

Training, rehabilitation and diversionary programs for offenders

The Sentencing Council of NSW has recommended that judicial officers be kept informed about the facilities, programs and procedures available or in place for the detention and management of adult and juvenile offenders, including providing visits to centres in which offenders are detained or services provided.¹

The Judicial Commission has worked with the Department of Corrective Services to provide field trips for judicial officers to correctional centres and community visits through the Commission's Ngara Yura (Aboriginal Cultural Awareness) Program.

The Judicial Commission also provides select information about diversionary and rehabilitation programs on JIRS in the "Services Directory" under the "Sentencing Information" menu, and periodically in the *Judicial Officers' Bulletin*. The following is a list of some of the programs and facilities available for offenders in NSW and information about the Ngara Yura program and a planned field trip to the new Long Bay Forensic Hospital.

Balund-a facility, at Tabulam near Lismore

Balund-a is a residential diversionary program run by the Department of Corrective Services for male and female offenders aged between 18 and 35 years of age. Judicial officers can refer an offender as a condition of a s 11 bond for an initial two-week assessment period. If accepted into the program, an offender must participate in a four-stage program for a minimum of six months.

The catchment area for the program has recently been extended to the Tweed River in the north, Forster/Taree to the south and Tamworth to the west. The Department is currently planning



Bundjalung Elders employed at the Department of Corrective Service's Balund-a facility work with residents to help them recognise, restore and value cultural links with their land and history. Elder Aunty Annabelle Walker talked about her role at a recent Ngara Yura community visit to the Far North Coast.

to extend this area. The program's focus is on Aboriginal offenders but is available to all within the age group and catchment area.

Balund-a is a working 534 hectare beef farm with the capacity for 55 residents. Offenders undergo core offending programs plus a range of educational and vocational training programs and manual work on the farm. All residents are required to attend a cognitive skills program, "Think First". Specific areas of risk are addressed to assist in improving life skills and reintegration into the community, for example, drug and alcohol counselling, anger management, domestic violence, personal relationships, parenting and living skills. Cultural activities include excursions to sacred sites, music, dance and art. Bundjalung Elders are employed by the program to provide support and assist residents to recognise, restore and value cultural links with their land and history.

Once an offender has completed the program, the Probation and Parole Service prepares a pre-sentence report advising of the offender's progress and the sentencer may take this into account when the offender returns to court for sentencing.

The Ngara Yura Committee of the Judicial Commission, in partnership with the Department of Corrective Services, recently organised a visit for judicial officers to this facility. Judicial officers met with residents, management and staff at the facility and were impressed with the courage and commitment of residents to both address the causes of and change offending behaviour.

For further information, contact Director Julie Webber, Lismore Probation and Parole, on (02) 66221277 or email: Julie.Webber@jdcs.nsw.gov.au.



Cultural education is an important focus of the Judicial Commission's Ngara Yura program. Bundjalung man John Roberts explains to visiting judicial officers the importance of the historic Bora ring (near Lismore), a ceremonial initiation site for men.

Yetta Dhinnakkal

Yetta Dhinnakkal is a minimum security working farm on 10,553 hectares run by the Department of Corrective Services located 70 kilometres from Brewarrina in north western NSW. Yetta Dhinnakkal, meaning "Right Pathway", targets first time male Aboriginal offenders aged between 18–30 through culturally relevant intensive case management. Residents must be a sentenced male of C2–C3 classification with no prior custodial sentence, or with one previous sentence of not greater than 12 months, and with no sexual offence convictions.

The centre accommodates up to 70 residents who undergo behavioural change programs and vocational and educational training. Residents are required to address their offending behaviour and undergo skills training in order to lead to productive community involvement upon release. Skills training programs include TAFE qualifications such as carpentry, horticulture, conservation earthworks, information technology, and AEVI courses including literacy and numeracy and Certificate 1 in Learning Pathways for Aboriginal and Torres Strait Islander People.

For further information, contact the General Manager on (02) 6874 4717, or fax: (02) 6874 4721.

Tribal Warrior program, Sydney

The Tribal Warrior Association (TWA) operates a post-release program for young Aboriginal offenders as well as a mentoring program. The TWA is operated by Aboriginal Elders from inner Sydney in partnership with the Redfern Local Area Command of the NSW Police. The TWA programs have been commended (in *MW v R* [2010] NSWCCA 324 at [67]) as an effective way of dealing with bail, bond and parole conditions for Aboriginal offenders.

For further information, contact Victor Morgan, Manager, Tribal Warrior Association, on (02) 9699 3491 or email: Victor@tribalwarrior.org.

Ngara Yura community visits

The Judicial Commission's Ngara Yura program provides cultural education for judicial officers by way of visits to Aboriginal communities, publications and conferences, workshops and seminars. The Ngara Yura program was established to respond to recommendations of the Royal Commission into Aboriginal Deaths in Custody. The Ngara Yura committee recently organised a community visit to the Far North Coast to visit Balund-a and Namatjira Haven near Lismore. Judicial officers also visited important Aboriginal cultural sites and met with local Elders and community members, representatives of the NSW Police and Lismore Council to learn about local issues and the detention and management of Aboriginal offenders in the Balund-a facility.

Judicial officers are encouraged to attend these worthwhile and informative visits which are held throughout the year as part of the Commission's education program.

Magistrate's Early Referral into Treatment (MERIT)

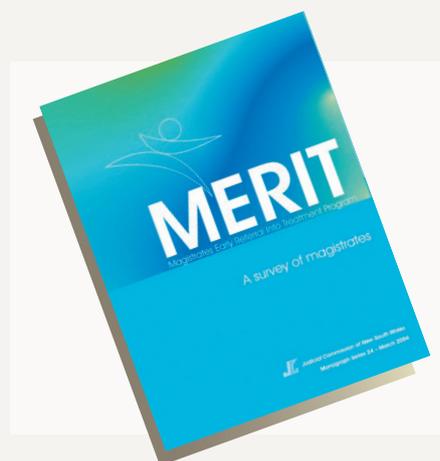
MERIT is a Local Court based diversion program that targets adult defendants with illicit drug use problems who are motivated to undertake drug treatment. Defendants assessed as suitable for MERIT can undertake supervised drug treatment as part of their bail conditions.

The primary goal of the MERIT program is to break the drug-crime cycle by involving defendants in treatment and rehabilitation programs.

MERIT is available to eligible defendants who appear at participating Local Courts. These are listed on the MERIT website: see below. The program targets defendants with a demonstrable drug problem who are eligible and suitable for release on bail and who are motivated to engage in treatment and rehabilitation. The NSW Department of Attorney General and Justice is the lead agency for MERIT. Health services are provided by the NSW Health Department. NSW Police, Legal Aid, Probation and Parole and Local Court officers all provide crucial support to the program. A defendant may be referred to the MERIT program to be assessed as suitable by the magistrate, a solicitor, police, Probation and Parole, or the defendant, or his or her family or friends. Based on the defendants' voluntary interview and assessment by the MERIT team, the client may be accepted into treatment as a condition of their bail. If accepted, a drug treatment program will be developed that matches the defendant's needs. The court makes the defendant's involvement in MERIT a condition of bail.

The MERIT program allows defendants to focus on treating their drug problem in isolation from legal matters. Therefore, the program is designed so that agreement to become involved is not an admission of guilt for the offence(s). Treatment generally commences prior to any pleas being made with the adjournment of court matters until the completion of the program.

To find out more about MERIT, see <<http://www.lawlink.nsw.gov.au/merit>> or contact the Crime Prevention Division, Department of Attorney General and Justice, on (02) 8688 3277.



Namatjira Haven, Alstonville, near Lismore

This is a privately-run residential drug and alcohol rehabilitation centre mainly catering for Aboriginal men. The catchment area is drawn from across NSW. The centre can accommodate up to 14 residents, with 2 MERIT funded beds. Most residents are admitted as a residential condition of a s 11 bond or as a condition of parole. Some residents self-refer.

On admission, residents undertake to participate in the Change Program and abide by the rules of the Haven which include strict abstinence and regular fortnightly and random drug testing and no violence. Duration of the residency is an average of 12 weeks but residents can stay for between 8–26 weeks. The Change Program adopts a therapeutic community/harm minimisation approach which incorporates cognitive behavioural therapy and motivational interviewing.

Judicial officers who attended the Ngara Yura's recent community visit to the Far North Coast visited this centre. The Haven's management informed judicial visitors that there had been a recent dramatic decline in referrals to the Haven from remand centres. The Haven's management would like to encourage Department of Corrective Services' staff in remand centres to assist offenders to make applications to Alcohol and Other Drug services such as Namatjira Haven.

For further information, email: manager@namjirahaven.com, phone (02) 6628 1098, or fax (02) 6628 0520.

Field Trip to Long Bay Forensic Hospital 8 June 2011

A second visit is being organised for Supreme and District Court judges in partnership with Justice Health. The Forensic Hospital at Long Bay is a new facility with a therapeutic focus. Judges will be provided with an overview about the hospital, who is housed there, assessments, care and treatment given. A tour of the different areas of the hospital will be provided. This visit will be conducted in the morning in small groups.

For further information, contact Ruth Sheard, Judicial Commission of NSW, on (02) 9249 4429 or email: rsheard@judcom.nsw.gov.au.

Endnote

- 1 Sentencing Council of NSW, *Reduction in Penalties at Sentence*, 2009, Recommendations 3 and 15.



Pictured at a recent Ngara Yura community visit to Namatjira Haven are Julie Webber, Director, Lismore Probation and Parole, her Honour Magistrate Robyn Denes, his Honour Magistrate Wayne Evans and Dr Hu Jin Kok.



Bundjalung Elder Chris Walker with his Honour Magistrate Peter Miszalski (seated left) and Assistant Commissioner Luke Grant of Corrective Services NSW, at the Balund-a facility.