

RECOMMENDATIONS

Practical Steps Toward Sovereignty And Royal Commission Recommendations¹

1. That any Federal Aboriginal Affairs Minister, upon taking up this position publicly declare that the Aboriginal people are the rightful owners of this country and have an historical law that governed this country. Failing this public statement the Minister will be forced to resign.
2. That before any court in Australia sentences an Aboriginal or Torres Strait Islander to gaol it obtain a report detailing why it is not possible for that person to be dealt with by way of a non-custodial sentence.
3. That ATSIC (Aboriginal and Torres Strait Islander Commission) provide immediate funding to the CDBR for a National Family counselling conference which is planned for September 1992, to be held in Victoria.
4. That all Federal government monies allocated for the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody (RCIADIC) be directly channelled to Aboriginal communities and organisations by-passing State and Territory governments and ATSIC, and be used by Aboriginal health and legal services.
5. That post release programs for Aboriginal offenders be established nationally, and be community based and controlled.
6. That Federal and State governments take immediate steps to decriminalise (under the *Summary Offences Act*) the following offences:

¹. The workshops on the last day were used to formulate these recommendations which were accepted at the final plenary session.

- Drunk and disorderly/incapable
 - Offensive behaviour
 - Abusive language
 - Vagrancy
 - Also gaoling for non payment of fines to cease immediately until alternatives are established
7. That ATSIC in consultation with
 - (i) the APG, NAILSS, NAIHO, the FLC, the NSW Aboriginal Land Council and the Tasmanian Aboriginal Centre, produce and distribute copies of the Draft Universal Declaration on the Rights of Indigenous Peoples.
 - (ii) the mentioned organisations organise a national conference as part of the United Nations International Year of Indigenous Peoples early in 1993.
 8. That land claims be strongly highlighted to provide protection for sites of significance, and that ATSIC regional councils prioritise the purchase of property and land for Aboriginal Land Councils south of Cape York Peninsula.
 9. That the Federal Court provide funding to the families of people who have died in custody so that they may take private civil action against the Police/Corrections for neglect to provide a safe environment for those people in their "care".
 10. That this conference states in the strongest of terms, that if the principle of self-determination is to be respected, the Federal government must ensure monies allocated to implementation of the RCIADIC recommendations are directed through community controlled Aboriginal organisations, *not* through State or Federal Government agencies.
 11. That money allocated from Treasury (for the implementation of the RCIADIC recommendations) to the Attorney-General's Department (for the establishment of the First Optional Protocol Unit and the refurbishing of the Jervis Bay Watch-house) be reallocated to the National Aboriginal and Islander Legal Service.
 12. That this conference condemns the juvenile justice legislation in WA, and calls for this legislation to be rescinded, and that similar State and Territory legislation not be adopted.
 13. That this conference calls for the immediate release of funds to Aboriginal community organisations which act on behalf of the families of our victims of deaths in custody to bring them together in each State/Territory to commence the healing process, and to decide how funds for counselling should be spent.

14. That the jury system be changed to ensure that Aboriginal people going through the white law courts be judged by their Aboriginal peers, and that the jury system stipulate that each Aboriginal person be heard by four or five Aboriginal people on the jury (in and outside).
 - (ii) That funds be made available for professional counselling of Aboriginal persons coming out of gaols and also counselling for their families, and training of local persons to carry on the counselling skills.
 - (iii) That funds be made available to educate Aboriginal people in the court procedures and police interviews.

Indigenous Women

Statement

That we, as indigenous women within Australia, see ourselves first and foremost as Indigenous people. We see ourselves in a joint struggle with Indigenous men to overcome the racism and injustice suffered as people living under occupation within Australia. Yet at the same time Indigenous women have specific needs living under a western patriarchal society that need to be addressed which also places us in the struggle with non-Indigenous women.

Aboriginal Women And Justice Workshop Recommendations

1. That the funds allocated to Commonwealth, State and Local Government agencies as part of the Government's response to the Royal Commission into Aboriginal Deaths in Custody report be subject to consultation at local level with Aboriginal and Torres Strait Islander people before they are expended.
2. That an effective means of communication be developed to ensure Aboriginal and Torres Strait Islander people receive all the appropriate and relevant information related to government's policy and program initiatives.

3. That government departments establish feedback processes that enable Aboriginal and Torres Strait Islander people to have input into policy and program development and become more involved in decision making processes.
4. That the Federal Government take all the necessary measures to implement and enforce national legislation of the Aboriginal child placement principles.
5. That monies available through the response of government to the Royal Commission be identified immediately to initiate a research project to determine numbers of Aboriginal and Torres Strait Islander women in prisons and lockups and to further ascertain the issues that confront Aboriginal and Torres Strait Islander women whilst they are incarcerated and this be channelled through Aboriginal and Torres Strait Islander community based organisations.
6. That monies available through the response of government to the Royal Commission be made available to undertake a research project to determine what arrangements are made for the children of incarcerated Aboriginal and Torres Strait Islander women and this be channelled through Aboriginal and Torres Strait Islander community based organisations.
7. That appropriate support services be established for Aboriginal and Torres Strait Islander people in custody to ensure that contact with family and community can be maintained to prevent further family and community breakdown.
8. That monies available through the response of government to the Royal Commission be made available to undertake research to ascertain the extent to which Aboriginal and Torres Strait Islander women are sexually, physically, socially and psychologically abused whilst incarcerated and that this be channelled through Aboriginal and Torres Strait Islander community based organisations.
9. That wider support systems be established for Aboriginal and Torres Strait Islander women within the Family Law Court system.
10. That guidelines be established that will enable families to have access to relatives incarcerated in emergencies or crisis situations, especially after hours, because not all inmates have access to a prison visitors' scheme.
11. That organisations established to respond to Prisoners/Family/Victims employ a specialist counsellor.

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12. That an awareness brochure be developed outlining symptoms that indicate children are stressed or potentially suicidal. These brochures to also outline "What to do" and "Who to contact".
13. That imprisonment of Aboriginal and Torres Strait Islander people should be the last option and that Aboriginal and Torres Strait Islander people should be imprisoned as close to family and community base as possible.
14. That when an individual dies in police or prison custody the state provide the finances to return the deceased to a locality decided by family and that the body be returned within two weeks.
15. That funds be made available to train and employ Aboriginal and Torres Strait Islander counsellors to counsel Aboriginal and Torres Strait Islander men, women and young people in re-adjusting to life outside a prison environment.
16. That the Aboriginal Legal Service hold regional meetings to discuss the findings of the Royal Commission Report and to inform communities of what is happening now and how they can become involved in the implementation of the recommendations.
17. That funds be made available to educate and inform Aboriginal and Torres Strait Islander men, women and young people to understand court procedures and legal jargon.
18. That government agencies refrain from imposing time restraints on discussions, plans and decisions concerning Aboriginal and Torres Strait Islander women and family matters. Specific Aboriginal and Torres Strait Islander women's programs must be supported when initiated, endorsed and supported at local level and presented at the national level.
19. That at future conferences, issues affecting Aboriginal and Torres Strait Islander women be incorporated as main agenda items and not as a side issue.
20. That funds be made available to enable Aboriginal and Torres Strait Islander women to meet on a regional basis to discuss issues and determine solutions.
21. That the national family violence intervention program and proposed mediation training program not be implemented until further consultations with Aboriginal and Torres Strait Islander community at the regional levels reveal that the respective programs are appropriate for their needs.
22. That money allocated to the National Family Violence Intervention program be held in abeyance until a decision on implementation has

been resolved with Aboriginal and Torres Strait Islander communities at regional level.

23. That the Aboriginal and Torres Strait Islander representatives at this conference support the recommendation of the Council for Aboriginal Health related to the National Family Violence Intervention Program.
24. That an appropriate role model program for Aboriginal and Torres Strait Islander parents be developed and implemented to counter the ongoing effects of past programs that did not allow parents to have the responsibility for their children.
25. That government reflect its acknowledgment of the stress on Aboriginal and Torres Strait Islander women as outlined in its overview of the response of Government by giving Aboriginal and Torres Strait Islander women access to resources and services that will reduce the level of stress currently being experienced by them.
26. That all future national, State and local conferences that have a focus on Aboriginal and Torres Strait Islander people take the necessary measures to ensure that program, venue and participation criteria do not in any way shape or form exclude Aboriginal and Torres Strait Islander people who do not have access to the necessary resources that would be required to attend, including allowances to deal with family responsibilities whilst attending such conferences.
27. That government acknowledge that the disempowerment of Aboriginal and Torres Strait Islander people is because of an entrenched attitude of dependency and that programs and processes need to be developed and implemented for Aboriginal and Torres Strait Islander people that will engender a change in attitude and behaviour that will instil in Aboriginal and Torres Strait Islander people a real sense of power and purpose.
28. That government continually take steps to ensure that their policies, programs and processes are culturally appropriate and respond to the needs identified by Aboriginal and Torres Strait Islander people.
29. That government's response to deal with the issues confronting Aboriginal and Torres Strait Islander young people be implemented as a matter of urgency.
30. That training of community based organisation staff in their field of work be given a high priority.
31. That community based organisations be funded to a level that enables them to backfill positions when staff are on leave to ensure

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- that Aboriginal and Torres Strait Islander people are not denied a service because of lack of staff.
32. That the recommendations of this conference be forwarded to all Aboriginal and Torres Strait Islander community based organisations to ensure they receive feedback.
 33. That detoxification and family treatment centres for Aboriginal women and children be established in their communities based on self-help and recovery programs utilising knowledge of community, family and generational alcoholism and addiction.
 34. That sexual abuse programs be instituted in communities for Aboriginal men, women and children and that these programs be culturally appropriate and funded by the Commonwealth Government.
 35. That communities are given adequate funds to develop strategies to address issues of violence against women and children that affect their communities.
 36. That an Indigenous Women's Legal Advice Bureau be established to provide legal advice and ongoing counselling and support for indigenous women and that such an organisation be staffed by indigenous women.
 37. That wider support systems be established for Aboriginal and Torres Strait Islander women within the family law court system in consultation with Aboriginal women's community groups as the first step for a re-examination of legal advice and representation by Aboriginal Legal Service to Aboriginal men in criminal matters.

Juvenile Justice

1. Challenges: That the conference notes a number of challenges exist in the juvenile justice area. These include cultural awareness programs for young people and families; encouraging young people to care for families; contact for Aboriginal and Islander people.
2. That State and Federal governments make available more resources for juvenile justice issues.

3. That Aboriginal and Islander juvenile justice policies be implemented.
4. That no children be detained in police custody under any circumstances (that is in Watch-houses).
5. That all legislation in all government departments provide for Aboriginal consultation on a cultural level.
6. That the proposed Queensland juvenile justice legislation should be frozen for twelve months until proper consultation has taken place. The draft Bill should be amended to include appropriate sentencing and diversionary programs.
7. That the Minister for Tourism, Sport and Racing in Queensland be informed of the recommendations of this conference prior to announcing the youth policy in November 1992.
8. That Aboriginal studies be introduced nationally in schools and universities.
9. That there should be greater Aboriginal and Islander participation in schools and higher education and improved access to information for Aboriginal and Islander youth.
10. That there should be national uniformity of a definition of youth.
11. That youth are involved in all conferences on juvenile issues.
12. That all State Governments redirect funds into preventative programs.
13. That a National Aboriginal and Islander Juvenile Justice Advisory Council be established consisting of all Aboriginal and Islander representatives.
14. In relation to the Summary Offences Act: that the offensive language charge for juveniles be abolished.
15. That child protection practices do not undermine the rights of parents.
16. That policies and programs be developed that are more preventative rather than reactive.
17. That Aboriginal and Islander child care agencies be resourced and given responsibility for welfare issues of Aboriginal families and that powers be removed from government departments and returned to Aboriginal child care agencies.

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18. Training: That cultural awareness training be implemented for all persons coming into contact with Aboriginal offenders, for example:
 - police
 - juvenile justice workers/panel members
 - legal representatives
 - court staff
 - judiciary
 - correctional/community workers
19. Cautioning: That training of police should be increased in cautioning. That police powers of arrest for juveniles accused of minor offences should be examined.
20. That Aboriginal staff numbers be increased at all levels in the area of Juvenile Justice.
21. Community Based Programs: That specific Aboriginal community based programs should be developed with the local community to provide *real* options to detention for juvenile offenders.
22. That programs be developed in full consultation with all youth.
23. That funding be made available to establish an effective consultation program for Aboriginal youth on a national level, that is a National Aboriginal Youth Forum.

Policing In Aboriginal Communities

1. That communities consider a range of diversionary programs, for example, night patrols, Murri Watch.
2. That communities determine the terms of reference for these programs.
3. A need exists for greater publicity and information exchange about the range of diversionary programs and other initiatives that exist.
4. There be greater recognition given to the need to increase the number of Aboriginal and Torres Strait Islander people who are members of the police services. That improved mechanisms for Aboriginal and Torres Strait Islander people to enter the police services be developed and implemented.

These may include bridging programs (to give Aboriginal and Torres Strait Islander people the skills to enter the police); active recruitment programs (to encourage Aboriginal and Torres Strait Islander people to enter the services); and support programs to ensure the satisfactory completion and continuance of Aboriginal and Torres Strait Islander people who apply to enter the police services.

5. That greater recognition is given to (Aboriginal) police officers' desires about where they wish to serve.
6. In recognition that police do not make the laws, a need exists to "clean up" out of date legislation so that police are not placed in situations where they must enforce unacceptable legislation.
7. That police give serious consideration to their use of discretion with regard to "offences" committed by Aboriginal people.
8. That a process for police and Aboriginal people from all round Australia be established to discuss issues involved in the policing of Aboriginal people on a regular basis.
9. That all responsible parties ensure that the recommendations of the Royal Commission and of previous conferences and other fora actually be implemented.
10. More attention should be placed on developing effective by-laws on the Aboriginal and Torres Strait Islander communities and the endorsement of these by-laws by the relevant legislature.
11. That the police services investigate overpolicing on communities.
12. In Queensland Aboriginal and Torres Strait Islander people ought to be encouraged to make complaints to the Criminal Justice Commission when they have grievances. The Criminal Justice Commission ought to acknowledge receipt of all complaints within 14 days of receiving them and provide a file number so that progress in the investigation of a complaint can be monitored. The Criminal Justice Commission ought to advise all complainants of the outcome of their complaint. There was a concern that the Criminal Justice Commission's independent watch-dog role was being threatened by the referring of too many complaints back to the police.
13. That better selection procedures for State police working on Aboriginal and Torres Strait Islander communities be put in place and that a six-month review be undertaken by the community and the recommendations of this review be acted on by the police.
14. That a need exists for police/community liaison committees.
15. That a need exists for pro-active policing, sport and recreation.

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16. That no Aboriginal person be questioned without a legal representative present.
17. That the responsible authorities implement the recommendations of legislative review committees so that communities can have more control of their community justice systems including juveniles.
18. That customary law be reinstated in these communities who want it with funding allocated for this purpose.
19. That sentencing options for courts include alcohol rehabilitation centres run by Aboriginal people and that immediate funding be allocated for this.
20. That financial assistance be provided for Aboriginal and Torres Strait communities to visit their families in gaol.
21. This conference recommends that the Australian Institute of Criminology or other organisation acceptable to Aboriginal leaders, promote the development of a national campaign to lobby government to enforce a comprehensive plan for reform which would address all issues relevant to combat institution and personal racism in all law enforcement agencies.
22. That alleged assaults by police on Aboriginal people be investigated by an independent panel and not the police.
23. That whereas there now exists a policy or procedure in place that where our people allege an assault has taken place by police upon them that an independent panel be put into place to investigate the alleged assault by police instead of the situation that exists now whereby police investigate police.

Corrections

The Prison Experience

Recommendation's 168 to 187 of the Royal Commission into Aboriginal Deaths in Custody are all supported but need to be reinforced as strongly as possible.

1. That this conference demand that Aboriginal people be empowered to monitor the progress and implementation of all these recommendations.
2. That we express our concern that there are no time frames in place for the implementation of the recommendations and that the Departments of Correctional Services make the implementation of the recommendations their high priority and be completed within 1992. That it is of the greatest importance that the departments address the immediate problem of Aboriginal Deaths in Custody and make these recommendations their highest priority.
3. That every delegate present at this conference be challenged by the issues discussed to go back to their community or agency and personally do something to reduce the number of Aboriginal people entering the Criminal Justice System and the rate of Aboriginal imprisonment.
4. That this conference recognises the concept and importance of the extended family and kinship links for Aboriginal prisoners and demands that all Departments of Corrective Services throughout Australia adopt policies and procedures to allow Aboriginal prisoners to meet all obligations and attend all ceremonies upon the death of a member of their family or person in kinship and that the departments consult with and take account of the expertise of Aboriginal persons employed in all relevant Aboriginal and Torres Strait Islander organisations in those matters.

The Courts

1. That all government levels recognise the existence of two laws.
2. That a meeting of indigenous law men and women be arranged to discuss the recognition and implementation of indigenous law at all levels of government.
3. That the application of all introduced law is considered repugnant by all indigenous people until such time that all levels of government recognise and give effect to the laws of indigenous people.
4. That in pursuance of their process of reconciliation we ask the Federal Government to seek the jurisdiction for a declaration of the International Court of Justice as to who are true and legal owners of the land, water and territories of the continent of Australia.
5. That the Aboriginal and Torres Strait Islander Commission fund this application by Australia's indigenous people to the International Court of Justice.

Additional Recommendations: Various Issues

1. That this conference condemns the Western Australian Parliament for the introduction of the *Crime (Serious and Repeat Offenders) Sentencing Act 1992*—and calls for its immediate repeal because it contravenes international covenants and the recommendations of the Royal Commission into Aboriginal Deaths in Custody. Further, it calls on the Federal Government to take action on behalf of the Aboriginal people.
2. That the Federal Government provide facilities to monitor and provide positive action to prevent maiming and deaths through use of pesticides in this country known as Australia.
3. That the Northern Territory Liquor Commission reconsider the liquor licence application from Tyewereteye Club in Alice Springs, and grant it.

4. That Christian organisations hand back to Aboriginal organisations with no strings attached Aboriginal lands that those Christian organisations now hold.
5. That the conference endorses the point made by other speakers that Aboriginal people establish and maintain close contacts with their incarcerated brothers and sisters.
6. That the emphasis be placed on imprisonment as last resort and not on improvements to correctional facilities.
7. That the conference perceives a lack of commitment by State Governments— State Governments ought to accept responsibility for some of the problems— money should not come from deaths in custody to improve police and correctional facilities.