



# SELECT COMMITTEE ON MEASURING OUTCOMES FOR FIRST NATIONS COMMUNITIES

SENATE COMMITTEE INQUIRY

## Submission of the Community Restorative Centre (CRC)

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## 1. ACKNOWLEDGEMENT OF COUNTRY

CRC acknowledges the Traditional Custodians of the land on which we work and live. We recognise their continuing connection to land, water, and community. The offices of CRC stand on the lands of the Gadigal, Wangal, Bidjigal, Wiljkali, Baarkintji, Darug, Wiradjuri, Dharawal, Awabakal, and Worimi peoples. We recognise their continuing connection to land, water, and community, and pay respects to Elders, past and present.

The overrepresentation of First Nations people in the criminal legal system<sup>1</sup> across this continent is a national shame. We recognise the harm caused by these systems and the tireless advocacy of First Nations people to reduce the criminalisation of their communities. Ultimately, incarceration is not part of First Nations cultures, and First Nations people have had, and continue to have, systems of accountability outside of the colonial carceral system.

## 2. ABOUT COMMUNITY RESTORATIVE CENTRE

Community Restorative Centre (CRC) is the lead NGO in New South Wales (NSW) providing specialist support to people affected by the criminal legal system, with a particular emphasis on the provision of post-release and reintegration programs for people with multiple and intersecting needs. Recognising First Nations communities are overrepresented in the prison system, CRC supports a large number of First Nations community members in our everyday work.

CRC has over 70 years of specialist experience supporting people involved with prison systems. All CRC programs aim to reduce recidivism, break entrenched cycles of criminal

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<sup>1</sup> We use the term 'criminal legal system', as opposed to 'criminal justice system' to reflect that the 'justice system' in Australia has been imposed on First Nations communities without their consent through settler colonialism. The term 'criminal legal system' also highlights the way the system-including police, courts and prisons- frequently fail to deliver justice. These failures are part of a broader, ongoing problem. This is evident in the fact that First Nations people in Australia have the highest imprisonment rate in the world, are racially targeted by police, and experience a lack of accountability from the 'justice system' when First Nations people die in custody. More broadly, the system criminalises people experiencing homelessness, poverty, mental illness, disability, alcohol and other drug dependency and trauma, and perpetuates cycles of marginalisation and disadvantage. In this way, the system does not deliver 'just' outcomes for individuals or communities. By using 'criminal legal system', we acknowledge the harmful effects of colonial systems and seek to validate people's lived experiences. Changing language is one part of our effort to advocate for systems that are 'just' for all communities.



legal system involvement, and build pathways out of the criminal legal system. CRC works holistically to do this, addressing issues such as homelessness, drug and alcohol use, social isolation, physical and mental health, disability, employment, education, family relationships, financial hardship, and histories of trauma.

### **Transitional Indigenous Service - Broken Hill & Wilcannia**

In addition to supporting a high number of First Nations communities generally in our work, CRC has a service specifically targeted at First Nations communities who are exiting prison in the regions of Broken Hill and Wilcannia. CRC transitional workers offer pre-release support and planning, and short, medium and long-term intensive holistic and culturally safe case management. Our case workers begin wherever possible working with people three months prior to release. This project is funded through the National Indigenous Australians Agency.

## **3. INTRODUCTION**

Thank you for the opportunity to submit to the Senate Inquiry on Measuring Outcomes for First Nations communities. This submission was led by Angus Mason, Gamilararray man and Aboriginal Research Officer at Community Restorative Centre, with input from Dwayne Antojado and Rory Gillard (non-First Nations staff member) from the Research, Policy and Advocacy Unit at CRC. The submission is informed by our experience as an organisation working in frontline service delivery with criminalised communities for over 70 years- a high proportion of whom are First Nations communities- in addition to our research and advocacy work.

## **4. RESPONSES TO THE TERMS OF REFERENCE (TOR)**

We are responding to the current regression of the Closing the Gap targets, with a particular focus on the number of children in out-of-home care and adult incarceration. We are responding to points a), c), e) and h) of the Terms of Reference.

### **a) the ways in which the targets are funded;**

Achieving the Closing the Gap targets necessitates a comprehensive overhaul of government funding models, with a clear emphasis on expanding the capacity of



community-controlled and Aboriginal-controlled organisations. The Community Restorative Centre (CRC) highlights that redirecting investment away from harmful carceral systems and toward community-based alternatives to incarceration not only supports First Nations peoples in cultivating an identity beyond the criminal legal system (Community Restorative Centre 2020, p. 11), but also generates substantial cost savings for the government (Sotiri et al. 2021, p.4). What is contemporaneously today known as ‘justice reinvestment’ - a strategy that reallocates public funds traditionally used for incarceration toward community-based initiatives aimed at preventing crime, has been a well-documented success (Willis and Kapira, 2018).

Two noteworthy examples of these alternative pathways include CRC’s Transitional Indigenous Service and The Glen rehabilitation program on the Central Coast. Increased funding for such initiatives yields more positive outcomes for First Nations communities, enabling individuals to address underlying challenges while remaining in the community. Furthermore, channelling resources toward Aboriginal-controlled organisations aligns with Australia’s commitments under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which the government endorsed in 2009. Article 4 of UNDRIP states, “Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions” (United Nations General Assembly 2007, p. 8).

The lack of culturally appropriate care for First Nations people who have been incarcerated in NSW is disappointing and continues to drive unequal levels of incarceration for First Nations communities. Concerningly, in a 2020 parliamentary submission on the high levels of First Nations people in custody, collaboratively drafted by seven First Nations staff at CRC, in addition to one non-First Nations policy worker, it was noted, ‘many CRC clients with long histories of justice system involvement frequently describe *leaving prison* as more frightening than *going to prison*’ (Community Restorative Centre 2020, p. 16). This should never be the case for First Nations peoples. Additionally, whilst safe, effective and appropriate health care is a human right, First Nations people in Australia are not given equal access to this right. First Nations people continue to experience poorer health



outcomes than the general population, and the need for culturally appropriate care to address this disparity was identified in the [2016-2026 Cultural Respect Framework](#) by the Australian Health Ministers' Advisory Council's National Aboriginal and Torres Strait Islander Health Standing Committee (Australian Health Ministers' Advisory Council 2016). By shifting funding away from harmful carceral systems and into culturally appropriate funding alternatives to incarceration (such as cultural rehabilitation services, post-release transitional programs, etcetera), the Government can begin to work with First Nations people to achieve self-determination. Notably, a self-determining person would not choose to be locked up.

The financial benefits and positive outcomes associated with expanding the capacity of community organisations and Aboriginal-controlled bodies to support people at risk of, or who have experienced, criminal legal system involvement are clear. The Community Restorative Centre (CRC) draws attention to the 2012 report, "An economic analysis for Aboriginal and Torres Strait Islander offenders" which estimates that diverting individuals to community residential rehabilitation instead of prison generates financial **savings of approximately \$111,458 per First Nations person** (Australian National Council on Drugs 2012, p.xi). A more recent 2021 study by researchers at CRC, the Justice Reform Initiative and UNSW showed **CRC's work supporting people exiting prison precipitated savings to government of up to \$16 million over three years** (Sotiri et al. 2021, p. 4). Additionally, community-based treatment for First Nations peoples is associated with lower mortality rates and an overall improvement in health-related quality of life.

Community- and Aboriginal-controlled organisations are widely regarded as acceptable alternatives to incarceration among their service users; however, limited funding constrains their capacity and reach. For instance, the CRC's Indigenous Transition Program currently operates only in Broken Hill and Wilcannia, yet additional resources would facilitate broader implementation across NSW. Community members have also highlighted the lack of support for First Nations people transitioning from prison in northern regions of the state. Similarly, CRC acknowledges the significant contributions of Aboriginal Medical Services (AMS) throughout New South Wales, where they frequently serve as the principal Aboriginal Community Controlled health service in numerous towns and cities. Despite their crucial



role, many AMS facilities are under-resourced and face substantial funding shortfalls. For example, based on the personal experience of one of this submission's authors, individuals seeking care at the Awabakal Medical Service currently face wait times of six to eight weeks, demonstrating how staff shortages and limited resources impede the timely provision of essential healthcare. Prolonged delays in treatment contribute to worsened health outcomes, underscoring the urgent need for a comprehensive strategy aimed at improving Aboriginal people's health to address these staff and funding deficiencies.

### **C) The priority of the targets in the National Partnership Agreement and progress under the National Priority reforms**

It is disappointing that the lack of justice for First Nations peoples, in addition to the removal of First Nations children from their families are not explicitly listed as priorities, given such issues contribute to First Nations peoples in Australia being the most incarcerated communities globally. CRC contends that over-incarceration and overrepresentation in the child protection system are the most significant drivers of cultural destruction and disadvantage among First Nations communities. Substantial research explores the 'out-of-home care to prison pipeline,' underscoring the urgent need to address the overrepresentation of First Nations children in out-of-home care, given, inter alia, its relation to the overrepresentation of First Nations people in prison. The out-of-home care-to-prison pipeline was identified as a pressing issue that needed to be addressed in the Australian Law Reform Commission's Inquiry into the high rates of First Nations people in prison (ALRC 2018). Notably, across Australian states and territories, more than half (53%) of the children who come into contact with the criminal legal system have also had an interaction with the child protection system (Australian Institute of Health and Welfare, 2022), highlighting why the issue of child removal should be a priority target for Closing the Gap.

Additionally, Katie Kiss, Australia's Indigenous Human Rights Commissioner, identified the lack of justice for First Nations communities as her foremost priority (Kiss 2025), which CRC supports prioritising amongst the targets. The system designed to deliver justice and ensure public safety consistently fails to do so for First Nations peoples. Although the concept of justice is intended to be positive, the lived experiences of First Nations peoples reveal



predominantly carceral and punitive interventions, imposed without their consent and often at odds with traditional lore.

CRC therefore recommends that addressing the lack of justice for First Nations peoples and disrupting the overrepresentation of First Nations children in out-of-home care be elevated to two of the central priorities under the current reform agenda. Achieving these aims necessitates an overhaul of prevailing policies and funding decisions that shape both the criminal legal system and child protection systems. These structures must be reconfigured from a cultural perspective, in accordance with the principles of self-determination articulated in Article 3 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), signed by Australia in 2009: “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

Any redesign or restructuring of the criminal legal system or the child protection system should notably be undertaken through genuine co-design with First Nations stakeholders. Other forms of participatory or tokenistic consultation are insufficient to fulfill the obligations set out in UNDRIP or to achieve meaningful and lasting reforms.

**e) The possibility of incorporating broad ideas about wellness into measurements, with a view to promoting mental, physical, and spiritual health and wellbeing;**

CRC is concerned language used and the targets tracked under the Closing The Gap can be deficit-based. We recommend reporting more strengths-based data alongside existing data. Australia’s First Nations people are incredibly diverse, talented, resilient and family-oriented, and this is not adequately reflected in currently reported data. CRC encourages the Government to pursue avenues of Indigenous Data Sovereignty to improve currently reported data. Strengths-based data could report on, for example, the success of community initiatives, the status of language preservation, the enjoyment of cultural participation, in addition to positive social determinants of health. Too often, issues concerning First Nations peoples are examined through a deficit-based lens, wherein efforts are primarily directed toward ‘solving’ perceived problems without adequately acknowledging that these challenges stem from the profound and adverse impacts of



colonisation on their communities, cultures, and sense of belonging (Kaladelfos and Nagy, 2024). It is imperative to adopt a strengths-based approach that recognises and respects the resilience and rich heritage of First Nations peoples, even in light of the tumultuous histories they have experienced in contemporary Australia.

#### **h) Any other related matters**

While the focus on addressing the social drivers of incarceration are recognised in the Productivity Commission Closing the Gap report (Productivity Commission, 2024), the contradictory reality is that many governments continue to invest in decontextualised, surface-level and punitive carceral responses. The reliance on carceral responses is one significant factor thwarting Australia's capacity to meet Target 10 of The Agreement (to reduce adult incarceration). Governmental and political approaches that stand in direct contradiction to target 10's aim of reducing adult incarceration are plentiful and include:

- the Northern Territory government lowering the age of criminal responsibility from 12 to 10 in 2024, after a hard-fought campaign to raise it<sup>2</sup>.
- Despite wide-scale calls to alter it, the criminal age of responsibility in NSW remains 10 years old. Community Restorative Centre is a member of the Raise the Age Campaign NSW, which aims to raise the age of criminal responsibility to at least 14.
- The Queensland Government introducing policy to try young people as adults for specific crimes (Maxwell, 2024)
- The Victorian Premier announcing a premature review of Victorian's bail law reforms which recently came into effect, and aimed to reduce the number of people unfairly and unnecessarily held on remand (Victorian Aboriginal Legal Service 2025).

While The Closing the Gap Agreement states the aim of lowering the representation of First Nations people in prison, if governmental and political approaches are not in alignment- and perpetuate tough-on-crime and pro-carceral approaches- they will continue to thwart Australia's ability to meet Target 10 of The Agreement.

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<sup>2</sup> We raise the situation faced by young people in our discussion of adult incarceration, given prisons and detention centres are criminogenic: young people are more likely to go back to prison if they have been there before, contributing to a higher likelihood of adult incarceration.





## 5. CONCLUSION

CRC concludes with our recommendations:

1. Decrease funding for harmful carceral systems and child protection. Divert that funding to Aboriginal-controlled organisations and community organisations that provide alternatives to incarceration, and modes of preventing it. Examples include The Glen Rehabilitation and CRC's Indigenous Transition Service.
2. An overhaul of the criminal legal system and child protection system, and redesign them with codesign from First Nations stakeholders
3. Consider a lack of justice for First Nations peoples and the overrepresentation of First Nations children in out-of-home care as priorities in the Closing the Gap targets
4. Increase funding and address staff shortages at Aboriginal Medical Services
5. Consider collecting strengths-based outcomes that could show how deadly (awesome) First Nations people are alongside current targets
6. Raise the age of criminal responsibility across the nation to at least 14
7. Honour the processes of self-determination and Indigenous Data Sovereignty in all future pursuits

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