal and Torres Strait Islander women is growing at an even greater rate, with Aboriginal and Torres Strait Islander women imprisoned at 35 times the rate of imprisonment of all women in Australia.¹

While the imprisonment rates of Aboriginal and Torres Strait Islander adults increased between 2006 and 2019 in all jurisdictions—the largest increases were in the Australian Capital Territory (from 627 to 1,707 per 100,000).²

On 24 June 2022 there were 96 Aboriginal and Torres Strait Islander clients in custody at the Alexander Maconochie Centre (AMC) who made up 25.3 per cent of the remand and 25.7 per cent of the sentenced populations. This represented a disproportionate 25.5 per cent of the total custodial client population compared with the general population (2 per cent³). When considered by gender, Aboriginal and Torres Strait Islander clients made up 21.7 per cent of the total female population and 25.8 per cent of the total male population.

The relatively small size of the AMC, and the very small size of the female cohort, means that small numerical changes can have a considerable effect on the percentages. The table below demonstrates this with a comparison between 2021 and 2022 figures.

Table 1: Aboriginal People in custody in the ACT

	Number of Aboriginal people in custody	Proportion of total AMC population (%)	Percentage of the total remand population	Percentage of the total sentenced population	Proportion of female clients (%)	Proportion of male population (%)
24 June 2022	96	25.5	25.3	25.7	21.7	25.8
30 June 2021	101	27	31	24	52	25

On 24 June 2022, there were 132 Aboriginal and Torres Strait Islander clients subject to supervised community corrections orders (excluding Community Service Orders), representing 17 per cent of the Community Corrections offender population. Aboriginal and Torres Strait Islander clients made up 24 per cent of the female population on supervised community orders and 15.9 per cent of the male population.

1 AIHW, The health of Australia's prisoners, 2019

2 AIHW, Aboriginal and Torres Strait Islander Health Performance Framework – Summary report 2020, measure 2.11

3 ABS, Australian Capital Territory: Aboriginal and Torres Strait Islander population summary 2021

Table 2: Aboriginal People on community correction orders in the ACT

	Number of Aboriginal people with a supervised community correction order	Proportion of the community corrections offender population (%)	Proportion of female Aboriginal clients (%)	Proportion of male Aboriginal population (%)
24 June 2022	132	17	24	15.9
30 June 2021	169	17	21.3	16

From July 2021 to 24 June 2022, 262 Aboriginal and Torres Strait Islander people were either received into the AMC or commenced a community supervision order, representing 19.1 per cent of the total number of people who entered the ACT Corrective Services system. This compared with 297 Aboriginal and Torres Strait Islander people were either received into the AMC or commenced a community supervision order, representing 18 per cent of the total number of people who entered the ACT Corrective Services system from July 2020 to June 2021.

A suite of legislation and policy sets our obligations to Aboriginal and Torres Strait Islander people in ACTCS' care or supervision as ordered by the Courts. An overview is provided in Appendix 1.

Figure 1: Aboriginal and Torres Strait Islander people in the ACT and the ACT justice system

Unless otherwise referenced, all figures provided by ACTCS for year ending 24 June 2022

One Team, One Purpose: Supporting a Safer Community

The ACT Corrective Services Strategic Plan 2019–2024 – *One Team, One Purpose: Supporting a Safer Community* aims to deliver these outcomes for the ACT community:

- Reduced offending and reoffending
- Improved opportunities for rehabilitation and reintegration
- Safe, secure and humane environments
- Skilled, professional, resilient, and valued workforce
- Improved and targeted service delivery for vulnerable and overrepresented cohorts.

ACTCS Aboriginal and Torres Strait Islander Policy Statement

The 2020 *ACTCS Aboriginal and Torres Strait Islander Policy Statement* vision is “to be recognised as the leader in the provision of effective corrective services which positively change lives, reduce reoffending and prevent future victims.”

The policy statement acknowledges the over-representation of Aboriginal and Torres Strait Islander people in the ACT criminal justice system and acknowledges that there are many factors that may contribute to this over-representation including past government policies and practices, intergenerational and transgenerational trauma, poverty and unemployment rates, higher levels of family separation and violence, and policing practices.

The Policy Statement makes these commitments, which underpin this Framework.

To the people in ACTCS' care or under our supervision

- Supporting the distinct cultural and other rights of Aboriginal and Torres Strait Islander people to maintain, protect and develop their cultural heritage, language, knowledge and kinship ties under the Human Rights Act 2004
- Implementing a holistic and culturally appropriate model of care for Aboriginal and Torres Strait Islander people
- Providing a broad range of culturally appropriate rehabilitative offender services
- Facilitating access to appropriate support services for Aboriginal and Torres Strait Islander people
- Expanding training and industry opportunities for Aboriginal and Torres Strait Islander people at the AMC that link to employment opportunities in the community.

To the people ACTCS employ

- Recruiting Aboriginal and Torres Strait Islander staff to designated positions that support the needs of Aboriginal and Torres Strait Islander people, and exceeding government targets for the recruitment of Aboriginal and Torres Strait Islander staff
- Retaining and developing Aboriginal and Torres Strait Islander staff and providing opportunities for progression
- Realising the development potential of Aboriginal and Torres Strait Islander staff through dedicated staff forums and committees on service improvement
- Ensuring staff are trained on the specific cultural needs of Aboriginal and Torres Strait Islander people.

To ACTCS partners

- Working in partnership with Aboriginal Community Controlled Organisations
- Developing opportunities for co-design and increasing consultation with local Aboriginal and Torres Strait Islander representative bodies on changes that affect their community.

2. Guiding principles

2.1 Aboriginal and Torres Strait Islander Framework Principles

These principles reflect the research and consultation informing this Framework to guide ACTCS in best practices moving forward. They are underpinned by the *ACT Human Rights Act 2004* and ACTCS's policy commitment to therapeutic jurisprudence and the healthy prison concept. The principles underpinning this Framework are:

1. **Culture as the foundation for healing**, promoted through culturally responsive, holistic, and trauma-aware approaches in all aspects of ACTCS operations, recognising that every interaction matters
2. **The maintenance of familial roles and obligations**, recognising and strengthening connection to kin as a central feature of rehabilitation and the wellbeing of the individual and their community
3. **Recognition of the expertise held** within the ACT Aboriginal and Torres Strait Islander community and taking action to draw on this expertise to improve outcomes for Aboriginal and Torres Strait Islander people
4. **Meaningful engagement and consultation** with Aboriginal and Torres Strait Islander clients and with community members on matters relating to all Aboriginal and Torres Strait Islander people in the ACTCS system, families and communities
5. **Accountability of ACTCS** to Aboriginal and Torres Strait Islander people in AMC, to clients outside the AMC, and to the Canberra community, through timely, transparent, and culturally respectful communication and transparent complaints processes
6. **Supporting self-determination** in the priorities and outcomes of the ACT corrections system through inclusion, walking alongside and implementing decisions with Aboriginal and Torres Strait Islander community leaders, where appropriate
7. **Evaluation design** led, developed, and conducted through Aboriginal and Torres Strait Islander codesign, reflecting Aboriginal and Torres Strait Islander values and measures of success with findings useful for improving policy, programs, practices and outcomes.

2.2 Systems-level principles

In line with our ambition to be recognised for the provision of effective corrective services which positively change lives, reduce reoffending and prevent future victims, ACTCS will continue its efforts in these areas:

1. Embedding codesign principles in service **development and evaluation**
2. Implementing the principles embedded in the *Human Rights Act 2004*, therapeutic jurisprudence and healthy prisons obligations in every element of **design and delivery**
3. Meaningful **partnerships and collaborations** with Aboriginal and Torres Strait Islander community controlled and specialist providers
4. **Measuring compliance** through external and internal evaluation to monitor and report on change over time, led by Aboriginal and Torres Strait Islander people.

3. Focus areas

The Framework is comprised of four areas. Each area provides ACTCS with evidence-informed practice and activity to achieve its objectives. The evidence is drawn from work undertaken in the ACT, in other jurisdictions, and from Australian and international research and evaluation.

The four focus areas are:

- **A culturally capable and accountable workforce**
- **Culturally safe and responsive services and supports**
- **Rehabilitation and community reintegration**
- **Partnerships and collaboration.**

In each of the following sections the focus area is defined and explored, with reference to evidence and research, ACTCS' existing obligations and practical application within ACTCS' areas of responsibility.

The tables at the end of each section captures ACTCS' current work in each area, plus the actions and strategies available to achieve our aim of positively changing lives, reducing reoffending, and preventing future victims.

3.1 A culturally capable and accountable workforce

A culturally capable and accountable workforce is one that is educated and informed in Aboriginal and Torres Strait Islander histories, the continuing impacts of colonisation and dispossession, unconscious bias and white privilege.

Building awareness of the effects of trauma and aiming to develop trauma-informed ways of working will help to equip individuals to apply this knowledge in the performance of their duties.

The benefits of attaining a culturally capable and accountable workforce are threefold: attracting and retaining Aboriginal and Torres Strait Islander personnel in both identified and non-identified roles; improving Aboriginal and Torres Strait Islander staff progression into senior roles; and meeting the ACTCS commitment to invest in all employee capabilities to meet current needs and future aspirations.

Building cultural capability in the context of rich diversity

The ACT Aboriginal and Torres Strait Islander community consists of Traditional Custodians as well as Aboriginal and Torres Strait Islander people living off Country. This diversity brings valuable knowledge to support the needs of the diverse Aboriginal and Torres Strait Islander people within the ACTCS system.

ACTCS recognises the Aboriginal and Torres Strait Islander staff that it employs bring their own skills, knowledge and lived experiences. ACTCS will support Aboriginal and Torres Strait Islander staff to develop

and grow through creating positive relationships and networks that enable them to reach their goals. ACTCS recognises that connecting locally and nationally is important in staff gaining further knowledge to gain understanding of the overall issues faced by Aboriginal and Torres Strait Islander peoples, particularly those within the criminal justice system. ACTCS will support the on-going knowledge and learning of Aboriginal and Torres Strait Islander history for all staff. All ACTCS staff will undertake cultural responsiveness training and this should be expanded through them gaining further understanding particularly locally of this history.

The evidence base for cultural capability development at the workforce level is in its infancy⁴. Some approaches include a continuum of knowledge development, e.g., the NSW Aboriginal Cultural Capability Framework⁵ which describes a series of capabilities – awareness, understanding, competence and responsiveness, against several organisational domains, e.g., leadership, accountability, practice, relationships, workforce. Others provide a framework designed for adaptation to any agency or setting, such as the Commonwealth Aboriginal and Torres Strait Islander Cultural Capability Model⁶.

This approach locates cultural capability at the intersection of three elements:

1. Knowing – knowing and understanding history, culture, customs and beliefs
2. Doing – culturally appropriate action and behaviour
3. Being – awareness, authenticity and openness to examining one's own values and beliefs.

This Model includes capabilities at the foundational (baseline) level needed by everyone, and function-specific cultural capabilities, including community engagement, individual service delivery, policy formulation, program delivery and research.

Role of training and development

Cultural awareness training is mandatory for all ACTCS staff. Ongoing cultural capability and accountability training and development, specific to the work we do, builds on this base, by inviting participants to become aware of world views that may differ from their own.

It is an ongoing process, aiming to develop knowledge, skills and practices that demonstrate respect and understanding for the dignity of Aboriginal and Torres Strait Islander people. It also aims to empower our workforce to contribute to better outcomes for Aboriginal and Torres Strait Islander people detained in the AMC and in the community.

Achieving a culturally capable and accountable workforce requires ongoing investment in quality training, tailored to our people's roles and functions, with a set of measurable learning outcomes across skills, knowledge and practices. These learning outcomes can be measured at the individual and organisational levels and tracked for improvement over time.⁷

⁴ While some training programs have been evaluated in corrections settings, they remain unpublished.

⁵ NSW Department of Family and Community Services, Aboriginal Cultural Capability Framework 2017–2021
https://www.facs.nsw.gov.au/__data/assets/pdf_file/0003/579045/Aboriginal-Cultural-Capability-Framework.pdf

⁶ Snook, Scott, Nitin Nohria, and Rakesh Khurana, (2012, XV) The Handbook for Teaching Leadership: Knowing, Doing, and Being. Thousand Oaks, CA: Sage Publications cited in Aboriginal and Torres Strait Islander Cultural Capability Framework Australian Public Service Commission. Commonwealth of Australia, 2015

⁷ Westerman, T. Organisational Cultural Competency Testing & Analysis, Indigenous Psychological Services, 2021

Tracking outcomes over time provides valuable data for ACTCS as we seek to better understand the link between cultural capability and accountability in the workforce, and better outcomes for Aboriginal and Torres Strait Islander people in contact with ACTCS.

Elements of effective cultural capability training

Cultural capability training is most likely to be effective when it includes the following elements:

- commences with a baseline data collection to inform the training design and delivery and enable tracking of change over time
- is specific to the tasks and focus of each role, recognising there are skills specific to working with Aboriginal and Torres Strait Islander people in the context of AMC and community corrections settings
- is developed and delivered by Aboriginal and Torres Strait Islander people with capability in cultural adult education practice
- addresses history and contemporary issues, personal and societal values, and promotes capacity and skills to contribute to change
- involves active learning in group settings combined with ongoing learning and reflection
- evaluation data can be linked to related outcomes e.g., Aboriginal and Torres Strait Islander staff retention, the wellbeing of Aboriginal and Torres Strait Islander people in contact with ACTCS, the strength and function of partnerships and our clients' outcomes.

Indicators of a culturally capable and accountable workforce

Cultural capability and accountability mean understanding key concepts, and the implications of these for people in the criminal justice system. For example, capability in trauma-aware practices, can promote de-escalation through recognising and responding to behaviours as trauma-based communication. This in turn can contribute to healing.

A culturally capable and accountable workforce can achieve and maintain:

- an environment that enables ACTCS staff to identify and promptly respond to and address all forms of racism and discrimination
- an environment designed with recognition of the particular and different impacts of incarceration for Aboriginal and Torres Strait Islander people
- interactions, processes, and programs that are trauma-aware and culturally responsive, embedded within the concept of healing
- positive staff engagement with people in custody and in the community that is strengths-based and focused on people's potential, free from racism and discrimination, and assessments of need that are tailored to Aboriginal and Torres Strait Islander social and emotional wellbeing and worldview
- Aboriginal-led and tailored programs for clients, focused on healing, rehabilitation, and reintegration to community and reconnection with family.

Achievements: A culturally capable and accountable workforce

- Mandatory entry level cultural awareness training for all ACTCS staff
- Use of a variety of mechanisms to attract Aboriginal and Torres Strait Islander people to the ACTCS, including external advertising mechanisms (Koori Mail, Indigenous Employment Australia, ourmob). Utilising current ACTPS Indigenous networks and Indigenous recruitment agencies
- As at 31 May 2022, there are 31 staff members who identify as Aboriginal and Torres Strait Islander
- There are currently 10 identified positions within the ACTCS:
 - Senior Director, Cultural Services
 - Aboriginal and Torres Strait Islander Services Unit Team Leader
 - Aboriginal and Torres Strait Islander Liaison Officer x 2
 - Aboriginal and Torres Strait Islander Services Officer
 - AMC Case Manager
 - Community Corrections Officer
 - Throughcare Coordinator
 - Community Corrections Cultural Engagement Officer
 - Aboriginal Services and Cultural Diversity Policy and Program Officer
- Aboriginal and Torres Strait Islander staff are encouraged to engage in Aboriginal and Torres Strait Islander staff networks and other groups within ACTCS and across the ACT government as part of their role
- Happy to Yarn staff peer group.

Strategies to develop a culturally capable and accountable workforce

Potential success strategies

Staff Development

- Development from cultural awareness to cultural capability of ACTCS' people, covering the skills, knowledge, and practices our workforce require to perform their duties in a culturally informed way and are accountable within their role
- Development of cultural learning programs for staff to grow and develop their knowledge and understanding that will have long term benefits for clients.

Recruitment and Career Development

- Strengthened recruitment pipeline to ensure qualified candidates are available when identified positions are vacant
- Include knowledge and understanding of Aboriginal and Torres Strait Islander culture (as a criteria) in all front-line service delivery position descriptions
- Career pathways and development opportunities for Aboriginal and Torres Strait staff, including cultural mentoring for staff, matched to their individual need, within their role
- Aboriginal and Torres Strait Islander designated positions are filled, and at a ratio to effectively support the population in prison and on community supervision orders.

Systemic Change

- Culturally informed decision-making processes that are inclusive of and led by Aboriginal and Torres Strait Islander people, where decisions are respected and implemented
- Expand the scope of the Aboriginal and Torres Strait Islander Unit to cover both custodial and community corrections to support communication and a continuum of support and care
- Increase the overall number of Aboriginal and Torres Strait Islander people working across ACTCS
- Development and support of an Aboriginal and Torres Strait Islander staff network that is respected and resourced as required
- Development of a cultural supervision framework to support Aboriginal and Torres Strait Islander Staff.

3.2 Culturally safe and responsive services and supports

A culturally safe environment is free from bias and racism, where the dignity and rights of Aboriginal and Torres Strait Islander people are respected. Only in this environment can individuals experience culturally safe and responsive services and supports. Unsafe practices include procedures, interactions and environments that demean or diminish cultural identity⁸, which can cause harm to individuals, families, and communities.

“The cultural determinants of health require ... a strength-based perspective, acknowledging that stronger connections to culture and Country build stronger individual and collective identities, a sense of self-esteem, resilience, and improved outcomes.”⁹

Walking alongside to develop and deliver

The programs provided by ACTCS aim to address offence-related behavioural and wellbeing needs, in the context of risk, and to enable successful transition back into the community¹⁰. These should be led, co-designed and developed by Aboriginal and Torres Strait Islander people for Aboriginal and Torres Strait Islander clients. ACTCS can do this through inclusion and walking alongside to support design, development and facilitation.

Prisons are not designed with cultural safety and the requirements of Aboriginal and Torres Strait Islander healing in mind. In contrast, elements that can be shaped, including culturally tailored and responsive policy, procedures, services and workforce become more important in enabling the wellbeing and rehabilitation of Aboriginal and Torres Strait Islander people.

To be a culturally responsive service requires understanding of key concepts such as trauma, kinship and social and emotional wellbeing, and the implications of their absence or presence for people in the criminal justice system.

For example, the Aboriginal and Torres Strait Islander concept of the family and kinship systems is both a system of reciprocal obligation but also one within which behaviour is shaped and regulated¹¹. The way that ACTCS defines ‘family’ affects policy and practice of the visiting rights, rights to information and rights to communicate of clients held in AMC. The use of a Western concept of nuclear family restricts and damages fundamental cultural ties and connections.

Strategies that enable a culturally inclusive approach to ‘family’ for Aboriginal and Torres Strait Islanders are required to limit these consequences. Further to this, the concept of social and emotional wellbeing and healing is central to the design of effective programs and services.

8 Williams, R., 1999, ‘Cultural Safety – What does it mean for our work practice’, Faculty of Aboriginal and Torres Strait Islander Studies, Northern Territory University

9 Lowitja Institute. Cultural determinants of Aboriginal and Torres Strait Islander health roundtable, Melbourne, Lowitja Institute, 2014 . <https://www.lowitja.org.au/content/Document/PDF/Cultural-Determinants-RT-Report-FINAL2b.pdf>

10 ACT Corrective Services Rehabilitation Framework, ACT Corrective Services, ACT Government, 2019

11 Hovane, V. Dalton, T. Smith, P. Aboriginal Offender Rehabilitation Programs, 2014

Social and emotional wellbeing

Although Aboriginal and Torres Strait Islander peoples are culturally, linguistically and ethnically diverse, most share a holistic understanding of ‘health’ which differs from the definitions commonly adopted in Australian health institutions. The National Aboriginal Health Strategy defines Aboriginal health as:

...not just the physical well-being of an individual but...the social, emotional and cultural wellbeing of the whole Community in which each individual is able to achieve their full potential as a human being thereby bringing about the total wellbeing of their Community. It is a whole of life view and includes the cyclical concept of life-death-life.¹²

The value of this framing is the holistic view of the person in their context.

Similarly, the strengths-based concept of healing encompasses mental health, physical, cultural, and spiritual health. Healing views the mind and body as one and is based on a wellness model. This contrasts with the Western Medicine approach, which separates the mind and the body, and uses an illness or deficit model.

The concept of a healing model suggests that when all elements (mind, physical, cultural and spiritual health) are in harmony, other aspects in one’s life requiring healing, such as criminogenic attitudes and behaviours can be addressed.

Service models underpinned by understandings of social and emotional wellbeing and healing are found primarily in the health sector, however, Aboriginal and Torres Strait Islander community-controlled programs are increasingly being procured for work in the prisons and community corrections contexts for Aboriginal and Torres Strait Islander people. Social and emotional well-being and healing are relevant to each focus area in this Framework:

- A culturally capable and accountable workforce understands these terms, the relevance to outcomes for Aboriginal and Torres Strait Islander people, and the application of this knowledge within the scope of their role.
- Culturally safe and responsive services and supports will be underpinned by this holistic concept of wellbeing, and promote improved wellbeing through ensuring access to holistic services and supports, including culturally and spiritually enriching activity.
- Rehabilitation and pathways home will be most effective when informed by these concepts, built around established knowledge of criminogenic risk factors, and proactively promote the opportunity for cultural connection and strengthened identity.
- Partnerships and collaborations will be most effective when navigated with an interest in and appreciation for Aboriginal and Torres Strait Islander peoples’ world views and concern for the whole.

¹² National Aboriginal Health Strategy Working Party 1989, National Aboriginal Health Strategy

Trauma-informed ways of working

People suffering from the effects of trauma are at greater risk of behaving in ways that result in contact with the criminal justice system. These may include social and cultural isolation, drug and alcohol misuse and violence. The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) highlighted the direct link between the trauma of colonisation and the mental health of Aboriginal Australians:

“The complex interaction of social factors and the experience of cultural stress as contributing factors to mental distress is part of an important debate ... that recognises that sociocultural, socioeconomic and sociohistorical factors all contribute to the mental distress experienced by many Aboriginal people.”¹³

Recognising, acknowledging and working to address trauma can be influential in addressing these contributing factors, to support healing and to reduce re-offending.

Key concepts to inform a culturally safe pathway

For Aboriginal and Torres Strait Islander women:

- addressing and supporting women’s complex needs and likely history of victimisation (family violence and sexual assault) that is linked with their offending
- acknowledging, based on national figures, that Aboriginal and Torres Strait Islander women in prison are very likely to be mothers, and tailoring programs to value and enhance parenting capability, to facilitate reconnection with children, support overall rehabilitation,¹⁴ and reduce the impacts of trauma
- promoting women’s dignity through recognition of cultural ties, obligations and place in family and community as Elder, parent, aunt, sister, grandmother, niece, cousin, that is free from bias, racism and abuse.

For all Aboriginal and Torres Strait Islander people:

- access to tailored, easy to understand information at each stage of the corrections pathway
- access to peer, kin and Elder support at critical times to support safety and connection
- Aboriginal and Torres Strait Islander led program design and delivery, using codesign principles and methodology
- access to culturally responsive community primary health services, which commences during incarceration and continues into the post-release period
- coordinated planning across agencies as part of the post-release preparation, with careful pre-release planning that provides emotional support from caseworkers, family and community, and access to stable housing and financial resources

¹³ Royal Commission into Aboriginal Deaths in Custody, 1998

¹⁴ Addressing the complex needs of ATSI female offenders- Parenting responsibilities and intergenerational trauma. ALRC. <https://www.alrc.gov.au/publication/incarceration-rates-of-aboriginal-and-torres-strait-islander-peoples-dp-84/9-female-offenders/addressing-the-complex-needs-of-atsi-female-offenders/>

- Continuity of support and treatment — through-care — from prison entry to post-release aftercare, using a culturally tailored case management approach and system and involving the coordination of appropriate wrap-around services, in a partnership with a range of services using gender-matched workers
- Record-sharing between the correctional facility or ACTCS and Aboriginal Community Controlled Organisations (ACCOs) to ensure that appropriate through-care is coordinated and is based on accurate information
- Recognition of the range of traumas people may have experienced as a result of colonisation, including individual and family impact of intergenerational trauma, collective trauma and lateral violence between Aboriginal and Torres Strait Islander people as a result of these trauma experiences.

Elements of culturally safe services

ACTCS will strive to attain a culturally safe environment for Aboriginal and Torres Strait Islander people who come into contact with the service. Critical elements for cultural safety and responsiveness in ACTCS' systems, services and supports include:

- co-design and leadership by Aboriginal and Torres Strait Islander people (staff/community members) with cultural knowledge and capability
- incorporating culturally defined priorities, such as Aboriginal and Torres Strait Islander kinship meaning of family and connection, and the obligations inherent to kinship ties including Sorry Business
- gender-specific, that is, designed with knowledge and understanding of the gender norms, roles and common experiences of both women and men. For Aboriginal women in particular the high price of their absence for their family and community, including gaps in parenting, income, child-care, role models and leadership, further entrenching disadvantage¹⁵
- holistic services and supports that do not categorise a person into different parts, but rather are open and responsive to presenting needs. It is a term commonly understood in Aboriginal health to mean the social, emotional, and cultural wellbeing of the person in the context of their whole community.

Each of these elements succeed when supported by policy that addresses the rights of access to quality health, education, wellbeing, and rehabilitative programs; when consistently practised by ACTCS staff; and when monitored for implementation and impact.

¹⁵ Hannah Payer, Andrew Taylor and Tony Barnes, 'Who's Missing? Demographic Impacts from the Incarceration of Indigenous People in the Northern Territory, Australia' (Paper, Crime, Justice and Social Democracy: 3rd International Conference, 2015) vol 1.

Achievements: Culturally safe and responsive service and supports

Community

- Community Service Work – Aboriginal & Torres Strait Islander clients sentenced to Community Service Work can complete their hours at the following places:
 - Ngunnawal Bush Healing Farm
 - » Work crew placement
 - » Self-Management and Recovery Training
 - Winnunga Nimmityjah Aboriginal Health Service
 - » Men's Group
 - » Women's Group
 - » Healthy Cooking
 - » Mums & Bubs Program.
- 25% of total CSW hours can be completed via educational/program participation
- Two Alternative Reporting sites have been established in partnership with Yeddung Mura Corporation and Winnunga Nimmityjah Aboriginal Health and Community Services. These sites aim to facilitate more culturally appropriate supervision of Aboriginal and Torres Strait Islander offenders who are subject to community-based corrections orders and improve connections with community and links with support services.

Offender Reintegration

- Throughcare provider Yeddung Mura
- Culturally responsive case management, including the use of family group conferencing for family and community inclusive decision making.

Custodial

- Respect and dignity through access to same-gender Aboriginal and Torres Strait Islander officers/staff.

Strategies to develop culturally safe and responsive service and supports

Potential success strategies

- Culturally capable and safe engagement by all ACTCS staff with people in the corrective services system, on a day-to-day basis
- Recognition of stressors related to family commitments and family or community obligations and developing a culturally appropriate service response
- External Elders are available at key points in a client's experience, e.g., at intake, at times of distressing events, at risk of or in isolation and when distressing news is communicated
- Access to culturally and spiritually meaningful activity and support e.g., access to family history research as part of healing focus
- Policy that is inclusive of Aboriginal and Torres Strait Islander concepts of family for visitation purposes.

3.3 Rehabilitation and pathways home

“Release is associated with a range of poor health outcomes including homelessness, risky patterns of substance use, drug overdose and death... suicide is the leading cause of death, highlighting the pivotal role of mental health in shaping post-release outcomes for vulnerable ex-prisoners.”¹⁶

Context for making informed decisions

In alignment with the CSAC Indigenous Strategic Framework (2016) ACTCS supports the integrated use of Risk Need Responsivity (RNR) principles. The CSAC Framework also outlines strategies and themes to guide and assist in making informed decisions regarding Aboriginal and Torres Strait Islander clients.

This reflects the evidence that mainstream offender rehabilitation programs are based on Western psychological explanations of offending, and do not centre on culture or take account of the full range of factors driving Aboriginal and Torres Strait Islander offending behaviour and recidivism.¹⁷

Culturally specific criminogenic factors include:

- assimilation and loss of culture
- impact of separation from family, communities and land
- substance abuse and personal/emotional functioning
- physical health problems, mental health issues
- identity confusion
- intra- and inter-family violence
- discrimination and racism
- literacy and numeracy limitations
- generational unemployment, life skills deficits and significant and specific transitional and post-release needs.¹⁸

Strategies and themes outlined in the CSAC Framework acknowledge the higher rates of imprisonment of Aboriginal and Torres Strait Islander people, and entry into the criminal justice system at an earlier age than other offenders. When incarcerated Aboriginal and Torres Strait Islander people may also face adverse consequences from their community as a result of ‘cultural/kinship obligation’ in addition to their custodial sentence.

The common experience of intergenerational disadvantage and trauma, unemployment, loss of land, culture, and the breakdown of traditional lore, means referral to social and emotional wellbeing programs, along with culturally appropriate grief and loss counselling should be available and considered as part of support planning.

¹⁶ Heffernan et al 2014

¹⁷ Working Together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice, 2nd edition, 2014

¹⁸ Haseltine et al., p32

In addition, Aboriginal and Torres Strait Islander people are also more likely to be engaging in rehabilitation in a multi-family household, which may impact on risk to victims, rehabilitation, and reintegration success.

Strength in cultural connection

Whether a person has well-established or emerging cultural identity and connection, ongoing access to cultural learning is fundamental to healing¹⁹, and thereby to rehabilitation. It is the strength of connection to culture that acts as a protective factor:

“From an Aboriginal and Torres Strait Islander standpoint, the cultural determinants of health ‘are enabled, supported and protected through traditional cultural practice, kinship, connection to land and Country, art, song and ceremony, dance, healing, spirituality, empowerment, ancestry, belonging and self-determination.’ ”²⁰

Embracing an Aboriginal psychological approach to offender rehabilitation programs legitimises Aboriginal and Torres Strait Islander cultural knowledge and enables culturally grounded perspectives, concepts, theories, and ideas to be included. It also emphasises the meaning, values, beliefs, and the contexts (including family and cultural contexts) that are meaningful and contribute to strengthened identity and connection.

Culture-specific psychological theories and theories of offending are needed to ensure rehabilitation programs are culturally relevant. One commonly cited change is the need to shift emphasis from identifying “psychological deficits which are typically framed within western psychological perspectives, to emphasising cultural strengths and positive cultural perspectives”²¹.

Characteristics of effective programs

Appropriately designed and administered intervention programs include the following key characteristics:

- **Theoretical soundness and focus on criminogenic needs** – programs are evidence-based and linked to a culturally informed rehabilitation theory. There is a focus on cultural needs in terms of healing, connection and empowerment. “Good choices come from good places”
- **Structure** – staff and participants understand the goals and objectives. Services and programs are facilitated by skilled and consistent staff participation in activities that are aligned to individual needs
- **Responsivity** – delivery is in a style and form that engages clients and is responsive to their cultural identity and needs. Services are tailored and respond appropriately to different learning styles and motivations. Intervention techniques are motivational, solution-focused, promote desistance and encourage seeking out meaningful reasons for lifestyle change. Programs employ gender-responsive approaches

19 Dudgeon, P., Bray, A., Smallwood, G., Walker, R., Dalton, T. (2020). Wellbeing and healing through connection and culture. Sydney: Lifeline.

20 Commonwealth of Australia Department of Health. My life my lead — opportunities for strengthening approaches to the social determinants and cultural determinants of Indigenous health: report on the national consultations. Canberra: Australian Government, 2017; p7. cited in Finlay SM, Canuto K, Canuto K, et al. Aboriginal and Torres Strait Islander connection to culture: building stronger individual and collective wellbeing. Med J Aust 2020; 214 (8 Suppl): S13

21 Hovane et al, 2014, p. 513

- **Integrity** – program staff are trained and develop the relevant cultural capability and accountability, undergo professional development, and are appropriately supervised and supported. The integrity of the program is continuously scrutinised and evaluated to ensure adherence to the aims and outcome goals and the chosen methods of intervention
- **Criteria** – program participants meet eligibility criteria and there are defined entry and exit criteria
- **Evaluation** – programs are evaluated to determine whether they meet integrity elements; have met demand; and for their short- and long-term effectiveness in lowering criminogenic risk and reducing reoffending.

Culturally capable and accountable program *facilitators* ensure delivery addresses:

- acknowledgement of the core Aboriginal and Torres Strait Islander values (connection to Country, languages, lore, gender roles, family, community)
- recognise relevant cultural processes and protocols and integrate them into their group management (role of Elders, avoidance relationships)
- use naming conventions relating to deceased people known to the group
- understand the effect of shame on the group process and participation
- link support network planning to concepts of family obligations and relationships of responsibility
- use communication styles appropriate to Aboriginal and Torres Strait Islander participants
- constructively address displays of cultural tension, resistance, and conflict in the group.

We also aim to address barriers that remain in our systems and our context, including:

- our staff's understanding and training in Aboriginal and Torres Strait Islander mental health and wellbeing, and relevant rehabilitative models
- continuity of treatment between prison and the community, especially for people who return to detention
- time to develop professional relationships with people in custody
- post-release planning that begins early in custody and includes proactive follow up services once released
- consistent and seamless information and record-sharing between Courts, AMC, Community Corrections and health services
- uncertainty about release dates, which impacts access to Medicare, prescriptions and adequate medication provision, as well as income and housing coordination.

Achievements: Rehabilitation and community reintegration

- Rehabilitative programs
- Extended throughcare by Yeddung Mura for Aboriginal and Torres Strait Islander people returning to the community
- Development of the Integrated Offender Management Model.

Strategies to develop rehabilitation and community reintegration

Potential success strategies

- Rehabilitation based on holistic cultural concepts of wellbeing and healing
- Placement decisions, sentence plans and programs that take cultural needs into account and have included Aboriginal and Torres Strait Islander staff and family
- Providing opportunities to access programs that contribute to building a sense of self-esteem, individual, family and cultural identity, communal and societal responsibility
- Practical and psychological preparation for release and for reintegration with family/community post-release where the relationships have been established whilst in AMC
- Clearer understanding of the requirements of clients in sentence management plans, pre-release planning and parole expectations that are realistic and achievable, and developed in consultation with Aboriginal and Torres Strait Islander people
- Support for clients to participate in critical processes, to enable them to contribute to the decision making about themselves (language, cultural guidance, safe environment)
- Accountability for the achievement of more positive rehabilitation outcomes
- A focus on individual and cultural needs that takes into account the broader socio-economic drivers of criminalisation are important elements of rehabilitation for Aboriginal and Torres Strait Islander people. For women this includes recognition of (often) being a parent of young children, experiences of violence, poverty and racism.²²

²² Working Together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice, 2nd edition, Commonwealth of Australia, Canberra, 2014

3.4 Partnerships and collaborations

Partnerships and collaborations with external specialist services are established in AMC's and community correction's operations. The depth and quality of partnerships with external providers, and specialist Aboriginal Community Controlled Organisations in particular, are critical to ACTCS meeting commitments and obligations.

Positive outcomes for clients

Effective partnerships are ones that contribute to successful outcomes for clients. They are part of ensuring our commitments are met and contribute to ACTCS meeting objectives.

Partnerships are central to addressing the key priorities and activities described in the Framework, including healing, connection with community, lifelong learning, employment, health and wellbeing, and housing.

Characteristics and success factors

Partnerships sustain when they bring benefit to all parties – to ACTCS, the Aboriginal and Torres Strait Islander community agencies that are partners, and the Aboriginal and Torres Strait Islander clients in custody or in the community.

We recognise the role of our leaders in setting the terms for effective collaboration between services, setting expectations about the level of collaboration, the resources available to enable collaboration, and the expected impacts.

In addition to the role of leaders, our partnerships thrive when we achieve healthy connections at each 'level' in our interface with our partners and stakeholders. Our goal is to address challenges and issues as they arise 'at level' and where necessary, to be escalated along well-established, transparent organisational pathways.

Transparency also underpins our governance arrangements, with membership, decision making and resourcing appropriate to the partnership purpose.

Finally, we aim to strengthen our ways of working with partners. By setting in place metrics of effectiveness we can monitor and respond to weak points and identify and amplify strengths. For example: a Community Corrections Officer is able to activate a response to a client in need of support because the service partnership protocols and contact points are so well-known, reliable and effective.

Characteristics captured in the evidence for successful mental health and wellbeing programs informs ACTCS efforts in partnership, leadership, staff capability, and community involvement:

- collaborative partnerships between Aboriginal and Torres Strait Islander services and communities that support self-determination through strong community ownership based on partnerships, networks and relationships of trust
- culturally appropriate programs that value Indigenous involvement, appropriately trained staff, promote cultural continuity and renewal, strengthen identity and pride, and are flexible and aware of local issues and needs

- the delivery of holistic and integrated programs and services that work in partnership with mainstream and Indigenous-specific services
- the use of participatory action research to involve community members in the development, implementation and evaluation of programs.²³

Figure 2 below outlines a useful model when planning for or assessing a partnership and includes five ‘levels’²⁴ of connection, acknowledging that the scope and depth varies depending on the intent. By understanding what partners each need and want from an arrangement, the right level of resourcing, protocol and governance can be put in place. At the more sophisticated levels, such as with agencies that provide services within AMC, partnerships involve interaction with professional boundaries, and give rise to new ways of working. This draws on and can strengthen or diminish trust both between professionals and between professionals and Aboriginal and Torres Strait Islander clients.

In reviewing or establishing relationships across the sector, ACTCS aims to foster common expectations between stakeholders and ensure the appropriate level of connection is supported. In addition, our agreements and protocols are underpinned by:

- self-determination by Aboriginal and Torres Strait Islander people regarding the scope, purpose and value of a proposed partnership
- culturally respectful engagement and governance
- a long-term view to promote strong and enduring partnerships that contribute to the change ACTCS seeks
- transparency in all matters, including mentoring, of value to all parties and effectiveness
- walking alongside and guided by Aboriginal and Torres Strait Islander people.

Figure 2: Integration continuum

Minimal interaction	Communication	Cooperation	Coordination	Coalition	Integration
Professionals and organisations have minimal interaction with no information sharing.	Individuals or groups of professionals across organisations are sharing information in informal, ad-hoc ways. No formal mandates or authority to share information or make joint decisions exist. Communication is usually through individual relationships and may cease if staff change.	Individuals or groups of professionals are sharing information and working together informally towards shared goals. No formal mandates or authority for shared decision-making exist. Relationships might be longer-term or more embedded in practice.	Joint working is more formalised, and there may be some authority for joint decision-making or planning. Formalised connections exist between agencies that are designed to outlast individual relationships. No sanctions are in place for failure to cooperate.	Formalised joint structures exist including a formal agreement to sacrifice some agency authority to the shared planning arrangement, such as MOU or Interagency Agreement. Strategic Planning towards shared goals exists and is embedded throughout the organisation.	Agencies join together to form a new entity or have significant formal structures in place to ensure that agencies operate as one. Staff and leadership see themselves as part of one organisation and share resources.

Source: Adapted from Horwath 2007.

²³ Dudgeon et al 1995

²⁴ Horwath 2007.

Achievement: Partnerships and collaborations

- Community Corrections supervision site at Yeddung Mura
- Ongoing engagement with ACT Aboriginal and Torres Strait Islander Elected Body (ATSIEB)
- Partnership with Winnunga Nimmityjah Aboriginal Health and Community Service
- Collaborations with:
 - Culture on the move
 - Clybucca Dreaming
 - Johnny Huckle
 - Ngunnawal Elders
 - Yeddung Mura and Dhunlung Yarra.

Strategies to develop partnerships and collaborations

Potential success strategies

- Protocol to enable culturally appropriate engagement and consultation with community partners and stakeholders, to improve outcomes
- Development of shared outcomes with partner agencies to promote cooperation and outcomes measurement and achievement
- Building partnerships with relevant community bodies/members to assist with prosocial supports and transition planning.

Key concepts and definitions

Concepts that are essential to designing, delivering, and evaluating policy, programs, and operations in the ACTCS context are set out below. These terms are used throughout the Framework.

Table 3: Key concepts, terms and meaning

Term	Meaning
Country	Country is the term used to describe the lands, waterways and seas to which Aboriginal and Torres Strait Islander people are connected. The term contains complex ideas about law, place, custom, language, spiritual belief, cultural practice, material sustenance, family and identity. ²⁵
Cultural safety	Cultural safety is an environment in which Aboriginal or Torres Strait Islander people are free from challenge to or denial of identity and experience, and free from overt or covert negative judgement or exclusion. It cannot be claimed by a service or employee, rather it is something that is experienced by the Aboriginal and Torres Strait Islander person. Culturally safe service delivery is crucial in enhancing individual and collective empowerment. ²⁶
Cultural determinants of health	The cultural determinants of health include connection to Country; cultural beliefs and knowledge; language; family, kinship and community; cultural expression and continuity; and self-determination and leadership. ²⁷
Healing	Healing is fundamental to Aboriginal and Torres Strait Islander people reaching their full personal, cultural, social, educational, and economic potential. Healing is about restoring the wellbeing, strength of spirit, family connections, and lore that has made Aboriginal and Torres Strait Islander cultures the oldest living cultures on earth. ²⁸
Healthy Prisons	The Healthy Prisons concept advocates that people who are detained are safe and feel safe; are treated with respect for their human dignity; are encouraged to improve themselves through the provision of purposeful activity; prepared for release into the community; and assisted to reduce the likelihood of reoffending.

25 Welcome to Country, AIATSIS <https://aiatsis.gov.au/explore/welcome-country>

26 Walker, R. Schultz, C. Sonn, C. (2014) Cultural competence – transforming policy, services, programs and practices, in Working Together, Barton ACT, 2014

27 Lovett R, Brinckley M, Phillips B, et al. In the beginning it was our people's law. What makes us well; to never be sick. Cohort profile of Mayi Kuwayu: the National Study of Aboriginal and Torres Strait Islander Wellbeing. Canberra: Australian Institute of Aboriginal and Torres Strait Islander Studies, cited in Finlay SM, Canuto K, Canuto K, et al. Aboriginal and Torres Strait Islander connection to culture: building stronger individual and collective wellbeing. Med J Aust 2020; 214 (8 Suppl): S14

28 Healing Foundation, June 2021. Make Healing Happen Report, p.4.

Term	Meaning
Kinship	Kinship systems provide each person with a defined role (based on age, gender, and other factors), and serve to link people via duties of care. Kinship includes knowing and being part of the community, and the perception of oneself. Indigenous society is constructed around community and within strong kinship and family ties. Being a part of the community may entail various responsibilities and obligations that confirm and reinforce membership and belonging. This may include obligations to extended family, responsibilities to be involved in various community functions and initiatives, and responsibilities to be active in political issues. ²⁹
Self-determination	Self-determination is an ‘ongoing process of choice’ enabling communities to meet their social, cultural, and economic needs. It is a cardinal principle in modern international law and used as a policy setting in Australia in relatively recent times. One of the key findings of the Royal Commission into Aboriginal Deaths in Custody was that, in order to address the significant overrepresentation of Aboriginal people in custody, governments must “let go of the controls” and allow Aboriginal and Torres Strait Islander peoples to identify and own the solutions on the issues that affect them and their communities, in accordance with the right to self-determination ³⁰ . The right to self-determination is based on the simple acknowledgment that Indigenous peoples are Australia’s first people, as was recognised by law in the historic Mabo judgement. ³¹
Social and emotional wellbeing	<p>Social and emotional wellbeing (SEWB) is a term used to capture the social, emotional, spiritual and cultural wellbeing of a person. The term recognises Aboriginal and Torres Strait Islander people’s connection to land, sea, culture, spirituality, family, and community – all of which impact on wellbeing³². It is a strengths-based term that recognises the powerfully protective role played by connection to culture and self-determination.</p> <p>The factors that can strengthen SEWB in the corrections context include:</p> <ul style="list-style-type: none"> ▪ establishing and/or maintaining connection to Country ▪ practising spirituality ▪ ancestry and kinship networks.

29 Finlay SM, Canuto K, Canuto K, et al. Aboriginal and Torres Strait Islander connection to culture: building stronger individual and collective wellbeing. *Med J Aust* 2020; 214 (8 Suppl): S13

30 <https://www.lawcouncil.asn.au/media/media-releases/royal-commission-into-aboriginal-deaths-in-custody-requires-urgent-action-30-years-on#:~:text=One%20of%20the%20key%20findings,accordance%20with%20the%20right%20to>

31 Aboriginal Cultural Capability Toolkit, Victorian Public Sector Commission, Victorian Government June 2019 <https://vpssc.vic.gov.au/html-resources/aboriginal-cultural-capability-toolkit/aboriginal-self-determination/>

32 Gee, G., Dudgeon, P., Schultz, C., Hart, A., Kelly, K. (2014). Aboriginal and Torres Strait Islander social and emotional wellbeing. In Dudgeon, P. Milroy, H. Walker, R. (Ed.), *Working together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice* (2nd ed., pp. 55-68). Canberra: Department of the Prime Minister and Cabinet.

Term	Meaning
Spirituality	Aboriginal and Torres Strait Islander spirituality is part of cultural identity and derives from a sense of connection to land, sky, waters, community, and culture. Contemporary practice of spirituality and strengthening of culture is commonly undertaken through ceremonies, art, song, storytelling, smoking ceremonies and Welcome to Country practices ³³ . Opportunities to practice spirituality can reinforce and strengthen cultural identity and assist in building on strengths and increasing resilience ³⁴ .
Social determinants of health	The conditions in which people are born, grow, work, live, and age, and the wider set of forces and systems shaping the conditions of daily life. These forces and systems include economic policies and systems, development agendas, social norms, social policies, and political systems. ³⁵
Therapeutic Jurisprudence	<p>Therapeutic jurisprudence in the ACTCS context is the focus on promoting offender rehabilitation throughout the prison model, as a means of effectively promoting a decrease in recidivism.</p> <p>This model links motivation to change behaviour with rehabilitation success, and includes the concepts of self-determination, voice, validation, and respect.</p> <p>Therapeutic jurisprudence incorporates:</p> <ul style="list-style-type: none"> ▪ consistent and fair application of policy, expectations, and consequences ▪ modelling and reinforcement of prosocial behaviour (respect, courtesy, working cooperatively in a team) ▪ building self-confidence and a sense of self-worth ▪ enabling skill development and social supports.

33 Aboriginal and Torres Strait Islander Healing Foundation 2012.

34 Poroch, N., Arabena, K., Tongs, J., Larkin, S., Fisher, J., Henderson, G., 2009, Spirituality and Aboriginal People's Social and Emotional Wellbeing: A Review, Discussion Paper Series No 11, Cooperative Research Centre for Aboriginal Health, Darwin

35 Commission on Social Determinants of Health. Closing the gap in a generation: health equity through action on the social determinants of health — final report of the commission on social determinants of health. Geneva: World Health Organization, 2008, cited in Finlay SM, Canuto K, Canuto K, et al. Aboriginal and Torres Strait Islander connection to culture: building stronger individual and collective wellbeing. Med J Aust 2020; 214 (8 Suppl): S12 – S16

Term	Meaning
Trauma	<p>Trauma is generally understood as a person's emotional response to a terrible event or set of events. Trauma can be described as a person's reaction or response to an injury; a response that continues long after the danger is over. There are different forms of trauma, such as:</p> <p>Complex trauma – the exposure to multiple, often interrelated forms of adverse experiences (often as a child) over an extended period of time, and the difficulties that arise as a result of adapting to or surviving these experiences.</p> <p>Intergenerational trauma – in some cases, trauma is passed down from the first generation of survivors who directly experienced or witnessed traumatic events to future generations through both epigenetic and socio-cultural means. Intergenerational trauma has both psychological and physical effects, is heightened by contemporary experiences of racism and continuing oppression³⁶ and is compounded by negative contact with the criminal justice and related systems.³⁷ It can be passed on through parenting practices, behaviour, violence, harmful substance use and mental health issues.</p> <p>Intergenerational trauma is recognised as a driving factor in the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system³⁸.</p> <p>Collective trauma – refers to a traumatic event that is shared by a group of people. It may involve a small group, like a family, or it may involve an entire society. Traumatic events that affect groups may include plane crashes, natural disasters, mass shootings, famine, war, or pandemics</p> <p>Vicarious trauma – a process of change resulting from empathetic engagement with trauma survivors. Anyone who engages empathetically with survivors of traumatic incidents, torture, and material relating to their trauma, is potentially affected, including doctors and other health professionals.</p> <p>For Aboriginal and Torres Strait Islander people the effects of oppression and colonisation have led to cumulative and historical trauma, resulting in the adoption of survivalist behaviours and destructive coping mechanisms including, but not limited to alcohol and drug use, suicide, and violence.</p>
Trauma-informed programs/practices	<p>Trauma-informed practice is a strengths-based framework which is founded on five core principles – safety; trustworthiness; choice; collaboration and empowerment; and respect for diversity.</p>

³⁶ Atkinson 2002, 2013; Atkinson et al. 2014

³⁷ Hovane, V. Cox, D. Blagg, H. Submission 121 Inquiry into Incarceration of Aboriginal and Torres Strait Islander People, ALRC Report 131 <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/11-aboriginal-and-torres-strait-islander-women/criminal-justice-services-programs-and-responses/>

³⁸ 2020 ACTCS Aboriginal and Torres Strait Islander Policy Statement

Appendix 1

Aboriginal and Torres Strait Islander people in the justice system

The 2020 *Overcoming Indigenous Disadvantage Report* (OID) highlights the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system, nationally.

The report notes that while most Aboriginal and Torres Strait Islander people have never been charged with an offence or been in jail, over-representation in the criminal justice system is the result of:

- a higher prevalence of the common risk factors for offending, including low socio-economic status, involvement in the child protection system, family violence, being homeless, and misuse of substances, with this higher prevalence stemming, in part, from the experiences of dispossession, forced removals, intergenerational and transgenerational trauma, and racism
- structural and systemic factors including laws, policies and practices that can unintentionally operate to the detriment of Aboriginal and Torres Strait Islander people because of an individual's particular circumstances and the disadvantage Aboriginal and Torres Strait Islander people are more likely to experience.³⁹

The OID report notes protective factors that can mitigate some of the structural and systemic factors that contribute to these risks, including Aboriginal and Torres Strait Islander culture and culturally appropriate law, legal and court services, but acknowledges that reducing imprisonment rates remains challenging.

Underpinning legislation and commitments

ACTCS recognises and supports the distinct cultural and other rights of Aboriginal and Torres Strait Islander Peoples to maintain, protect, and develop their cultural heritage, language, knowledge, and kinship ties under the *Human Rights Act 2004*⁴⁰.

ACTCS is a public authority under the *Human Rights Act 2004*. The **human rights principles** underpin the *Corrections Management Act 2007* and this Framework. The principles guide policy development and day-to-day practices and management of ACTCS. A human rights approach is achieved through:

- treating people with dignity and respect, walking alongside people and their family group throughout the criminal justice process
- empowering people to participate directly in decisions about their health and wellbeing, at all points in their criminal justice journey
- self-determination in relation to their life choices, working towards self-determination and shifting power in relationships that encourage change

³⁹ Productivity Commission *Overcoming Indigenous Disadvantage*, 2020
<https://www.pc.gov.au/research/ongoing/overcoming-indigenous-disadvantage>

⁴⁰ ACTCS Strategic plan 2019-2024 Statement of commitments

- informed consent and adequate and accurate information to support decision making by individuals, and with their family
- adopting strategies to improve self-esteem and self-worth
- access to non-judgmental and non-discriminatory services
- access to advocacy processes to protect rights in service delivery and basic consumer rights
- respect for the right to privacy, confidentiality and choice.

ACT Policy Context

The Framework aligns with the suite of documents developed to inform correctional practice and service delivery design, including:

- *ACTCS Rehabilitation Framework* – which sets out the principles that underpin the delivery of offender rehabilitation programs and services across adult custodial and community correctional settings in the ACT
- *ACTCS Walking with Women on the Pathway to Change Framework* – which sets out the principles and evidence-based practice for the management of women in custodial and community correctional settings in the ACT
- *ACTCS Framework for Offenders with Disability* (in development at the time of writing this) – which will set out the principles and evidence-based best practice for the management of clients with disability in custodial and community correctional settings in the ACT.

The Framework also aligns with ACT Government initiatives, including the *Justice Reinvestment Strategy*, which centres on identifying and addressing key drivers of crime in the ACT and identifying points in the criminal justice system to reduce offending.

The *Human Rights Principles for ACT Correctional Centres* (2019) and the ‘Healthy Prisons’ concept underpin the Framework. The healthy prisons concept advocates that people are held safely and feel safe; treated with respect for their human dignity; encouraged to improve themselves through the provision of purposeful activity; prepared for release into the community; and assisted to reduce the likelihood of reoffending.

The **ACT Human Rights Act** creates obligations reflected in the *ACT Aboriginal and Torres Strait Islander Agreement 2019–2028*. This Agreement sets the long-term direction in Aboriginal and Torres Strait Islander Affairs in the ACT, including an obligation to work together to address inequities and deliver outcomes. The Agreement states:

the distinct cultural rights of Aboriginal and Torres Strait Islander peoples are specifically recognised in s.27(2) of the ACT Human Rights Act and **public authorities must support the exercise of those rights** by the ACT Aboriginal and Torres Strait Islander communities.

The Aboriginal and Torres Strait Islander Agreement 2019–2028 commits to Aboriginal and Torres Strait Islander self-determination, with the ability and resources to provide their own solutions, acknowledging that Aboriginal and Torres Strait Islander leadership is central to the process of ensuring the long-term emotional and physical wellbeing of Aboriginal and Torres Strait Islander communities. A set of core areas address children and young people, cultural integrity, inclusive community and community leadership.

The Agreement was developed between the ACT Government and the Aboriginal and Torres Strait Islander Elected Body. The Elected Body supports the Aboriginal and Torres Strait Islander community in the ACT through their economic, social, and cultural life. ACTCS reports regularly through the Justice and Community Safety Directorate on performance and outcomes against key areas of the Agreement, such as cultural integrity, inclusive community and justice.

ACTCS is committed to ensuring positive outcomes through these areas to encourage prosocial change for Aboriginal and Torres Strait Islander clients, their families and the ACT community.

The Justice and Community Safety Strategic Plan 2020–2024 describes how ACTCS can collaboratively deliver our shared vision of a safe, just and resilient community. This Plan commits to a series of principles that inform the Directorate's operations:

1. Commitment to **cultural proficiency** – to continuously improve and embed an understanding of Aboriginal and Torres Strait Islander cultures in the workplace, leading to the development of culturally-proficient policies and services
2. Respectful engagement – our engagement with Aboriginal and Torres Strait Islander Canberrans acknowledges their **cultural authority** and seeks to understand and appropriately address local need by 'listening to understand, not react'
3. Build on economic participation – Aboriginal and Torres Strait Islander people are valued at all levels of the **workforce**. We commit to increasing Aboriginal and Torres Strait Islander employment by continuing to develop recruitment processes that value life experiences and cultural expertise. We will continue to identify opportunities to partner with and procure services from Aboriginal and Torres Strait Islander providers to improve outcomes for the Aboriginal and Torres Strait Islander community
4. Celebrating **cultural identity** – by promoting and understanding Aboriginal and Torres Strait Islander cultures and histories, acknowledging Country, and participating in reconciliation activities and other dates of cultural significance, we will embed a culture of respect and appreciation for Aboriginal and Torres Strait Islander people and their significant contribution to the community
5. Delivering **culturally specific and accessible services** – in our understanding of cultural preferences and by being flexible in the way services are delivered, we will strive to build trust and strong relationships with Aboriginal and Torres Strait Islander people.

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