

2 Assessment methodology

The objective of this report is to provide an assessment of the status of the implementation of the recommendations of the RCIADIC. This chapter provides a description of the methodology used in conducting the assessment.

2.1 Responsibility for implementation of recommendations

For each recommendation, this review has sought to identify whether responsibility for implementation is shared by both the Commonwealth and State and Territory governments, falls to the Commonwealth Government only, or to some or all of the State and Territory governments only. Of the 339 recommendations:

1. **Shared responsibility (194 recommendations):** those recommendations for which responsibility is shared by Commonwealth, and State and Territory governments. This is the majority of the recommendations, which reflects the holistic approach required by both levels of government to respond to many of the recommendations.
2. **Commonwealth responsibility (29 recommendations):** those recommendations that are the sole responsibility of the Commonwealth Government. These recommendations typically relate to national initiatives and strategies including, for example, employment and education policy, health research, and Australia-wide statistics.
3. **State and territory responsibility (116 recommendations):** those recommendations that are the sole responsibility of State and Territory governments. For example, the operation of correctional institutions is a State and Territory government responsibility.

A number of recommendations relate to the criminal justice system and policing. Many of these recommendations are the responsibility of State and Territory Governments only, with the exception of the Australian Capital Territory, as the Australian Federal Police (AFP) provides community policing in the ACT and Jervis Bay Territory. Thus, for many of these recommendations the Commonwealth and the ACT Government have shared responsibility for their implementation. While the Commonwealth and the ACT Government share responsibility for community policing, the ACT Government is solely responsible for legislative changes to the ACT's criminal justice system.

2.2 Desktop review and input from agencies

The assessment methodology involved two components: a desktop review of current policies and initiatives relating to the implementation of the RCIADIC recommendations; and seeking input from relevant agencies on progress within their portfolios. The assessment was undertaken in between March 2017 and March 2018, and captures progress on the recommendations as at that time.

The desktop review involved research and analysis of publicly available information relating to various policies and initiatives that evidence progress on implementing the recommendations. The research was guided by a number of existing reports covering progress since the RCIADIC Report. However, this review sought to independently confirm any policies or initiatives that implement the RCIADIC recommendations. Existing reports that were consulted include:

- **Indigenous deaths in custody 1989-1996** which was prepared by the Australian Human Rights Commission for the Aboriginal and Torres Strait Islander Commission in October 1996. The report provides commentary on the implementation of the RCIADIC over the time period to 1996.
- **Incarceration Rates of Aboriginal and Torres Strait Islander Peoples (2017)** which was prepared by the Australian Law Reform Commission. The report provides an inquiry into the over representation of Aboriginal and Torres Strait Islander people in Australian prisons. Coverage is provided on the implementation of recommendations made as part of the RCIADIC.

- **Change the Record – Review of the implementation of the recommendations of the RCIADIC (2015)** which was commissioned by Amnesty International in May 2015. The report provides commentary on the extent to which recommendations have been implemented by Commonwealth, and State and Territory governments.
- **RCIADIC Implementation Reports** which detail the Commonwealth and State and Territory implementation of each recommendation at the time. Hard copies of these reports were obtained from the National Library of Australia, where an electronic version was not available. The reports include:
 - Commonwealth: 1992-93, 1993-94, 1994-95, 1995-96, 1996-97
 - New South Wales: 1992-93, 1994-95, 1995-96, 2000
 - Victoria: 1993, 1994, 1997, 2005
 - Queensland: 1993, 1994, 1996-97, 1997
 - South Australia: 1993, 1994
 - Western Australia: 1993, 1994, 1995, 1997, 2000
 - Tasmania: 1993, 1995
 - Northern Territory: 1993-94, 1994-95, 1996-97
 - Australian Capital Territory: 1992-93, 1993-94, 1997, 1997-98

Input was sought from government agencies to capture the extent to which various policies and initiatives within their portfolio have implemented the RCIADIC recommendations. Government agencies were also given the opportunity to identify any gaps in implementation, and to highlight recommendations that have been superseded by more recent policy developments. The government agencies who provided input to the report are listed in Appendix A.

2.3 Implementation rating scale

Each recommendation was assessed using an implementation rating scale. The scale indicates the degree to which a particular recommendation was implemented. The rating scale is as follows:

- **Complete** – recommendation has been implemented and no further action is required. For example, recommendations that related to a legislative change that has been enacted.
- ◐ **Mostly complete** – significant progress has been made on the implementation of the recommendation, however the recommendation has not been implemented in full.
- ◑ **Partially complete** – some elements of the recommendation have been implemented. For example, this may include a recommendation requiring a new program to be introduced and Aboriginal and Torres Strait Islander people employed to deliver the program, however it was only implemented with respect to introducing the new program.
- **Not implemented** – no progress has been made that is directly related to the recommendation.

In addition to the four-point scale, some recommendations did not fit within these definitions, and the following classifications were used:

- ⊘ **Out of scope** – Some recommendations are the responsibility of some state and territory government(s), but not all. For example, recommendations relating to remote communities have been assessed as out of scope for the Australian Capital Territory (ACT) Government, given there are no remote communities in the ACT.

Importantly, the rating scale assesses each recommendation in terms of the actions taken towards implementing the recommendation (e.g. introducing a policy or program, if recommended as an output). However, this report does not provide an assessment of how effective these actions have been, such as monitoring whether the policy or program has been successful in achieving its desired outcomes (e.g. reductions in rates of incarceration). Such further analysis may be a useful subsequent project.