

Submission to the Closing the Gap Review 2026

Cultural safety and support for people in custody and returning to the community

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This submission is made in a personal capacity. The views and interpretations expressed are those of the author and do not necessarily represent the position of Corrective Services NSW.

Purpose and research contribution

I ask the Productivity Commission to recommend practical steps that build on supportive correctional practice and strengthen access to culturally safe rehabilitation, participation in sentence planning, and continuity of support as people prepare to return to the community. These changes should be developed with Aboriginal and Torres Strait Islander people and relevant community-controlled organisations, with clear responsibilities for implementation and review.

This submission draws on my doctoral research, *Serving the sentence and beyond*, which examined how people experienced the relationship between sentencing purposes and everyday custodial practice in New South Wales. Participants described barriers to accessing support, alongside relationships, cultural connections and opportunities that gave rehabilitation practical meaning. I offer these findings as a practical contribution to the work of CSNSW and other services: identifying what participants found useful and where access and continuity could be strengthened [1, pp. 16-17, 165-175].

The submission focuses on Priority Reform 3 and the review questions concerning cultural safety, service delivery, public service capability and barriers to better outcomes. It also develops recommendations relevant to shared decision-making and the community-controlled sector. These areas are addressed on pages 23-25 of the call for submissions [2].

Outcome 10 concerns Aboriginal and Torres Strait Islander adults' overrepresentation in the criminal justice system. Its target is to reduce the adult incarceration rate by at least 15 per cent by 2031 [3]. My research contributes evidence about experiences and service barriers relevant to that objective. It does not measure progress against the target.

I use person-centred language because people retain identities, relationships, strengths and aspirations throughout a sentence. Respectful treatment and practical support are compatible with accountability for harm and the safety of people who have experienced harm. I offer this research contribution alongside Aboriginal and Torres Strait Islander-led evidence, with respect for communities' authority to determine their own priorities.

Evidence and its scope

I conducted semi-structured narrative interviews with 24 adults serving longer custodial sentences across four NSW correctional centres, representing medium- and maximum-security settings. The sample included people assessed as high risk within the correctional system. I considered their accounts alongside sentencing remarks, legislation and correctional policy [1, pp. 111-114, 125-128, 171, 240]. Participants were aged 45-65, and nine were Aboriginal. CSNSW supported recruitment through approved research processes [1, pp. 120, 127-129]. Findings concern this qualitative sample; they are not estimates of the experiences of all people in NSW custody.

The evidence provides insight into participants' experiences during custody and their expectations about release. The study did not include post-release follow-up or measure reoffending. It was not an evaluation of the National Agreement, formal partnership arrangements, community-controlled service funding or Indigenous data governance. It provides no direct findings about youth detention or a separately identified Torres Strait Islander participant group [1, pp. 118, 127-128, 156-158, 254-257].

The discussion distinguishes Aboriginal participants' experiences from themes across the wider sample. Short, de-identified interview quotations are included to illustrate the findings [1, pp. 146-147, 161]. The six recommendations are proposed directions informed by the research and the Agreement; their effects have not been tested by this study.

Cultural safety and shared authority

Responds to cultural safety and responsiveness, and engagement and shared decisions across policy development, delivery and evaluation [2, pp. 23-24].

Aboriginal women in the study described gaps in culturally grounded interventions and the value of cultural mentors. One participant explained: "The Aunts helped me see things differently. They didn't just talk about what I did wrong; they talked about who I am, where I come from and what I can do to make things right" [1, p. 173]. This account connects cultural identity with guidance and responsibility. It supports building on relationships that make rehabilitation personally meaningful [1, pp. 173-175].

These accounts support examining cultural safety in everyday service delivery, including who shapes a program, whose knowledge informs it, how people are treated and what happens when they raise concerns. The Agreement commits governments to address institutional racism, strengthen cultural safety and deliver services in partnership. Its partnership provisions also address decision-making authority, community-selected representation and resourcing [4, clauses 32-33; 5, clauses 58-61].

The particular roles of Elders, cultural knowledge holders and community organisations should be determined through local cultural authority. People in custody should be able to express their own preferences about cultural participation, including whether and how they wish to connect. A single model should not be assumed to suit every person, community or location.

Recommendation 1

Governments should establish or strengthen funded partnerships through which Aboriginal and Torres Strait Islander representatives chosen by their communities and relevant community-controlled organisations share authority over the design, delivery and assessment of rehabilitation and cultural support in custody and during transition to the community. Agreements should identify decision-making roles, resources, review arrangements and how community priorities shape decisions.

Funding should cover the time and capability needed to participate in governance as well as service delivery, consistent with the Agreement's partnership and sector-strengthening commitments [4, clause 33; 6, clause 45]. The value participants placed on cultural mentors does not establish that those mentors represented a community-controlled organisation or that a particular governance model has been evaluated.

Access to appropriate rehabilitation

Responds to system enablers and barriers affecting socio-economic outcomes, and changes needed to improve impact [2, p. 25].

Across the wider sample, participants distinguished between knowing how to access a program, a program actually being available, and its suitability for their circumstances. They described unclear referrals, waiting lists, delayed commencement and gaps in available support. Transfers and other disruptions could interrupt opportunities to participate [1, pp. 165-166].

Seventeen of the 24 participants described rehabilitation as becoming more concrete through a program, education, therapy, supportive staff interaction or peer support [1, p. 167]. Describing an EQUIPS program, one participant said: "They gave me steps to follow, and for the first time I thought, 'Maybe I can make something of this'" [1, p. 168]. These accounts show what participants found useful. A person could value one opportunity while reporting delays or gaps elsewhere; the finding concerns this sample and does not measure program effectiveness [1, pp. 162, 167-168].

A person's recorded participation needs to be understood in context. When a suitable service is unavailable, delayed or interrupted, an assessment of engagement should recognise that institutional barrier. People should have a fair opportunity to explain what has supported or prevented their participation.

Recommendation 2

Correctional agencies should review program eligibility, availability, suitability and timing with Aboriginal partners and people with experience of custody. Agencies should record unmet needs, reasons for delay, interruptions and available alternatives; identify who is responsible for resolving gaps; and provide people with understandable updates. Reviews should examine how access differs across locations and groups, with appropriate privacy protections.

The Commission should recommend that governments identify where clearer implementation of existing services, additional resources, or both would improve access. This should take account of operational conditions affecting delivery, including staffing, program availability, transfers and location. The findings point to the value of considering communication, program capacity and operational conditions together when planning improvements [1, pp. 165-166, 255].

Sentence planning that people can understand and influence

Responds to responsive government services and the capability needed to develop and deliver policy with Aboriginal and Torres Strait Islander people [2, pp. 23-24].

Participants valued opportunities to discuss their own circumstances and needs. They also described uncertainty about available support, program allocation and how progress would be assessed while they worked towards the rehabilitative expectations of their sentence. The thesis recommends clearer explanations and more direct involvement in sentence planning [1, pp. 165-167, 254-255].

A useful plan should make room for the person's strengths, goals, cultural preferences and relationships, alongside assessed support needs and relevant sentence requirements. Communication should account for a person's language, literacy and accessibility needs. Staff should check whether the explanation was understandable and offer another way of communicating where needed.

Recommendation 3

Correctional agencies should develop and review sentence plans with the person concerned. Plans should explain the purpose of each proposed activity, how support can be accessed, current delays, alternatives, responsibilities and the next review date. People should receive an accessible copy, have opportunities to correct factual errors and be told how to seek review of decisions affecting access to support.

With the person's agreement, relevant cultural or other support people should be able to assist their participation. Individual participation in planning and collective Aboriginal and Torres Strait Islander authority over service design are distinct and complementary responsibilities. An individual planning meeting does not fulfil the Agreement's formal partnership commitments [4, clauses 28-33].

Respectful practice and accountability

Responds to cultural safety, trust in mainstream services and public service capability [2, pp. 23-24].

One participant recalled a constructive relationship with a correctional officer: "There was this one officer who treated me like I wasn't just a number. He sat down with me, talked about why I was here and what I could do better" [1, p. 169]. This is a concrete example of respectful correctional practice supporting reflection and accountability. Experiences varied: participants also described interactions that left them feeling dismissed and disruptions when case information and plans did not travel between staff, services or centres [1, p. 172].

The study did not interview staff and offers a participant perspective on service delivery. These findings highlight opportunities to sustain constructive staff practice through organisational support and clear accountability. The thesis identifies communication, cultural safety, trauma-responsive practice and reflective supervision as relevant areas of staff capability [1, pp. 158, 255].

Recommendation 4

Governments should support staff through practical training, supervision, appropriate time and clear expectations for respectful, culturally safe work. Aboriginal partners should share decisions about how that practice is assessed. Agencies should also review rules and decision processes to identify and address any contribution to racism, unequal access or exclusion, consistent with Priority Reform 3 [5, clauses 59-61].

People in custody should have accessible and culturally safe ways to raise concerns, receive reasons and obtain review. Agencies should explain available pathways, record responses and report aggregate patterns and resulting improvements to appropriate oversight bodies and Aboriginal partners. Governments should examine whether these arrangements address concerns safely and fairly.

Support for return to the community

Responds to barriers to improved outcomes and the translation of reform commitments into practical services [2, p. 25].

Fourteen of the 24 participants described family or community ties as a source of motivation; six described an absence of family support or a meaningful support network [1, p. 173]. Participants also raised concerns about housing and continuity as release approached. The thesis recognises that supportive relationships cannot substitute for housing, healthcare and material assistance [1, pp. 171-175, 198].

These are accounts of preparation and anticipated need; the study did not observe participants' circumstances after release. They nevertheless identify questions for service design: who coordinates preparation, whether arrangements are confirmed, how information travels and whether the person understands the support available.

Recommendation 5

Correctional agencies and relevant housing, health and community services should agree responsibilities for early transition planning and continuity of support. Each person should know who is coordinating their plan and how to contact the services expected to assist them. Planning should confirm practical arrangements and unresolved needs before release, and include a clear handover to receiving services.

Relevant Aboriginal and Torres Strait Islander community-controlled services should be funded to participate where this aligns with their role, community priorities and the person's preferences. Family, kin and other support people should be involved where the person wishes and it is safe and appropriate. Agencies should respect limits on what families and communities can reasonably provide and ensure that service responsibilities remain clear.

Government reporting should distinguish a referral being made from support being confirmed and received. Where arrangements remain unresolved, the responsible services should have a process to escalate and address the gap.

Measures of progress that matter to people and communities

Responds to how outcomes are defined and measured, community influence over their pursuit and accountability for improvement [2, p. 25].

The thesis recommends examining meaningful change alongside program attendance and completion. Participants' accounts described the significance of relationships, practical skills, cultural connection and being heard. The research also identifies the need for follow-up to understand wellbeing and reintegration after custody [1, pp. 167, 173-174, 247, 254-257].

National incarceration targets remain important, but service evaluation should also help explain how people experience support and where systems need to improve. I propose the following areas for discussion with Aboriginal and Torres Strait Islander partners and people with experience of custody:

- Access to suitable support, including waiting periods, unmet needs and interruptions.
- Whether people understand their plans, can influence them and receive explanations for decisions.
- Whether people experience respectful treatment and cultural safety, using approaches defined with relevant communities.
- Continuity of practical support as people move between services and return to the community.
- Progress towards goals people identify as meaningful, and outcomes assessed over time with appropriate consent.

Partners should develop and assess these proposed measures before using them to judge service performance. Cultural participation should remain a matter of choice. Evaluation should not require people to perform a particular identity, disclose cultural knowledge or demonstrate change in a prescribed emotional form.

Recommendation 6

Governments should resource Aboriginal and Torres Strait Islander partners to jointly determine what is measured, how information is interpreted and how findings are used to improve services. People with experience of custody should have supported opportunities to contribute. Research examining outcomes after release should be developed through appropriate community governance and research ethics processes.

Agreements about information should address access, consent, confidentiality, cultural knowledge and reporting back to communities. This recommendation draws on the Agreement's provisions for shared access to information and community participation in data collection, management and use, rather than on an evaluation of Indigenous data governance in my study [7, clauses 69-72]. Personal information should be protected, including where small groups could become identifiable through combined data.

Putting the recommendations into practice

I ask the Commission to recommend that governments and Aboriginal partners agree priorities, responsible agencies, resources and review dates for these changes. Implementation should build on arrangements communities consider useful. Where further testing is needed, partners should determine its design and the criteria for continuing, adapting or stopping an approach.

Progress reports should explain what changed in access, decision-making and people's experience of services, together with what remains unresolved and who will address it.

References

- [1] Clarke, A. (2026). Serving the sentence and beyond: A study on the sentencing experience; from the perspective of those in a correctional centre within New South Wales. Doctoral thesis, Charles Sturt University. August 2026 version. All thesis page references in this submission refer to that version.
- [2] Productivity Commission. (2026). Review of the National Agreement on Closing the Gap 2026: Call for submissions. September. <https://www.pc.gov.au/inquiries-and-research/closing-the-gap-review-2026/call/>
- [3] Closing the Gap. Closing the Gap targets and outcomes. Outcome and Target 10. Accessed 18 October 2026. <https://www.closingthegap.gov.au/national-agreement/targets>
- [4] National Agreement on Closing the Gap. (2020). Priority Reform One: Formal partnerships and shared decision-making, clauses 28-33. <https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/6-priority-reform-areas/one>
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- [6] National Agreement on Closing the Gap. (2020). Priority Reform Two: Building the Community-controlled Sector, clause 45. <https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/6-priority-reform-areas/two>
- [7] National Agreement on Closing the Gap. (2020). Priority Reform Four: Shared Access to Data and Information at a Regional Level, clauses 69-72. <https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/6-priority-reform-areas/four>