

JUSTICE FOR FIRST NATIONS PEOPLES

THE GREENS NSW 5-POINT FIRST NATIONS JUSTICE PACKAGE

Justice for First Nations peoples must be front and centre of the work of the next NSW Parliament. 230 years is too long to wait for justice.

The Greens are presenting a five-point First Nations justice platform for the upcoming state election. It is platform that is fundamentally about self-determination.

The Greens acknowledge that the people who know best how to look after First Nations children, deliver justice and economic empowerment in First Nations communities and treat the land with respect are the people who have been doing this for 60,000 years, and that is the First Nations peoples of this country.

The plan is about Treaties, de-incarceration, economic empowerment, and care for country, and is always grounded in First Nations self-determination.

SUMMARY

- **Treaties now** with each of the First Nations

peoples in NSW.

- **Releasing First Nations people from jail** through a De-Incarceration Commission chaired by a First Nations judge.
- **Repealing the culturally destructive child forced removal laws** in the first 100 days of the new parliament.
- **A Drivers Licence Access program to deliver 10,000 drivers licenses a year** to First Nations and other young people.
- **Exclusive control or co-management of public forest reserves** in NSW to First Nations peoples.

1. TREATIES ACROSS NSW

The Greens acknowledge that all of NSW is Aboriginal land and that First Nations peoples have never surrendered sovereignty over their land. We know that for the last 230 years since

NSW was invaded First Nations people have been subject to colonisation, violence and disempowerment.

We also acknowledge the reality of modern Australia as a successful and thriving multicultural society built on democracy, freedom and the rule of law. These two essential parts of our state must come together in a series of treaties.

We say a series of treaties because we accept that treaties must start with each of the First Nations peoples in NSW. From Waradjuri to Gomeroi, Gadigal to Bundjalung and all the peoples in between First Nations voices are varied, vibrant and strong and all of them must be heard. This is why The Greens will move to establish a clear legal framework not overseen by a government Minister or Department, but by an independent First Nations Treaty Assembly, democratically elected and run by and for First Nations people.

Negotiating treaties is not a simple case of identifying a few prominent First Nations voices and cutting a deal – it must include multiple First Nations voices and they must all be respected. Local traditional custodians and owners, Local Aboriginal Lands Councils, Local Aboriginal Elders, and the broader local Aboriginal community must all have a voice in the establishment of local treaties and in the overarching First Nations Treaty Assembly.

The First Nations Treaty Assembly will provide support for First Nations voices and, when necessary, will facilitate the process of Treaty negotiations. When local regions have established treaties, the Treaty Assembly will then work towards a state-based, overarching treaty that can be agreed upon by all local communities.

2. A NSW DE-INCARCERATION COMMISSION AND JUSTICE REINVESTMENT

First Nations people are the most imprisoned people on the planet. Between 2001 and 2015 the number of First Nations prisoners in NSW jails more than doubled. One third of all women and one quarter of all men in NSW jails are Aboriginal. This makes Aboriginal people more than 10 times as likely to be in jail as their non-Aboriginal counterparts. This is an injustice that must not continue.

To reverse this historic injustice the Greens propose the release of First Nations people held in jail for non-violent offences. This will be implemented over two years by a De-Incarceration Commission chaired by a First Nations judge. The commission will consider cases individually and ensure release does not pose an unacceptable risk to the community or to any individual. De-incarceration will be accompanied by case management plans and ongoing resources including drug and alcohol counseling to reintegrate people released into the community.

De-incarceration will be offered to all First Nations prisoners imprisoned for non-violent offences as at 23 March 2019. A de-incarceration order can only be made if the Commission forms the view that the person to be released can be reintegrated into the community without unacceptable risk to the community or to any individual. A de-incarceration order would act as a suspended sentence that would be revoked in the event of further offending.

It is not expected this will be a budget saving with all monies saved on imprisonment, currently \$181 per prisoner day, reinvested

directly into reintegration and case management. This reform is intended as a two-year program applicable only to current serving prisoners. It is designed to break the cycle of imprisonment and reoffending seen too often in First Nations communities across Australia. The outcome of the two-year de-incarceration program will be reviewed to determine what ongoing systemic changes are essential to keep First Nations people from jail.

Justice reinvestment

Community-led, place-based and data-driven initiatives aimed at reducing incarceration and persistent disadvantage are the proven way of keeping people out of the criminal justice system.

The success of justice reinvestment projects depends on them being community driven and on building trust between service providers and communities.

To adequately support the development and implementation of community-led justice reinvestment initiatives, a central, independent body, overseen by a board with First Nations leadership, will be able to provide technical and strategic expertise and limited organisational funding. This is why we support a NSW Justice Reinvestment body and a Justice Reinvestment Grants Fund of \$50 million over five years.

The success of the Maranguka project in Bourke shows that justice reinvestment can work. However there is no one-size-fits-all approach to communities and it is not simply a case of repeating that structure in other communities

The Justice Reinvestment body is not designed to deliver services or direct communities, rather it is a resource that can be called upon by

communities. For justice reinvestment to work self-determination and community leadership are essential. This means localised, place-based approaches which allow communities to identify the particular needs of their community and the unique circumstances that drive offending in those communities.

We know that locational disadvantage can be entrenched and that a community which was disadvantaged ten years ago is highly likely to be so now. By empowering and resourcing communities to identify and address the factors contributing to persistent disadvantage, we can stop people falling through the cracks into the juvenile and adult prison systems.

3. ENDING FORCED ADOPTIONS AND ADDRESSING THE CONTINUED STOLEN GENERATIONS

Despite the landmark Bringing Them Home Report and the National Apology, more Aboriginal children are in out of home care than ever before. With Aboriginal children being more than 10 times more likely to be removed by the current system than non-Aboriginal children, and with recent laws rammed through Parliament by the LNP that make it possible for children to be adopted without consent from their parents, the current system is little more than a continuation of the Stolen Generations. This is a national crisis that continues to tear First Nations children from their families, from their culture and from their country.

Aboriginal self-determination is the answer to this crisis. The Greens are committed to ensuring that it is Aboriginal families, elders and services who are resourced and empowered to make the key decisions about their children. Central to this is our commitment to repealing

the forced removal laws in the first 100 days of the new parliament after the state election. Preventative support measures and culturally appropriate early intervention services must be prioritised.

The Greens know that trauma is intergenerational and ongoing with the stolen generation continuing today. Aboriginal people with the collective wisdom of 60,000 years of continuous culture and the collective wisdom of their grandmothers, elders and parents, know best how to care for their kids better than forced removals and institutionalisation.

4. LEARNING TO DRIVE, LEARNING TO EARN, LEARNING TO LEARN

Having a driver's license isn't just a rite of passage – it's a pathway to independence and often required to ensure that people can access education and employment opportunities.

This is why the Greens will deliver a fee-free \$50 million a year Drivers Licence Access program across TAFE to deliver 10,000 driver licence courses per year to:

- Assist with licence application forms, obtaining proof of identity documents and information about vehicle registration;
- Provide educational support for young people with literacy problems and difficulties passing the driver knowledge test;
- Give young people access to a supervised driver for the mandatory 120 hours of learner driving.

The Graduated Driver Licensing scheme in NSW has a positive impact on road safety, but the scheme and in particular the requirement

of 120 supervised hours for L-plate drivers can disadvantage vulnerable groups including First Nations people and young care leavers.

In NSW it is estimated that Aboriginal people comprise 0.5% of licensed drivers despite comprising 2% of the eligible population. A small number of local programs exist to assist Aboriginal people to get their P-plates, but these are hard to access and places are strictly limited. Expanding the program to all TAFEs across NSW would dramatically improve access.

Likewise, young people who have been in out of home care often have difficulty finding suitable family support and supervision and 120 hours of paid driving lessons is financially impossible. Access to qualified driver training through TAFE would expand access to opportunity and keep our roads safer.

5. CO-MANAGEMENT OF FORESTS: GREENS' COMMITMENT TO FIRST NATIONS CO-MANAGEMENT OF FOREST RESERVES

Whether it is in tablelands of northern NSW or the coastal forests of the south east, the Greens commit to working with First Nations peoples for exclusive control or co-management of this state's public forest reserves.

We are committed to a \$31.5 million ten-year plan to transfer care and control of almost 30,000 hectares of state forests north of Kyogle to the Githabul Nation. Githabul Rangers need to be able to continue and expand their ongoing work rehabilitating and repairing the Toonumbar State Forest, where Githabul Native Title rights are recognised.

In the South East, Biamanga National Park has been operating under a co-management regime with the local Yuin People since May 2006. In March 2016 11,811 ha of adjoining forest was protected and placed in the Murray Flora reserves, without co-management and without adequate funding.

This is why the Greens are proposing to incorporate the Murrah Flora Reserve in the Biamanga National Park and to inject an additional \$1.2 million per annum in the expanded National Park to be directed towards First Nations rangers, koala research and bushfire management.

Once these two First Nations Forest management regimes are finalised and fully resourced, they will become models for the progressive transfer and co-management of other public forest reserves in NSW to First Nations peoples.