



## Royal Commission into Aboriginal Deaths in Custody Recommendation

### 310. Preventative, diversionary and rehabilitative educational programs

*That the Commonwealth, and in particular the Department of Employment, Education and Training, analyse its current programs with a view to ensuring that they fully address the employment, education and training needs of potential and existing Aboriginal offenders. Where necessary, existing program guidelines should be modified and/or new program elements developed to increase access by such clients. In particular, DEET should examine means of assisting Aboriginal communities to become more involved in preventative, diversionary and rehabilitative programs to assist Aboriginal offenders, particularly where they would provide an alternative to incarceration.<sup>1</sup>*

<p><b>Background<sup>2</sup></b></p>	<p>The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) emphasised that Aboriginal people who serve periods of imprisonment have higher rates of unemployment within the Aboriginal community, represent a particularly disadvantaged sector and face limited employment opportunities.</p> <p>Education, training and employment programs for people in custody offer an opportunity to avoid the cycle of recidivism and further imprisonment. However, it was noted that the Commonwealth Government did not offer programs that targeted either training needs or post-release employment requirements of people exiting prison, other than through funding for state-run programs. At the time, state-run programs were poorly coordinated.</p> <p>The RCIADC proposed that there should be improved Commonwealth support for the development of better education and training programs for people in custody. These programs needed to incorporate support for prisoners in the critical post-release phase when they are most vulnerable to committing further offences and returning to custody. Examples of the Department of Employment, Education and Training (DEET) assistance to state authorities were provided to the RCIADC, noting the provision of funding for research into the methodologies of delivering prisoner education and training services, the development of employment-based alternatives to imprisonment, and in the seed funding of pilot programs to provide rehabilitation and support for prisoners.</p>
<p><b>Intent</b></p>	<p>To provide Aboriginal people leaving custody with access to culturally appropriate employment, education and training programs with the aim to reduce recidivism and unemployment rates.</p>
<p><b>Responsibility</b></p>	<p>The Commonwealth Government.</p>
<p><b>Key contacts</b></p>	<p>Department of Justice and Community Safety; Department of Jobs, Skills, Industry and Regions.</p>

<sup>1</sup> Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991) vol 5, 137-138 ('RCIADIC').

<sup>2</sup> Ibid vol 4, 389-390.

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### Key action taken

<p><b>2005 Review<sup>3</sup></b></p>	<p>The Victorian Government considered Recommendation 310 to be the sole responsibility of the Commonwealth Government.</p>
<p><b>2018 Review<sup>4</sup></b></p>	<p>Deloitte found that Recommendation 310 has been <b>fully implemented</b> by the Commonwealth Government through efforts to improve the accessibility of training and job opportunities for offenders:</p> <ul style="list-style-type: none"> <li>• In 1992 the Aboriginal and Torres Strait Islander Commission expanded the Aboriginal Adult Education in Prisons Program to improve educational access for incarcerated adults.</li> <li>• In 1994 a national network of Indigenous Prison Liaison Officers was created to work with prison staff, community groups and non-government organisations to increase training and job opportunities for people released from prison. The Aboriginal and Torres Strait Islander Employment and Training Transition Program was launched to support access to jobs, education, and training post-release.</li> <li>• The Commonwealth Department of Education and Training were part of the Prison to Work Advisory Committee chaired by the Department of Prime Minister &amp; Cabinet. The Committee aimed to find practical solutions to help Aboriginal and Torres Strait Islander people transition from prison to work and reduce the risk of further incarceration.</li> <li>• In 2016, the Council of Australian Governments released the Prison to Work Report which identified 55 potential government actions to improve employment pathways for Aboriginal and Torres Strait Islander people in or leaving prison.</li> <li>• Under the Closing the Gap – Employment Services, \$17.6 million was allocated in 2017-18 to establish the Prison to Work program, aimed at helping Aboriginal and Torres Strait Islander people in prison to successfully transition into employment after release.</li> </ul>
<p><b>Since then</b></p>	<p><b>Time to Work Employment Service</b></p> <p>The Commonwealth Government provided the Time to Work Employment Service to assist sentenced, adult Aboriginal and Torres Strait Islander people in prison to access the support they need to better prepare them to find employment and reintegrate into the community upon their release.</p> <p>The Service commenced in 2018 and was funded until 30 June 2024 in non-remote areas and 31 October 2024 in remote areas. An evaluation found that the program had low take-up rates (noting it is a voluntary program) and low success rates in connecting participants to employment services after release. It was also found only to have partially succeeded in</p>

<sup>3</sup> Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 1, 171 ('2005 Review').

<sup>4</sup> Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 644-645 ('2018 Review').

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addressing the service coordination challenges between jurisdictions identified in the Prison to Work Report.<sup>5</sup>

### **Reconnection, Employment and Learning Program<sup>6</sup>**

The Reconnection, Employment and Learning (REAL) Program will help Aboriginal and Torres Strait Islander people transition from being incarcerated to reconnect with jobs and/or with learning. Support will be delivered by organisations selected to deliver the program through a competitive grant process.

The REAL Program will be voluntary and available to people aged 15 and over who are in prison, on remand, or recently released from prison. Support will start up to 6 months before release and continue for up to 12 months after release. Through ongoing participation in the program, participants will meet any mutual obligations they may have related to their Centrelink payments.

Initially the program will begin in a cross-section of facilities across states and territories from 1 July 2025. It will be available in all locations (youth and adult facilities) from 1 July 2026.

The Commonwealth Government has committed \$76.2 million over 5 years towards the program. This funding includes:

- Delivery of the program by selected providers
- \$2.5 million per year from 2025-26 for the REAL Project Fund. The REAL Project Fund will provide grant funding for small scale projects delivered by the private and community sectors to create alternative pathways to work for Aboriginal and Torres Strait Islander people released from prison. Any eligible entities can apply for this funding; it will not be limited to the organisations delivering the REAL Program.
- Funding to support the establishment of the National Indigenous Employment and Training Alliance as a national peak body. The Alliance will support Aboriginal Community Controlled Organisations and other providers to build their capacity to deliver employment services, including the REAL Program.

Community consultations helped shape key features of the REAL Program which include:

- Aboriginal and Torres Strait Islander organisations prioritised for program delivery.
- Providers will deliver trauma-informed, holistic services. This will include directly providing services and connecting participants to other services where appropriate.
- Funding will be available to providers to bring together local services in a way that is tailored to the unique needs of each participant.
- Providers will help participants navigate and connect to social services, community, learning and jobs.
- Each participant will have a personal action plan to help set goals to successfully reconnect to the community, learning and jobs.

<sup>5</sup> Social Ventures Australia Limited (SVA Consulting), National Indigenous Australians Agency and Department of Education Skills and Employment, *Evaluation of the Time to Work Employment Service* (Final Evaluation Report, 30 June 2021) ('Evaluation of the TWES').

<sup>6</sup> Department of Employment and Workplace Relations (Cth), 'Reconnection, Employment and Learning (REAL) Program' (Discussion Paper, 2024) <<https://www.dewr.gov.au/download/16879/real-program-discussion-paper/39641/real-program-discussion-paper/pdf>>.

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- Program providers can work with participants in the ways that best suits the participant's circumstances, to enable a consistent connection over time. This could be a mixture of online, via telephone or in-person at the provider's or another location.
- Tailored support to ensure the program can meet the needs of the diverse community, including young people, veterans, women, parents and people with disabilities.

### Evidence of impact

<b>Authorising documents</b>	None identified.
<b>Outputs</b>	Commonwealth Government administered the Time to Work Employment Service. It was delivered across Australia through 21 providers operating in 73 prisons. Between May 2018 and February 2021, over 4,500 prisoners participated, at a cost of almost \$6 million in payments to providers for delivering the service. <sup>7</sup>
<b>Outcomes</b>	<p>An evaluation of the Time to Work Employment Service found that the program had low take-up rates (noting it was a voluntary program) and low success rates in connecting participants to employment services after release. It was also found only to have partially succeeded in addressing the service coordination challenges between jurisdictions identified in the Prison to Work Report.<sup>8</sup></p> <p>In the 2024-25 Budget, the Commonwealth Government committed \$76.2 million over 5 years to a new voluntary employment services program to improve the economic security of Aboriginal and Torres Strait Islander people transitioning from incarceration to reestablishing themselves in the community.</p>
<b>Community views</b>	<p><b>Consultation on the REAL Program<sup>9</sup></b></p> <p>In the design and development of the REAL Program, the Commonwealth Department of Workplace Relations consulted with Aboriginal and Torres Strait Islander people with lived experience of the justice system, First Nations groups, justice reform advocates, community organisations and service providers from across the country on how employment supports can be improved for Aboriginal and Torres Strait Islander people who have been incarcerated. From these consultations they heard that:</p> <ul style="list-style-type: none"> <li>• Aboriginal and Torres Strait Islander people being released from custody need help with the barriers they face that make it hard for them to get jobs or have their needs met (for example police checks for certain jobs, restrictive parole conditions, bias against those with a criminal history).</li> <li>• Services should be expanded to include people on remand and in youth detention.</li> </ul>

<sup>7</sup> Evaluation of the TWES, 5.

<sup>8</sup> Ibid.

<sup>9</sup> Department of Employment and Workplace Relations (Cth), 'Reconnection, Employment and Learning (REAL) Program'.

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- Greater support is needed for Aboriginal and Torres Strait Islander women who have been incarcerated.
- Services should be people-centred to lessen the need move from one organisation to another after being released from incarceration.
- Better coordination of support services is required.

### Related recommendations

#### 2005 Review<sup>10</sup>

#### Recommendation 7

That the Departments of Justice (Corrections Victoria) and Human Services (Juvenile Justice) develop and report to the Aboriginal Justice Forum on specific initiatives to address the education, training and employment needs of Aboriginal offenders in conjunction with the Commonwealth (Recommendation 310). This initiative has also been identified as a requirement in the Victorian Aboriginal Justice Agreement.

That the Victorian Government continue to implement and monitor Recommendation 310 through any monitoring process established as a consequence of this Review.

### Assessment summary<sup>11</sup>

Recommendation 310 is the responsibility of the Commonwealth Government.

## Bibliography

Meeting with Aboriginal Justice Caucus (Project Team, In Person, 17 May 2023)

Meeting with Aboriginal Justice Caucus Working Group (Project Team, In Person, 4 November 2022)

Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005)

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*Royal Commission into Aboriginal Deaths in Custody* (Final Report, 1991)

Social Ventures Australia Limited (SVA Consulting), National Indigenous Australians Agency and Department of Education Skills and Employment, *Evaluation of the Time to Work Employment Service* (Final Evaluation Report, 30 June 2021)

<sup>10</sup> 2005 Review, vol 1, 179.

<sup>11</sup> Meeting with Aboriginal Justice Caucus Working Group (Project Team, In Person, 4 November 2022) ('Working Group Meeting (4 November 2022)'); Meeting with Aboriginal Justice Caucus (Project Team, In Person, 17 May 2023) ('AJC Meeting (17 May 2023)').