

ABORIGINAL AFFAIRS COMMITTEE BILL

NSW YOUTH
PARLIAMENT





Aboriginal Kaúmuliko Ngurramang Mimulliko (Aboriginal Education in Juvenile Detention) Bill 2021 (NSW)

The Hon. Cassandra King (Londonderry)

The Hon. Charlotte Hooper (Wollondilly)

The Hon. Claire Oberdorfer (Rockdale)

The Hon. Ethan Floyd (Cessnock)

The Hon. Hunter Blunden (Newcastle)

The Hon. Josie Sims (Hornsby)



We believe in the power of
inspired young people

Table of Contents

Explanatory Notes	4
Reference list	7
Part 1: Preliminary	8
1. Short Title	8
2. Commencement	8
3. Objectives	8
4. Definitions	9
Part 2: Clauses	13
Clause One: The introduction and facilitation of the program by both government and non-government organisations and agencies.	13
Clause Two: Mandating the education of Aboriginal and Torres Strait Islander histories and cultures for incarcerated Indigenous young peoples.	14
Clause Three: The development of appropriate selection criteria for both accredited and non-accredited teachers who will deliver the program.	15
Clause Four: The provision and oversight of on-Country experiences for incarcerated Aboriginal and Torres Strait Islander young peoples and the determination of outcomes for these experiences.	16
Clause Five: The facilitation of both individual and collective cultural discovery for incarcerated Aboriginal and Torres Strait Islander young peoples to improve cultural knowledge and understanding.	17
Clause Six: The provision of education and pathways of support for soon-to-be-released Aboriginal and Torres Strait Islander young peoples to increase employment prospects and the continuation of community connection following incarceration.	18
Clause Seven: The establishment of data collection processes, and attributing determinants of the program's outcome and effectiveness.	19
Clause Eight: The development of a framework by which the program may be expanded to other outlets of the wider Australian criminal justice system, including adult prisons.	20



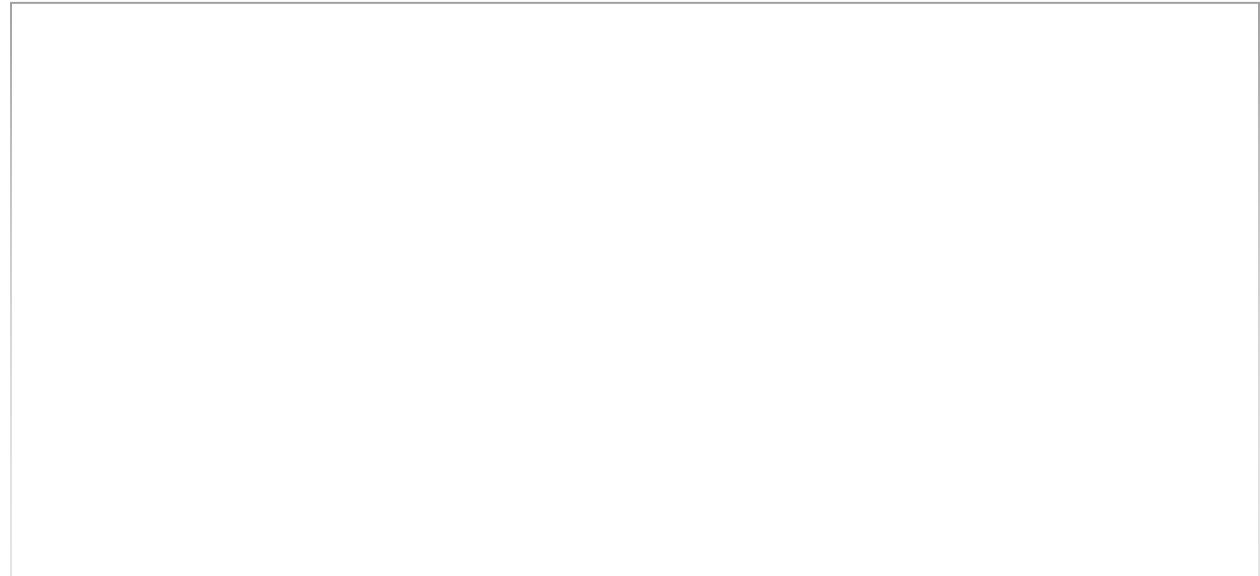
We believe in the power of
inspired young people

Part 3: Amendments	21
Amendment One	21
Amendment Two	22
Clause One: The introduction and facilitation of the program by both government and non-government organisations and agencies.	22
Clause One: The introduction and facilitation of the program by both government and non-government organisations and agencies.	23
Amendment Three	23
Results of the Vote	24

Aboriginal Kaúmuliko Ngurramang Mimulliko (Aboriginal Education in Juvenile Detention) Bill 2021 (NSW)



We believe in the power of
inspired young people



A Bill

for

An Act to implement a mandatory framework for Aboriginal and Torres Strait Islander cultural connection and education for Indigenous young peoples within juvenile detention centres in New South Wales.



We believe in the power of
inspired young people

Explanatory Notes

Across Australia, Aboriginal and Torres Strait Islander youth are disproportionately incarcerated.¹ Between 2010 and 2019, juvenile detention centres in New South Wales (NSW) processed Indigenous young people 17.3 times more than non-Indigenous young people.² During the same period, government studies showed that 94 per cent of children in detention aged 10 to 12 return to prison before the age of 18, which results in them ending up in an adult prison by the time they are 22.³

In the words of Wiradjuri man Professor Stan Grant, an Aboriginal or Torres Strait Islander young person is “more likely to be locked up than they are to finish high school”.⁴ These staggering figures demonstrate the scope and scale of this issue in our state of NSW specifically, and establish the need for an effective and immediate response.

An intergenerational disconnection from cultural heritage and identity, stemming primarily from the effects of the ‘Stolen Generations’ and forced displacement of Aboriginal and Torres Strait Islander children from c.1910 to c.1969, has been identified as a leading factor in the inordinate rate at which Indigenous young peoples continue to come into contact with the criminal justice system in NSW.⁵ By extension, the sustained disengagement experienced by these young people while incarcerated plays a major role in occurrences of recidivism and re-offence.⁶



We believe in the power of
inspired young people

Furthermore, a lack of understanding and sensitivity towards Aboriginal and Torres Strait Islander cultures within the NSW criminal justice system is another primary factor of this disconnect.⁷ Therefore, an effective and appropriate solution must involve the presence of cultural education and engagement within juvenile detention centres. Moreover, establishing a partnership between Aboriginal and Torres Strait Islander communities and the NSW justice system has the potential to both decrease recidivism among incarcerated Indigenous young peoples as well as to ensure fairness within the criminal justice system itself.⁸

The objectives of this Bill align with the targets outlined in the 'National Agreement on Closing the Gap, 2019', and the subsequent 'Closing the Gap' strategy. Of these, a key goal is "improving mainstream institutions".⁹ In regard to the Closing the Gap strategy, the targets which this Bill aims to address most directly are targets 3, 6, 7, 11 and 15. These targets focus on the education of children, cultural and linguistic understanding, and overrepresentation of Aboriginal and Torres Strait Islander peoples in the criminal justice system. On a broader scale, targets 5, 8, 12, 14 and 16, which focus on jobs and cultural identity, will also be addressed in this Bill.¹⁰

The objectives of this Bill, which are outlined in greater detail in Part 1(a) 'Objectives', are concerned with: mandatory cultural education in juvenile detention centres, to encourage an increase in cultural connection and understanding; the correction of intergenerational disadvantages resultant from the 'Stolen Generations'; reversing the disengagement from culture experienced by Indigenous young peoples both in and out of detention; and meeting the specific targets contained within the 'National Agreement on Closing the Gap' and the subsequent 'Closing the Gap' strategy.



We believe in the power of
inspired young people

Reference list

1. Australian Broadcasting Corporation. 2018. Stolen Generations study reveals impact of intergenerational trauma. [online] Available at: <<https://www.abc.net.au/news/2018-08-15/stolen-generations-study-impact-of-intergenerational-trauma/10118132>> [Accessed 6 June 2021].
2. Australian Institute of Health and Welfare. 2019. Youth Justice - Australian Institute of Health and Welfare. [online] Available at: <<https://www.aihw.gov.au/about-our-data/our-data-collections/youth-justice>> [Accessed 28 May 2021].
3. Australian Institute of Health and Welfare. 2020. Youth detention population in Australia 2020, Summary [online] Available at: <<https://www.aihw.gov.au/youth-justice/youth-detention-population-in-australia-2020/contents/summary>> [Accessed 28 May 2021].
4. Australian Law Reform Commission. 2018. Recidivism and prior record of imprisonment - ALRC. [online] Available at: <<https://www.alrc.gov.au/publication/pathways-to-justice-inquiry>> [Accessed 28 May 2021].
5. Closing the Gap, 2020. Objective and Outcomes | Closing the Gap. [online] Available at: <<https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/3-objective-and-outcomes>> [Accessed 2 June 2021].
6. Closing the Gap. 2021. Closing the Gap targets and outcomes | Closing the Gap. [online] Available at: <<https://www.closingthegap.gov.au/closing-gap-targets-and-outcomes>> [Accessed 4 June 2021].
7. Grant, S. 2015. Racism and the Australian Dream [speech]. IQ2. [Accessed 2 June 2021].
8. Korff, J., 2021. Juvenile detention. [online] Creative Spirits. Available at <<https://www.creativespirits.info/aboriginalculture/law/juvenile-detention>> [Accessed 4 June 2021].
9. New South Wales Department of Communities and Justice, 2021. Reducing Aboriginal Overrepresentation in the Criminal Justice System. [online] Available at: <<https://www.justice.nsw.gov.au//reducing-aboriginaloverrepresentation>> [Accessed 4 June 2021].
10. Parliament of Australia. 2007. Chapter 6 - Children and young people in juvenile justice and detention centres – Parliament of Australia. [online] Available at: <https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs> [Accessed 6 June 2021].



We believe in the power of
inspired young people

The Youth Parliament of New South Wales enacts –

Part 1: Preliminary

1. Short Title

This Bill may be cited as '*Aboriginal Kaúmuliko Ngurramang Mimulliko (Aboriginal Education in Juvenile Detention) Bill 2021 (NSW)*'.

2. Commencement

This Bill shall commence 50 days after Royal Assent from the NSW Youth Governor.

3. Objectives

1. To establish a cultural framework to improve educational and employment outcomes for incarcerated Aboriginal and Torres Strait Islander young peoples in preparation for their release from detention.
2. To mandate the education of Aboriginal and Torres Strait Islander histories and cultures for incarcerated Aboriginal and Torres Strait Islander young peoples in juvenile detention centres across New South Wales.
3. To further facilitate the education of Aboriginal and Torres Strait Islander cultural customs, values, traditions and protocols through the provision of on-Country experiences for incarcerated young peoples in NSW juvenile detention centres, and to strengthen cultural understanding and connection through learning experiences with Aboriginal and Torres Strait Islander Elders, community members and knowledge-holders.
4. To decrease rates of recidivism among reformed Aboriginal and Torres Strait Islander young peoples and foster a positive relationship between the criminal justice system and the Indigenous community at large through common understanding.

4. Definitions

- An **Aboriginal** and/or **Torres Strait Islander person** [as defined by the 1983 High Court judgement '*Commonwealth v Tasmania*'] is “a person of Aboriginal or Torres Strait Islander descent who identifies as an Aboriginal or Torres Strait Islander person and is accepted as such by the community in which they live”.
 - An **Aboriginal** and/or **Torres Strait Islander young person** is a person of Aboriginal or Torres Strait Islander descent, between the ages of 10 and 17 [inclusive], who identifies as an Aboriginal or Torres Strait Islander person and is accepted as such by the community in which they live.
 - An **Aboriginal** and/or **Torres Strait Islander Elder** is someone who has gained recognition as a custodian of knowledge or lore and has permission to disclose knowledge and beliefs. While Elders are traditionally referred to as ‘Aunty’ (female) or ‘Uncle’(male), it is recommended that non-Indigenous people check the appropriate use of these terms.
- The **Aboriginal Education Consultative Group (AECG)** promotes active participation by Aboriginal people in the consultative and decision-making process of education and training-related matters.
- An **accredited teacher** is any educational professional who holds the relevant Australian tertiary qualifications (e.g., Bachelor of Education, Master of Teaching) or similar international qualification.
- The **Coalition of Aboriginal Peak Organisations (CAPO)** is a group of self-determining, non-government Aboriginal peak bodies with boards that are elected by Aboriginal communities and/or organisations which are accountable to their membership.
- **Culture** refers to the accepted and traditionally patterned ways of behaving and a set of common understandings shared by members of a group or community which includes land; language; spirituality; ways of living and working; artistic expression; relationships; and identity.
- **Compositional assessment**, otherwise known as a written assessment, is a method of monitoring or evaluating students’ progress through the presentation of a question or directive which is responded to in writing, either handwritten or typed.



We believe in the power of
inspired young people

- A **Confirmation of Aboriginality certificate** (stylised in a number of alternative forms), is a certificate issued by a relevant Aboriginal peak body (under CAPO) that acknowledges and verifies that a person is of Aboriginal descent, based on a three-part criteria which must be met.
- **'Country'** refers to the land in which an individual has a familial and spiritual connection to. In Aboriginal and Torres Strait Islander culture, language is linked to particular geographical areas.
- The **Department of Communities and Justice (DCJ)** is a department of the government of NSW, responsible for the delivery of services to disadvantaged individuals and communities, and the development and administration of a just and equitable legal system.
- A **discovery session** (Clause 5) is a regular meeting between an incarcerated Indigenous young person and Indigenous professional(s) for the purposes of exploring family heritage and history to build cultural knowledge and understanding.
- **Formative assessment** is to monitor student learning by providing ongoing feedback that can be used by instructors to improve their teaching and by students to improve their learning. Formative assessments are generally “low stakes”, which means they have little or no point value.
- **Juvenile detention centre, youth detention centre, juvenile justice centre or youth justice centre** all refer to state government facilities where offenders between the ages of 10 and 18 are detained, either serving sentences or being held on remand.
 - In NSW, there are six (6) juvenile detention centres currently in operation. These are Acmena (Grafton), Cobham (St Marys), Frank Baxter (Kariiong), Orana (Dubbo), Reiby (Airds), and Riverina (Wagga Wagga).
- **Key Learning Areas (KLAs)** refer to a subject or discipline within the primary and secondary education field. The eight (8) KLAs are a compulsory component of the NSW curriculum, and teachers are required to possess knowledge of all KLAs.



We believe in the power of
inspired young people

- **'Language group'** is often used in preference to the word 'tribe', and many Aboriginal and Torres Strait Islander people identify themselves through their language group.
- A **Local Aboriginal Land Council (LALC)** is a representative community organisation, formed to represent the Aboriginal and Torres Strait Islander community of a particular region.
- A **non-accredited teacher** is any expert or professional who does not hold a relevant Australian tertiary qualification, but rather is considered qualified on account of their extensive knowledge and/or experience in a specified field.
- The **NSW Education Standards Authority (NESA)** is an independent statutory body responsible for the implementation of curriculum reform and supporting schools and students.
- A **NSW National Police Certificate** (also referred to as an **NPC**, **police check**, **police clearance**, or **criminal record check**) is an Australian background check requirement, assessing the criminal record of those working or volunteering in any field. For the purposes of this Bill, any educators or facilitators will require a valid NSW NPC to qualify.
- A **NSW Working With Children Check**, often abbreviated as **WWCC**, is an Australian background check requirement assessing the criminal record of those working or volunteering in child-related work. For the purposes of this Bill, any educators or facilitators will require a valid NSW WWCC to qualify.
- **Observational assessment** is a method of monitoring or evaluating students' progress through non-invasive scrutiny of students' understanding and comprehension.
- **'Stolen Generations'** refers to Aboriginal and Torres Strait Islander peoples who were forcibly removed, as children, from their families and communities by government, welfare or church authorities and placed into institutional care or with non-Indigenous foster families. Beginning as early as the mid-1800s, and continuing until 1970, many Indigenous peoples remain deeply affected by the consequences.



We believe in the power of
inspired young people

- **Summative assessment** is to evaluate student learning at the end of an instructional unit by comparing it against a standard or benchmark. Summative assessments are often “high stakes”, which means they have a high point value.
- **Verbal assessment**, otherwise known as a speaking assessment, is a method of monitoring or evaluating students’ progress through the presentation of a question or directive which is responded to through speech.



We believe in the power of
inspired young people

Part 2: Clauses

Clause One: The introduction and facilitation of the program by both government and non-government organisations and agencies.

1. The program is broken down into five components which will guide the implementation of programs in juvenile detention:
 - 1.1. Education of Aboriginal and Torres Strait Islander histories and cultures.
 - 1.2. On-Country experiences and determined outcomes.
 - 1.3. Provision of education and pathway support for Aboriginal and Torres Strait Islander young people soon-to-be released from detention.
 - 1.4. Data collection processes, and identification of program's outcome and effectiveness.

2. The Coalition of Aboriginal Peak Organisation (CAPO) will operate the program. This means CAPO will:
 - 2.1. Decide which licensed and unlicensed teachers satisfy the developed criteria (see Clause Three for further detail) and will be contracted to teach Aboriginal and Torres Strait Islander histories and culture to incarcerated Indigenous young peoples.
 - 2.2. Organise and oversee on-Country experiences (see Clause Six for further detail).
 - 2.3. Oversee the collection of data, in relevance to this program, and sustain total control over the data which is collected – both qualitative and quantitative must be collected. All reporting of data must be made publicly available.

3. The Department of Communities and Justice (DCJ) will facilitate and oversee the program. Its roles will be to:
 - 3.1. Holistically measure the progressive and summative impact of the program, by assessing data collected and provided by relevant CAPO bodies.
 - 3.2. Make amendments or updates to the developed criteria for teachers, if/when required.
 - 3.3. Ensure that the program is being run effectively by CAPO, with the ability to suggest changes for the express purposes of participant impact or resource-efficiency.



We believe in the power of
inspired young people

- 3.4. Provide the requisite funding and resources for the programs' effective operation.
- 3.5. Create and implement a title of the program that will suit their local area.

Clause Two: Mandating the education of Aboriginal and Torres Strait Islander histories and cultures for incarcerated Indigenous young peoples.

1. A cultural framework will be developed for the education of Aboriginal and Torres Strait Islander histories and cultures for Indigenous young peoples in NSW juvenile detention centres.
 - 1.1. This framework will adopt the existing structure of NSW Education Standards Authority (NESA) Key Learning Areas (KLAs), including English/Literacy, Humanities/HSIE, Social Sciences, PDHPE/Sport, Creative and Performing Arts (CAPA), and Languages. This will include the following for each subject area:
 - 1.1.1. Languages; through the study and teaching of traditional Indigenous languages which are specific and unique to the local area. For example, young people at Orana JDC (located in Dubbo) would study and learn languages such as Wiradjuri, Weilwan, Kamilaroi, etc.
 - 1.1.1.1. Language resources - to be provided by the appropriate Local Aboriginal Land Council (LALC), Aboriginal Education Consultative Group (AECG) or other relevant CAPO body, which will be instrumental in the appropriate study and teaching of these languages.
 - 1.1.2. Creative and Performing Arts; through the teaching of traditional and contemporary Indigenous art styles, music (e.g., didgeridoo and percussive instruments) and other cultural art forms such as dancing (note that; style of dances will vary, depending on location).
 - 1.1.3. Humanities/HSIE; through the teaching of Aboriginal and Torres Strait Islander histories, exploring unique - and at times contradictory - perspectives on colonial and post-colonial Australian history.
 - 1.1.4. PDHPE/Sport; through a focus on Indigenous health, exploring factors which affect the health and wellbeing [both physical and mental] of Indigenous peoples. Additionally, through the teaching of and participation in Traditional Indigenous Games.
 - 1.1.5. English/Literacy; through the implementation of Indigenous literary works as prescribed texts across various modules and areas of study.



We believe in the power of
inspired young people

- 1.1.6. Due to the nature of the teaching of Aboriginal and Torres Strait Islander culture, it will not be practicable for some NESAs to be included under the cultural teaching program (e.g., Mathematics/Numeracy), therefore the syllabi for the teaching of those subjects will remain consistent with the current schedule.

Clause Three: The development of appropriate selection criteria for both accredited and non-accredited teachers who will deliver the program.

1. CAPO will assess the applicants and select using the assigned criteria for those accredited teachers who will carry out the education of Aboriginal and Torres Strait Islander history and culture on a broad scale. The Department of Communities and Justice has the ability to assess the criteria and make amendments to it if/when required. The criteria are as follows:
 - 1.2. Including, but not limited to, accredited early education, primary and secondary teachers and tertiary educators; accredited cultural educators; and other relevant professionals from a variety of language groups and backgrounds.
 - 1.3. Cultural diversity must be a consideration when selecting accredited teachers, as this will allow for teachers to complement the mandatory education syllabus with their own personal contextual knowledge and experience.
 - 1.4. Accredited teachers will require the following for consideration:
 - 1.4.1. A relevant Australian tertiary qualification, including but not limited to: Bachelor of Education; Master of Teaching; or other relevant degree.
 - 1.4.2. New South Wales Working with Children Check (WWCC).
 - 1.4.3. New South Wales National Police Certificate (NPC or Police Check).
 - 1.5. These accredited teachers will be selected on a set of developed criteria, gauged using a ranking scale of 1-5 for each item. 'Points' will be awarded based on the degree to which a candidate satisfies an item. The criteria will be the following:
 - 1.5.1. The candidate is of Aboriginal or Torres Strait Islander descent, identifies as Aboriginal or Torres Strait Islander, and is accepted as such by the community in which they live or work.
 - 1.5.2. The candidate can provide satisfactory evidence of their experience in working with Aboriginal and Torres Strait Islander peoples, specifically with children.

2. CAPO will assess the applicants and select using the assigned criteria for those non-accredited teachers who will assist and facilitate the education of specific aspects of Aboriginal and Torres Strait Islander history and culture. The Department of Communities and Justice has the ability to assess the criteria and make amendments to it if/when required. The criteria are as follows:
 - 2.1. Non-accredited teachers may include, but are not limited to: local Aboriginal and Torres Strait Islander Elders; Indigenous community members; cultural and historical experts; and other relevant professionals. This includes: traditional dancers; musicians; artists; academics and tertiary educators; knowledge-holders and storytellers; and other relevant professionals.
 - 2.2. Candidates must satisfy the following criteria for consideration:
 - 2.2.1. The candidate is of Aboriginal or Torres Strait Islander descent, identifies as Aboriginal or Torres Strait Islander, and is accepted as such by the community in which they live or work.
 - 2.2.2. The candidate can provide satisfactory evidence of their experience in working with Aboriginal and Torres Strait Islander peoples, specifically with children.
 - 2.2.3. The candidate satisfies the established requirements in relation to the possession of an NSW WWCC and NSW NPC.

Clause Four: The provision and oversight of on-Country experiences for incarcerated Aboriginal and Torres Strait Islander young peoples and the determination of outcomes for these experiences.

1. There will be a minimum of one (1) on-Country experience provided for incarcerated Indigenous young peoples per calendar month. The expected outcomes of these on-Country experiences are as follows:
 - 1.1. A deepened understanding of Aboriginal and Torres Strait Islander culture and history for incarcerated Indigenous young peoples, including a deep, spiritual connection to both the land and water.
 - 1.1.1. This is to be achieved through the practice of storytelling (both Dreaming and contemporary stories), practical experience and face-to-face learning.
 - 1.2. A developed sense of cultural acceptance and belonging within their social group(s), family, language group, and the wider Indigenous community.
 - 1.2.1. This is to be achieved through the formation of relationships with a variety of other Aboriginal and Torres Strait Islander peoples. To be facilitated by



We believe in the power of
inspired young people

licensed and non-licensed professionals and experts, accompanied by a variety of relevant cultural language resources.

1.3. The passing of cultural knowledge between local and non-local Elders and incarcerated Aboriginal and Torres Strait Islander young peoples.

1.3.1. To be achieved through storytelling and learning from Elders and knowledge-holders.

Clause Five: The facilitation of both individual and collective cultural discovery for incarcerated Aboriginal and Torres Strait Islander young peoples to improve cultural knowledge and understanding.

1. Provide opportunities for incarcerated Aboriginal and Torres Strait Islander young peoples to explore their individual cultural heritage and background.

1.1.1. Accessing and exploring a variety of relevant physical, online and alternative media resources to trace their background. This will be done with the assistance of CAPO and non-CAPO bodies, including: Local Aboriginal Land Councils (LALCs); Aboriginal Education Consultative Groups (AECGs); local libraries and historical societies being the primary facilitators. These groups will operate in coordination and conjunction with local academics, such as university and TAFE professionals, historians, Aboriginal and Torres Strait Islander Elders and community members.

1.1.2. CAPO will also arrange for the access to family records (e.g., birth certificates, Confirmation of Aboriginality letters, etc.) will also play a role in cultural discovery. As young people will be unable to access these documents personally, contact with family outside of juvenile detention will be essential to access and explore these documents and resources.

2. Provide opportunities for incarcerated Aboriginal and Torres Strait Islander young peoples to explore their collective cultural heritage and background.

2.1. This outcome can be achieved through the following:

2.1.1. Tracking family records to discover their family history and language group and therefore develop a spiritual connection to their Country.

2.1.2. Provide opportunities for the Aboriginal and Torres Strait Islander young peoples who are incarcerated to not only explore the cultural heritage of the land they are incarcerated on, but their Country.



We believe in the power of
inspired young people

- 2.1.3. On-Country experiences that will assist with the exploration of culture and their connection to it.
- 2.1.4. Preserving language which will not only help current generations, but future ones who can then feel connected to culture through knowing the language.
- 3. Further education for incarcerated Aboriginal and Torres Strait Islander young peoples regarding their individual heritage and identity.
- 4. Maximise Aboriginal and Torres Strait Islander young peoples' cultural knowledge and understanding. Constant consultation with relevant professionals such as local and non-local Elders, community members and educators.
 - 4.1. Regular 'discovery sessions' (see Definitions) will be facilitated on-site at juvenile detention centres, where these professionals will be face-to-face with young people to explore their individual family heritage and history.

Clause Six: The provision of education and pathways of support for soon-to-be-released Aboriginal and Torres Strait Islander young peoples to increase employment prospects and the continuation of community connection following incarceration.

- 1) The program will provide Aboriginal and Torres Strait Islander young peoples with opportunities to engage in training, upskilling and further employment upon release, such as:
 - a) Connecting with TAFE and trade organisations (e.g., Hunter Trade College) regarding apprenticeships, traineeships, certification courses and other relevant courses that can be offered to individuals following their release from incarceration.
 - b) Introductions to employers within the local community for direct employment pathways. This will include small businesses, government stakeholders (e.g., Council organisations, such as youth outreach, clinics, local members' offices, Centrelink and welfare services, Service NSW etc.) and non-government employment organisations.
 - c) Collaborating with Aboriginal employment organisations such as Aboriginal Employment Strategy, Yarpa Hub and NSWALC Employment and Training. This also includes Aboriginal educational programs (e.g., BroSpeak, SistaSpeak, Young Mob, etc.).



We believe in the power of
inspired young people

- d) Promote and facilitate employment opportunities on the basis of cultural knowledge and experience in small business (private sector) and incorporated associations and organisations in the public sector (e.g., Aboriginal Education Consultative Group, Local Aboriginal Land Council etc.).
- e) Promote and facilitate tertiary education opportunities through local, interstate, national and international Universities and tertiary institutes (including exchange programs, scholarships and double degree/honours opportunities) and their respective Indigenous support networks (e.g., Wollotuka Institute, UoN; Gadigal Centre, USyd; Indigenous Admissions Scheme, UNSW; and other relevant tertiary education bodies).

Clause Seven: The establishment of data collection processes, and attributing determinants of the program’s outcome and effectiveness.

- 1. Establish a standard by which data of the impact and the effectiveness of this initiative can be gauged.
- 2. A combination of both qualitative and quantitative data will be collected.
 - 2.1.1. Qualitative data: compositional, verbal and observational assessments, both formative and summative, to be administered by accredited teachers.
 - 2.1.2. Quantitative data: consideration of the participants’ previous criminal record, in conjunction with observation and monitoring of participants’ behaviour after their release, will be used to judge the overall outcome of the program.
 - 2.1.3. Throughout the course of the program, educators and overseers will use the following questions as a guide to develop an understanding of participants’ attitudes towards the program. These questions may include:
 - 2.1.3.1. How connected to their culture and heritage does the participant feel?
 - 2.1.3.2. Does the participant feel a sense of belonging within their community, both socially and culturally?
 - 2.1.3.3. Does the participant feel a sense of acceptance within their community, both socially and culturally?
 - 2.1.3.4. How confident does the participant feel in their comprehension and understanding of their culture and heritage?
 - 2.1.4. Determine those individuals or groups which will be responsible for assessing and evaluating the outcomes of this initiative.



We believe in the power of
inspired young people

- 2.1.5. Accredited and non-accredited teachers will be primarily responsible for this. Facilitators and contractors will measure the effectiveness based on their own criteria related to their subject area (for example, an Indigenous art teacher will gauge outcomes differently to an Indigenous dance teacher).

Clause Eight: The development of a framework by which the program may be expanded to other outlets of the wider Australian criminal justice system, including adult prisons.

- 1) Develop a framework that allows for future expansion throughout the greater criminal justice system (for example: adult men's and women's prisons, non-Indigenous prison populations etc.) if it is found to be effective in both outcome, cost and resources.
 - (a) Benefits include a change in public perception of the criminal justice system, which Aboriginal and Torres Strait Islander peoples are capable of developing and maintaining a connection to culture while incarcerated, regardless of age or gender.
 - (b) Assists with societal acceptance of culture as a whole, i.e., Elders and members of the Indigenous community sharing their knowledge in the context of a detention centre.
 - (i) Provides knowledge of culture to those non-Indigenous peoples who are incarcerated as well as those who are of Indigenous culture.
 - (c) Providing cultural excursions or trips to significant sites for incarcerated Aboriginal and Torres Strait Islander young peoples.
 - (i) Maintains a connection to the land and water, even following reformation.
 - (ii) Allows for community involvement in cultural matters (where appropriate).
 - (iii) Establishes important connections between Indigenous peoples and their land.



We believe in the power of
inspired young people

Part 3: Amendments

The amendments for this Bill were written by the Transport and Roads committee.

Amendment One

Clause Number

Throughout the whole Bill

Amendment request (bold the appropriate option):

- **AMENDMENT**
- OMITTING
- NEW CLAUSE

Original clause (paste entire wording):

Clause 1.2, Clause 3.1, Clause 3.2, Clause 5.1 - responsibilities delegated to CAPO

Amendment request:

Replace all references to Coalition of Aboriginal Peak Organisations (CAPO) with 'Aboriginal Affairs NSW' (formerly the Ministry of Aboriginal Affairs).

New clause should now read:

Clause 1.2, Clause 3.1, Clause 3.2, Clause 5.1 - responsibilities delegated to 'Aboriginal Affairs NSW'



We believe in the power of
inspired young people

Amendment Two

Clause Number

Clause One

Amendment request (bold the appropriate option):

- **AMENDMENT**
- OMITTING
- NEW CLAUSE

Original clause (paste entire wording):

Clause One: The introduction and facilitation of the program by both government and non-government organisations and agencies.

1. The program is broken down into five components which will guide the implementation of programs in juvenile detention:
2. The Coalition of Aboriginal Peak Organisation (CAPO) will operate the program. This means they will:
3. The Department of Communities and Justice (DCJ) will facilitate and oversee the program.

Amendment request:

The whole program should be offered to non-Indigenous people in juvenile detention as well.

New clause should now read:



We believe in the power of
inspired young people

Clause One: The introduction and facilitation of the program by both government and non-government organisations and agencies.

1. The program is broken down into five components which will guide the implementation of programs in juvenile detention:
2. Aboriginal Affairs NSW will operate the program.
This means they will:
3. The Department of Communities and Justice (DCJ) will facilitate and oversee the program.
Its roles will be to:
4. The program will be available to all individuals within Juvenile Detention, regardless of whether they identify as Aboriginal and Torres Strait Islander or not.

Amendment Three

Clause Number

Clause 1.3

Amendment request (bold the appropriate option):

- **AMENDMENT**
- OMITTING
- NEW CLAUSE

Original clause (paste entire wording):

3. The Department of Communities and Justice (DCJ) will facilitate and oversee the program. Its roles will be to:
1. Holistically measure the progressive and summative impact of the program, by assessing data collected and provided by relevant CAPO bodies.
 2. Make amendments or updates to the developed criteria for teachers, if/when required.
 3. Ensure that the program is being run effectively by CAPO, with the ability to suggest changes for the express purposes of participant impact or resource efficiency.
 4. Provide the requisite funding and resources for the programs' effective operation.
 5. Create and implement a title of the program that will suit their local area.



We believe in the power of
inspired young people

Amendment request:

Change the overseeing body from 'The Department of Communities and Justice' to the Minister for Aboriginal Affairs through the relevant ministry and government body.

New clause should now read:

3. The Minister of Aboriginal Affairs, through the relevant ministry and government body, will have the complete and absolute oversight of all aspects concerning and relating to this cultural framework including, but not limited to:

- a. Cultural connection;
- b. Community outreach services;
- c. Education in juvenile detention;
- d. Targeted employment prospects; and
- e. Other real-world applications.

Results of the Vote

The results of the vote on the amendments were 23 Ayes, 25 Noes, and 0 Abstained. As such, the amendments were resolved in the negative.

The results of the vote on the Bill were 37 Ayes, 11 Noes, and 2 Abstained. As such, the Bill was passed.

The Aboriginal Education in Juvenile Detention Bill 2021 (NSW) was **passed unamended**.