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APPENDIX A

No	Recommendation	Position	NSWPF s146 response
1	The NSWPF should support Commands and Police Districts to develop localised approaches to working with communities that are aligned with the principles of Closing The Gap.	Supported	<p>Under the structure of the 2023 NSW Police Force Aboriginal Strategic Direction (current ASD), the Police Aboriginal Consultative Committee (PACC) is a forum that is led by Police Area Commands (PACs) and Police Districts (PDs). The PACC meets quarterly to facilitate active communication between local police and local Aboriginal communities aiming to address matters associated with crime, crime prevention and community safety, and aligns with the intent of the ASD. It is important to note that the current ASD more closely aligns with the National Agreement on Closing the Gap (CTG). The NSWPF encourages all ASD PACs and PDs to develop localised approaches to their meetings, including but not limited to community halls, outdoor areas or anywhere the community feels most comfortable. This approach has been taken to ensure the PACC meetings are tailored to the needs of the local Aboriginal communities.</p> <p>The new 'ENGAGE' system allows for each reporting PAC and PD to submit digital records detailing the crime prevention initiatives and community engagements.</p>
2	The NSWPF should work with local Aboriginal community representatives to review the information included in environmental scans. This should include community input to segments of the scan detailing community history.	Supported	<p>In 2021 the NSWPF transitioned from the 'Environmental Scan' and commenced a process with a new template for local Aboriginal Community Profiles. These are developed at a local level in collaboration by NSWPF members holding the role of Aboriginal Engagement Officer (AEO – rank of Inspector), Aboriginal Community Liaison Officers (ACLOs), and Education Development Officers (EDOs), alongside collaboration with PACCs, Aboriginal Elders, Aboriginal respected persons, and Aboriginal community organisations.</p>
3	The NSWPF should Provide the Working with Aboriginal Communities training to all sworn all unsworn employees state-wide.	Supported	<p>Foundational level cultural awareness training (Engaging with Aboriginal Communities) is mandated biennially under the new ASD for all NSWPF members (sworn and administrative employees). The next training is available from 1 July 2024.</p> <p>Commands with high Aboriginal populations will receive additional mandatory training at a higher level of cultural awareness and cultural competence, commencing 1 July 2024. Additionally, the NSWPF leadership is undergoing an ongoing cultural immersion program, aimed at ensuring the highest levels of cultural competence by NSWPF leaders.</p>
4	The NSWPF should work with local communities and ACLOs to develop Region- or Command-specific training materials that reflect the history of the local Aboriginal communities, as well as	Supported	<p>Under the structure of the current ASD, one of the specific training packages directly relates to local Aboriginal awareness ensuring that new staff commencing in a PAC or PD within a reporting Command (that is, a Command with reporting obligations under the current ASD) undertake a local Aboriginal awareness session facilitated by the EDO and AEO in conjunction with the ACLO (where available).</p>

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	the current challenges and strengths.		<p>Topics covered in this local package focus on local cultural protocols and historical matters that have impacted on previous police practices bespoke to that area.</p> <p>Cultural immersion programs facilitated by local Aboriginal community organisations are conducted to further build cultural competency and understanding. NSWPF has also engaged with Murrook Cultural Centre, Worrimi Local Aboriginal Lands Council to deliver Aboriginal Cultural Awareness training bespoke for NSW Police Officers to Senior Officers and leaders with multiple cohorts being trained each year.</p> <p>The new ASD also makes level 2 training mandatory for all PACs and PDs.</p>
5	The NSWPF should review the ACLO role, including remuneration, career development within the role, responsibilities, and cultural support available to the role.	Supported in principle	The NSWPF supports a professional ACLO program with a commensurate remuneration, and a review of the ACLO role considering these factors. A review will be undertaken during 2024 that considers the current labour market conditions.
6	The NSWPF should increase the staffing and funding provided to the Aboriginal Coordination Team.	Supported in principle	The NSWPF is currently undertaking a review of the Aboriginal Strategic Coordination Team and the ACLO program. This review is being led by the Corporate Owner, Aboriginal Engagement (Assistant Commissioner level) for review by the Commissioner's Executive Team (CET).
7	<p>The NSWPF should review all guidance in the Bail Law Reform SOPs in relation to bail determinations for Aboriginal people. As part of the review the NSWPF should:</p> <p>a) engage with internal Aboriginal strategic groups such as the PASAC, and external Aboriginal community groups and Aboriginal legal agencies, regarding the special vulnerabilities and needs of Aboriginal persons relevant to the consideration of bail concerns under s18(1)(k) of the <i>Bail Act 2013</i></p>	Not supported	<p>The NSWPF continues to work at a local level regarding localised initiatives with the support of the ASD Steering Committee.</p> <p>The Bail Act is prescriptive, and the NSWPF has an onus and responsibility to work within the Bail Act. Whilst the NSWPF does not have discretion to act outside of the terms of the Bail Act, we continue to work with several local communities regarding trialling localised initiatives. These are undertaken under the supervision of the ASD Steering Committee.</p> <p>NSWPF works in collaboration with CTG working groups where bespoke bails and conditions are reviewed, trialled, and considered. Independent BOCSAR reviews of NSWPF application of bail has been undertaken to compare with other reports and anecdotal perception of bias by police in this area. This is openly discussed at both the Police Aboriginal Strategic Advisory Committee (PASAC) and CTG Partnership Committee.</p>

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	<p>b) consider insights from the ALRC's report Pathways to Justice in relation to bail determinations for Aboriginal people</p> <p>c) provide the Commission with advice as to the timeframes, terms and outcomes of such a review.</p>		
8	<p>The NSWPF should work with BOCSAR to publish state-wide and local statistics about policing of Aboriginal people.</p>	<p>Not in a position to support</p>	<p>The State Intelligence Command of the NSWPF works very closely with BOCSAR to ensure the NSWPF data concerning all citizens from NSW (including recording Aboriginality) ensures we have the most accurate and up to date data across the board. BOCSAR is the most accurate source of data for Aboriginal engagement across NSW.</p> <p>BOCSAR presents this data to many groups and organisations, including but not limited to PASAC and PACC as well as CTG Joint Partnership Committee. The statistics and information required are made available to BOCSAR by the NSWPF.</p> <p>BOCSAR are independent to the NSWPF and as an external government agency that has access NSWPF data. What they decide to publish is at their discretion and the NSWPF requests this recommendation is directed to them.</p>
9	<p>The NSW Police Force should review its operational training and procedures relating to proactive policing and other day-to-day policing actions that involve the use of discretion to give practical instruction to officers about:</p> <p>a) how to exercise discretion in ways that will avoid overrepresenting Aboriginal people in the use of those police actions</p> <p>b) options for diversion within the law</p>	<p>Not supported</p>	<p>NSWPF trains all officers in proactive interventions and use of discretion. The office of Constable cannot be influenced by policies based on race or other factors, however the Mandatory Training for police in Aboriginal Culture under the current ASD highlights the need for police to be inclusive, fair and to work with Aboriginal communities to achieve better outcomes.</p> <p>Outside current diversionary initiatives the NSWPF have available at law, particularly for adults, NSWPF is reliant on the availability of partner agencies that work within local communities to service the needs of the community outside of business hours.</p> <p>Consideration needs to be given regarding risks to victims, children, families, communities – especially Aboriginal missions, regional and remote communities.</p>
10	<p>The NSW Police Force should consider adding a component to the mandatory</p>	<p>Supported</p>	<p>There is currently a review being undertaken of cultural awareness training packages targeted at all NSWPF staff that work with Aboriginal communities.</p>

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	Aboriginal cultural training for current officers and policing students which is dedicated to the specific impacts, opportunities and risks of proactive and operational policing in Aboriginal communities and options for diversion.		<p>This recommendation will be considered in this review.</p> <p>This is captured in the mandatory training mentioned in response to recommendation 3, which will be available from 1 July 2024.</p>
11	The NSW Police Force should publish a Closing the Gap delivery plan which states how it will implement the priority reform areas and what actions and pathways it will take to help NSW achieve targets 10 and 11 to reduce over-representation.	Not supported	<p>The NSWPF is unable to support the creation of a NSWPF CTG delivery plan.</p> <p>The NSWPF holds cohesive relationships under the structure of the current ASD to drive solutions at local, regional and state-wide levels whilst being committed and accountable in achieving outcomes for Aboriginal people and communities. The NSWPF cannot influence the systemic social issues that is the predominant driver of over representation in the Criminal Justice System and is reliant upon other agencies who have lead roles in this area. Recognising that the NSWPF is a key contributor to CTG, the current ASD follows the CTG socio-economic outcomes 10, 11 and 13. The current ASD more aligns with a holistic approach in addressing issues experienced by Aboriginal communities and focuses on key priority areas including:</p> <ul style="list-style-type: none"> • Community Safety Communication & Understanding • Partnerships – Collaborate & Influence • Safety and Wellbeing of Aboriginal Young People • Family Safety and Domestic Violence <p>The NSWPF is currently developing a strategy outlining the actions NSWPF will take to support the NSW Government meet socio-economic outcomes 10 and 11 of the <i>NSW Closing the Gap Implementation Plan 2022-2024</i>. This will be published once approved by the CET.</p>
12	The NSW government should amend its Closing the Gap Implementation Plan to list the NSW Police Force as a responsible agency.	Not supported	<p>No jurisdiction in Australia has their Police Force or Service as a responsible (or accountable) agency, because of the primary responsibility it has to protect victims and community in a Law Enforcement role. The NSWPF already leads other agencies in a myriad of crime prevention and diversion areas aimed at reducing Aboriginal people, and young persons in particular, from entering the Criminal Justice System. This is often completed outside its remit due to a gap and lack of other agency lead.</p>

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			<p>The NSWPF is a law enforcement body that is required to act in accordance with NSW legislation and works to reduce crime and violence, maintain safer communities, particularly for families and young people, and focus on early diversion of young Aboriginal people away from the Criminal Justice System and toward support services. The ASD is the framework that enables us to work in partnership with local Aboriginal communities and key agencies. The current ASD also enables partnerships in developing joint strategies with PACC community action plans that tailors a local perspective and impact on policing to actively contribute to the National Agreement on Closing the Gap targets.</p>

**The Hon David Harris MP, Minister for Aboriginal Affairs, provided
this response to the Commission on 3 June 2024.
The Commission is considering the response.**



The Hon David Harris MP

Minister for Aboriginal Affairs and Treaty
Minister for Gaming and Racing
Minister for Veterans
Minister for Medical Research
Minister for the Central Coast

Ref: A6053214

Law Enforcement Conduct Commission (LECC)
GPO Box 3880
Sydney New South Wales 2001

Via email: anina.johnson@lecc.nsw.gov.au

Dear Commissioner

I am writing to you regarding Recommendation 12 in the 'NSW Police Force Aboriginal Strategic Direction 2018-2023 Monitoring Report' from the Law Enforcement Conduct Commission.

I note this recommendation states "The NSW Government should amend its Closing the Gap Implementation Plan to list the NSW Police Force as a responsible agency".

The relationship between Aboriginal communities and the NSW Police is primarily a responsibility for the Minister for Police. However, the NSW Government continues to work in partnership with the NSW Coalition of Aboriginal Peak Organisations (NSW CAPO) to achieve the 17 Closing the Gap (CTG) Socio-Economic Outcomes and 5 Priority Reform areas.

NSW Police have responsibilities under the 2022-24 NSW Implementation Plan, including as part of the Communities and Justice Portfolio. The NSW Implementation Plan on Closing the Gap 2022-24 (NSWIP) includes an action to "design and deliver community-led prevention and early intervention initiatives including a place-based community policing model." This involves the NSW Government and Police working in partnership to deliver Closing the Gap commitments.

Other commitments in the NSWIP under Socio-Economic Outcomes 10 (Aboriginal adults are not overrepresented in the justice system) and 11 (Aboriginal young people are not over-represented in the justice system) involving Police include:

- Bail advocacy and support that engages with police and magistrates to better inform bail and diversionary decisions, and
- Exploring the establishment of Community Reintegration Panels for young people coming out of custody, potentially comprising community members, police, and Youth Justice staff.

The NSW Police Force is included in NSW Closing the Gap partnership governance through several forums. NSW Police are currently a member of the NSW Partnership Working Group and will be included in relevant governance forums developed for CTG in the future. NSW Police are also represented at regular Closing the Gap progress meetings between the Premier, Ministers, departmental representatives, and members of NSW CAPO that I chair to maintain momentum and discuss progress on targets and priority reforms.

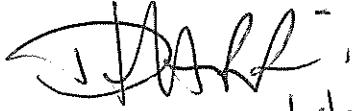
The engagement of NSW Police in these forums will give effect to their responsibilities under CTG and their objectives under the NSW Police Force Aboriginal Strategic Direction.

The current NSW Closing the Gap Implementation Plan will be expiring at the end of June 2024, and the next NSW Implementation Plans on Closing the Gap for 2024-25 and 2025-28 are currently under development.

The NSW Government will continue to work closely with NSW Police and NSW CAPO, including through the Closing the Gap joint governance bodies, to capture agreed actions for and the responsibilities of the NSW Police Force in the next iterations of the Closing the Gap Implementation Plan.

Should you require further information in relation to this matter, please contact Tim Ireland, Executor Director, Reform and Innovation, Aboriginal Affairs NSW, Premier's Department at ED-Reform@aboriginalaffairs.nsw.gov.au

Sincerely,



03/06/2024

The Hon David Harris MP
Minister for Aboriginal Affairs and Treaty
Minister for Gaming and Racing
Minister for Veterans
Minister for Medical Research
Minister for the Central Coast

Cc: The Hon. Yasmin Catley MP, Minister for Police and Counter-terrorism
Mr John Leha, Co-Chair, NSW Coalition of Aboriginal Peak Organisations