



ATTACHMENT AJ -11

This is the attachment marked 'AJ-11' referred to in the witness statement of Andrew Jackomos dated "11 July 2019" .



Victorian Aboriginal Justice Agreement



A Partnership between the Victorian
Government and the Koori Community

"The markings on this shield represent our people and our country".
Kurnai Shield is an acrylic on canvas created by Eileen Harrison, a Kurnai woman from Gippsland. The shield was painted in 2002 and was featured in the Mallacoota Arts Festival of that year.



Department of Justice
Department of Human Services



Tumbukka Regional Council



ATSIC

Aboriginal and Torres
Strait Islander Commission



Victorian Aboriginal Justice Advisory Committee





Victorian Aboriginal Justice Agreement



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ISBN: 1320 8543

Acknowledgement

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First published by the Victorian Department
of Justice 2000.
Reprinted February 2004.

Edited by Wordsense

Designed and Printed by *Deadly Design Pty Ltd*

Foreword

Achieving reconciliation within the Victorian community is a government priority, but true reconciliation will only be achieved when there is equality of opportunity and experience between Indigenous and non-Indigenous Victorians.

Indigenous Victorians should have access to the same rights and experience the same justice outcomes as other Victorians; but this is not the case. Victorian Aboriginals are imprisoned at significantly higher rates than other Victorians.

The Government is committed to working with the Aboriginal community, the wider Victorian community and the Commonwealth Government to redress this unacceptable situation.

The Victorian Aboriginal Justice Agreement, jointly developed by the Government, the Victorian Aboriginal Justice Advisory Committee, the Aboriginal and Torres Strait Islander Commission and the Aboriginal community, is the first significant Indigenous policy initiative launched by this Government. It maximises Aboriginal participation in the development of policies and programs in all areas of the justice system.

A key aspect of the Agreement has been the growing partnership with the Aboriginal and Torres Strait Islander Commission and Tumbukka and Binjirru Regional Councils. The Agreement has also developed a set of principles and initiatives to guide the Departments of Justice, Human Services and their respective agencies on how they will interact with the Aboriginal community.

We know that it is not possible to tackle the over-representation of Aboriginals in the criminal justice system without also tackling the disproportionately high levels of Indigenous disadvantage. Within the next 12 months, the Government will develop a strategic framework to address these issues.

This strategic framework will cover all areas of government, particularly employment, education, health, community services and economic development. It will be

complemented by the Government's initiatives regarding land use agreements. To achieve this, there must be a whole-of-government commitment that links the programs and services of State departments, and involves Commonwealth departments and their respective responsibilities.

A complementary initiative will establish a ministerial committee on Aboriginal Affairs to coordinate the whole-of-government approach to Indigenous issues and needs in Victoria.

A central part of the Agreement is the Government's commitment to implementing the recommendations from the *Royal Commission into Aboriginal Deaths in Custody*. The Government is also committed to a rigorous monitoring process across the whole-of-government with the reintroduction of annual reporting to Parliament.

While the recommendations provide a clear direction for the Government, there is also recognition that the environment has changed. With the Aboriginal community, we need to reassess the intent of the recommendations and take into account the growing influence of illicit drugs and gambling on Aboriginals and their families.

To support the Government's commitment to the Aboriginal Justice Agreement, the Departments of Human Services and Justice, and their respective business units, agencies and authorities, will include the Agreement in their corporate and business plans.

ROB HULLS MP
Attorney-General

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1. Introduction

The Victorian Aboriginal Justice Agreement (Agreement) is a joint initiative developed by the Department of Justice (DOJ), the Department of Human Services (DHS), the Aboriginal and Torres Strait Islander Commission (ATSIC) and the Victorian Aboriginal Justice Advisory Committee (AJAC). The Agreement will:

- Address the ongoing issue of Aboriginal over-representation within all levels of the criminal justice system.
- Improve Aboriginal access to justice-related services.
- Promote greater awareness in the Aboriginal community of their civil, legal and political rights.

To ensure Aboriginal people achieve better justice, the relationship between Aboriginal communities and all levels of the justice system must change. This change can only occur when justice agencies and the Aboriginal community work together.

It will not be easy to reduce the high over-representation of Aboriginal people in the criminal justice system. All stakeholders will need to develop innovative, challenging and radical approaches to solve this problem.

We know that over-representation will not be reduced until the disproportionately high levels of disadvantage experienced by the Aboriginal community are tackled by all parts of government.

We also know that these high levels of disadvantage are caused by traditional lands being taken away, Indigenous society breaking down, and families being separated. This was shown in the reports of both the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* and the *Royal Commission into Aboriginal Deaths in Custody*.

The Agreement has been developed to reform the delivery of justice services. It sets out a formal basis for partnership between the Government, the Aboriginal Justice Advisory

Committee and the Aboriginal and Torres Strait Islander Commission. It also identifies a clear set of principles and objectives which will guide the working relationship between Aboriginal communities and justice agencies at statewide and local levels.

When the Agreement was being developed, extensive consultations were undertaken with Aboriginal communities across the State. The Aboriginal community was rightfully concerned about the way justice agencies managed offenders and delivered justice services. It wanted the Government to:

- Play an increasing role in minimising contact between Aboriginal people and the criminal justice system. The Aboriginal community believes the Government must take a more active role (directly and indirectly through Indigenous service providers) in preventing contact.
- Ensure that when contact did occur, people were directed to services that helped them to address the causes of over-representation.

At a state-wide level, the Aboriginal community will be able to participate in policy development and the monitoring of Aboriginal outcomes across all areas of the justice system. The Government is committed to establishing effective liaison between the Departments of Justice and Human Services and key Aboriginal representatives, including the Victorian ATSIC Commissioner, Binjirru and Tumbukka Regional Councils and the Victorian Aboriginal Justice Advisory Committee.

ATSIC's contribution to the Aboriginal Justice Agreement is a significant step in the developing relationship between the Government and the Commission. This is the first time ATSIC and the regional councils have entered into a formal agreement with the Victorian Government.

At a local level, the Agreement commits the Government to establishing planning forums that bring justice and related agencies, Aboriginal organisations and communities together to identify issues and develop

strategies that address the needs of local communities. This process will involve local justice services working with Aboriginal community representatives and service providers to develop practical strategies that are based on local knowledge and resources. Therefore, at all levels of the justice system, changes will occur in how we recognise and involve Aboriginal communities in decision making and service delivery.

Similar service delivery changes have already taken place in the Department of Education, Employment and Training (DEET) with the Koorie 2000 strategy and with the Department of Human Services (DHS) with the Koori Services Improvement Strategy, Aboriginal Health Outcomes Agreement and the Commonwealth State Housing Agreement.

People working within justice agencies will be supported to better understand the history and culture of Victoria's Aboriginal communities, and the issues underlying their current position. Aboriginal communities and organisations will be supported to develop the necessary knowledge and skills to take on an increasing role in crime prevention, promote citizenship rights, and deliver justice-related services.

Both departments want to improve linkages (particularly concerning regional planning processes), between the Agreement and other key government Aboriginal planning frameworks such as the Koori Services Improvement Strategy and the Koorie 2000 Strategy. A key task will be to integrate the regional plans into departmental core planning processes.

While the Justice Agreement will remain constant, the Statewide Action Plan and related initiatives will be continually reviewed and enhanced to take advantage of changing circumstances and new knowledge.

2. Terms of reference

On 4 July 1997, the National Summit on Indigenous Deaths in Custody brought Ministers for Police, Corrections, Juvenile Justice, Aboriginal Affairs and Attorneys-General from all Australian governments together with Aboriginal community representatives. The summit assessed the implementation of the recommendations of the *Royal Commission into Aboriginal Deaths in Custody* (March 1991) and examined new strategies to address the over-representation of Indigenous Australians within the criminal justice system.

At the summit, government and Indigenous representatives agreed to renew efforts to minimise Indigenous over-representation in custody (see attachment). The former Victorian Government then convened a steering committee comprising representatives from the Victorian Aboriginal Justice Advisory Committee, the Department of Justice and Department of Human Services agencies and the Aboriginal and Torres Strait Islander Commission. The steering committee was given the following terms of reference:

In partnership with the Aboriginal community and with a view to increasing co-ordination at a local, departmental, inter-departmental and State-wide level:

- undertake a detailed analysis of current justice system related programs and services for Aboriginal people;
- identify means of improving access by Aboriginal people to justice system related programs and services;
- identify means of improving the effectiveness of justice system related programs and services for Aboriginal people;
- develop a strategic planning and program delivery framework aimed at reducing Aboriginal contact with the criminal justice system (the “Aboriginal Justice Agreement”); and
- develop a process for implementing and monitoring the implementation of the Aboriginal Justice Plan.

3. Overview

3.1 Why have a Victorian Aboriginal Justice Agreement?

The Victorian Aboriginal Justice Agreement is part of a broader policy direction being pursued by the Bracks Government and within the Aboriginal community to reduce the high level of disadvantage and inequity suffered by Aboriginal people.

The *Royal Commission into Aboriginal Deaths in Custody* (Royal Commission) found the over-representation of Aboriginal people in the custody of police, prisons and juvenile detention centres resulted in the high number of Aboriginal deaths.

The Royal Commission also found disturbingly common patterns in the lives of those whose deaths were investigated. These people had consistently high levels of unemployment, poor education, poor health, alcohol abuse and long histories of contact with the criminal justice system. Many were raised in institutions or foster homes due to family breakdown and past policies of removing Aboriginal children from their families.

The Royal Commission went on to demonstrate the existence of widespread disadvantage and inequality in the treatment of Aboriginal people in contemporary Australian society. It concluded that this extreme disadvantage led to prolonged contact with the criminal justice system and subsequent over-representation at all of its levels.

Indigenous Australians face a much greater risk than the general Australian population of becoming the victims of violence, possibly up to 10 times greater in the case of homicide.

Currently, Aboriginals are 11.5 times more likely than non-Aboriginals to be placed in adult prison. While the number of adult Aboriginal prisoners in custody at 30 June decreased from 1994 to 1999 (140 to 123), this trend has fluctuated over the past three years (132 in 1997, 126 in 1998 and 123 in 1999).

While the rate of admission of Aboriginal youth to juvenile justice custodial facilities is lower in Victoria than other jurisdictions, there is still a

serious concern about their over-representation. The over-representation rate of about 38 in 1991 has been reduced to the current average rate of 14.5.

3.2 How will it be achieved?

The Agreement provides a dynamic framework for justice agencies and the Aboriginal community to work together to address the complex issues that underpin over-representation. A first step will be to reform the operation of the justice system. This will be followed by the development of a whole-of-government strategic framework.

The Departments of Justice and Human Services, and their respective agencies, are committed to implementing the Agreement. They recognise it is only through sustained interventions over time, and in partnership with the Aboriginal community, that significant improvements can be made. Equally, both departments are committed to monitoring and assessing the effectiveness of interventions.

The Aboriginal Justice Agreement:

- Sets out aims and strategic directions to be pursued.
- Identifies agreed principles to guide actions.
- Specifies the roles and responsibilities of the signatories to the Agreement.
- Forms the basis for achieving equity between parties.
- Identifies key results and milestones to be achieved.
- Identifies specific projects and systemic reforms.

The purpose of the Agreement's reforms will be to:

- Create a shared vision and agreed priorities for action within government and community sectors.
- Establish appropriate systems for monitoring Aboriginal outcomes.
- Develop stronger and more sustainable approaches to tackling the many issues associated with over-representation of Aboriginal people in the justice system.
- Empower local communities to become involved in policy, planning and service delivery.

- Reduce duplication in service delivery and target effort and resources more effectively.
- Share ideas and expertise.
- Increase accountability and transparency in decision making.

The Government also intends to establish a ministerial committee on Aboriginal Affairs to co-ordinate the whole-of-government approach to Indigenous issues and needs. The committee, to be chaired by the Premier, will ensure the Government works closely with regional councils, Aboriginal communities, ATSIC and the Commonwealth Government. It will report annually on cross-portfolio measures relating to Indigenous matters.

3.3 The Victorian justice system

Justice Portfolio

The Department of Justice provides the primary organisational, policy and management focus for four separate ministerial responsibilities within the Justice Portfolio: Attorney-General; Consumer Affairs; Small Business; and Police, Emergency Services and Corrections.

Key Justice Portfolio agencies that significantly impact on the Aboriginal community include:

- Victoria Police
- Dispute Settlement Centre of Victoria
- Equal Opportunity Commission of Victoria
- Office of the Correctional Services Commissioner
- Victorian Civil & Administrative Tribunal
- CORE – the Public Correctional Enterprise
- Adult Parole Board
- Courts (Supreme, County & Magistrates')

The key objectives of the Department of Justice are to:

- Provide protection for the rights and freedoms of all people through a fair and just system of criminal justice, and an accessible, equitable and responsive system of civil procedures.
- Ensure civil order is preserved through the prevention and detection of crime, and ensure the protection of individuals and property through the prevention and suppression of fires and the provision of coordinated emergency services.
- Provide a safe, secure, just and humane adult correctional system that incorporates the elements of protection, rehabilitation and reparation to the community.
- Provide an effective framework for fair trading and business affairs.

Department of Human Services

Except for the functions of the Children's Court and Victoria Police, the Department of Human Services is responsible for the operation of the juvenile justice system including juvenile justice centres, juvenile justice community-based services, the Youth Parole Board and the Youth Residential Board.

The department is also responsible for delivering a range of services and initiatives that are central to addressing over-representation. These include programs related to strengthening families, care and protection, and so on.

The Department of Human Services also operates a wide range of treatment and rehabilitation services that are integral to the overall operation of the justice system. These include drug and alcohol services, and forensic health services.

The Koori Services Improvement Strategy is a central focus for the Department in the delivery of services and programs to the Aboriginal community.

Aboriginal Justice Programs and Services

The Departments of Human Services and Justice provide a range of programs and services for the Aboriginal community:

Department of Justice	Indigenous Issues Unit
Equal Opportunity Commission of Victoria	Koori Program
Victoria Police	Aboriginal Community Justice Panels Police Aboriginal Liaison Unit
Office of Correctional Services Commissioner	Mentoring Program for Women (Pilot) Youth Leadership Program (Pilot) Coorong Tongala Pilot Project (Pilot) Cultural Immersion Program Warrakoo Diversionary Facility
CORE	Indigenous Services Unit
Department of Human Services	Koori Peer Education Program (Pilot) Koori juvenile justice workers Koori Custodial Liaison Program Sobering up-centres
Aboriginal Affairs Victoria	Koori Family History Service

3.4 The Victorian Aboriginal community

The Victorian Aboriginal community is made up of a number of distinct communities across the State based on location, language and cultural groups, and extended family networks. Most regional communities are based on traditional associations with the land that significantly predate the colonisation of Victoria. A significant number of people within the Aboriginal community have also moved here from interstate while maintaining strong family links to all parts of Australia.

Aboriginal people make up about 0.5 per cent of Victoria's total population and 5.9 per cent of the Indigenous population of Australia. Compared to the wider community, a disproportionate number of Aboriginal people live outside the metropolitan area. Fifty per cent of Aboriginal people live outside Melbourne in contrast to 28 per cent of the non-Aboriginal population.

Increasingly, the Aboriginal population is much younger than the non-Aboriginal population. Data from the 1996 National Census indicate

that 57 per cent of Victorian Aboriginal people are aged under 25 years compared to 39 per cent of the total Victorian population. Only 3 per cent of Aboriginal people are over 65 years of age compared to 12 per cent of the total Victorian population. Therefore, while the general population deals with the issues arising from an ageing population, the major issues for the Aboriginal community are related to the needs of those in school-to-work transition and prime working years.

While the 1996 Census of Population and Housing indicated an unemployment rate for Aboriginal people in Victoria of 21.4 per cent, there is evidence of a significantly higher rate, particularly in rural communities. More than half of the Aboriginal community relied on government payments as their main source of income. Leaving aside the contribution of the Commonwealth's Community Development Employment Program, it is estimated that the unemployment rate for Aboriginal people will rise to 48 per cent by 2006, while the rate for non-Aboriginal Australians will remain at a static, post-1996 level of 8.5 per cent.

On most indicators, the health status of the Victorian Aboriginal population is significantly below the average for all Victorians. Young Aboriginal men in Victoria have a life expectancy of up to 18 years less than the State average. Aboriginal people also suffer from reduced health status across all age groups and tend to face considerably more chronic illness. The difference in health status results from a complex range of factors and disadvantage, some of long standing and some a product of contemporary conditions.

The Aboriginal community also relies on public housing at a disproportionate rate. Over a quarter of the Victorian Aboriginal community live in public rental housing compared to only 5 per cent of the wider community.

Accurate estimates of Australia's Indigenous population are fundamental to deriving useable statistics. While recognising that information from the Australian Bureau of Statistics is the best currently available, there is a widespread view across both government and the Indigenous community that the official figures significantly under-estimate the true size of the community, both in Victoria and nationally.

Aboriginal organisations

Commencing in the 1950s, and gaining momentum in the 1970s, Victorian Aboriginal communities established a range of local and statewide organisations to deliver services and meet needs that went unrecognised by mainstream service providers.

Aboriginal organisations play two main roles in the delivery of services: as representatives and advocates, and as service providers. These organisations provide a variety of services such as health, housing, family, legal, sporting and cultural programs. Financial support from the Commonwealth and State Governments is needed to deliver these services. Many services are provided even when they are not funded, or further funds are required from governments.

Governments have relied on Aboriginal organisations to provide these services to the Aboriginal community, and have often given little consideration to the organisational and

support needs of these groups.

Victoria's capacity to produce a rapid and effective response to many of the concerns raised by the Royal Commission was the result of action across the Aboriginal community and the development of important initiatives, such as sobering up centres and Aboriginal Community Justice Panels (CJPs). These programs have operated for some years without increases to their resource base or formal consideration of their support needs.

When the National Summit on Indigenous Deaths in Custody looked at examples of best practice in reducing contact between Indigenous communities and the criminal justice system, it found that the majority of best practice initiatives came from Aboriginal community-based organisations and projects. Many Victorian programs were highlighted at the summit as national examples of best practice.

The Government recognises that the Aboriginal community has the right to develop its own structures to service its needs, while maintaining the right to use mainstream services. The Government will ensure the public sector fully respects the expertise, work and role of Aboriginal community organisations throughout the State.

Binjirru and Tumbukka Regional Councils

Binjirru and Tumbukka Regional Councils are popularly elected representative bodies (established under the *Aboriginal and Torres Strait Islander Commission Act 1989*). With the ATSIC Commissioner, they represent and advocate on behalf of Indigenous Victorians.

The councils seek to ensure governments at all levels are accountable and deliver appropriate services so Indigenous people can achieve justice and equity. They are also active in planning and developing policies and programs that improve the economic, social and cultural status of Indigenous people in Victoria.

The councils are committed to working with the Government to minimise Aboriginal people's contact with the criminal justice system, and

developing solutions to over-representation by focusing on preventive rather than remedial action or rehabilitation. Similarly, the Government recognises the important role played by regional councils, and the valuable contribution they make in improving service delivery to Aboriginal communities.

Both councils have representatives on, and provide funding for, the Aboriginal Justice Advisory Committee (AJAC) and maintain close contact with Community Justice Panels across the State. The councils recognise the need for culturally appropriate legal services remaining separate to mainstream legal aid services, and so they provide core funding to the Victorian Aboriginal Legal Service (VALS).

To reduce the number of youth in the criminal justice system, Tumbukka Council developed and funded a Juvenile Justice Prevention and Diversion Program. The councils foster reconciliation and improved relations between Indigenous people and Victoria Police and correctional services officers by supporting the Victorian Aboriginal and Non-Aboriginal Reconciliation Golf Challenge.

The Government is committed to working closely with both councils, and looks forward to their partnership and input into the continued development and implementation of the Aboriginal Justice Agreement. It also acknowledges the valuable financial contribution ATSIC makes to Indigenous law and justice issues in Victoria.

An important part of the Agreement will look at opportunities to link regional councils' planning mechanisms with those of the Regional Aboriginal Justice Advisory Committees.

The Victorian Aboriginal Justice Advisory Committee

The Victorian Aboriginal Justice Advisory Committee (AJAC) is the Government's primary source of advice from, and involvement with, the Aboriginal community on Royal Commission and justice related issues.

Membership of AJAC includes two Aboriginal community nominees and representatives from:

- The Aboriginal and Torres Strait Islander Commission.
- The Department of Justice.
- The Department of Human Services.
- Aboriginal Affairs Victoria
- Victorian Aboriginal Community Justice Panels.
- Victorian Aboriginal Legal Service Co-operative Ltd.
- Victorian Aboriginal Community Services Association Ltd.
- Aboriginal Housing Board of Victoria.
- Victorian Aboriginal Education Association Incorporated.
- Victorian Aboriginal Community Controlled Health Organisation Incorporated.
- Victorian Aboriginal Child Care Agency Co-operative Ltd.
- Aborigines Advancement League Inc.

AJAC's signing of the Aboriginal Justice Agreement will be on behalf of the Aboriginal statewide organisations listed above.

Once they are established, AJAC will also include representatives from each of the proposed regional AJACs.

3.5 Understanding Aboriginal over-representation

Regardless of past efforts by governments and Aboriginal communities, many Aboriginal people experience a disadvantaged life. Their health, education, employment, and economic independence is well below that of their fellow Victorians. While considerable effort and resources have been spent at the national and State level to implement the Royal Commission recommendations, Aboriginal people continue to be over-represented in the criminal justice system at unacceptable and disproportionate rates.

In consultations with the Aboriginal community and justice agencies, a number of factors have been identified that continue to contribute to the over-representation.

Underlying issues

The over-representation of Aboriginals within the criminal justice system cannot be considered in isolation from their social environment.

Factors such as extreme social and economic disadvantage experienced by Aboriginal people (originally identified by the Royal Commission) remain largely unchanged and continue to place enormous stress on families and communities. These factors include high unemployment levels, poor education outcomes, poor health and low life expectancy, inadequate housing, and widespread welfare dependency.

Consultations with the Aboriginal community in developing the Justice Agreement, and as supported by statistics coming from justice agencies, indicate a significant and emerging issue is a high and increasing use of illicit drugs among young Aboriginal people. The level of substance abuse is now a factor impacting on the level of contact with the justice system.

These factors are rooted in the dispossession of Aboriginal people from their traditional lands and social structures. Government and social policies of protection and assimilation placed further stress on Aboriginal family structures, while current policies have failed to redress the marginalisation of Indigenous communities.

Many Aboriginal people see the justice system as a foreign institution that alienates them from their land and culture. Historically, they feel that it has been used to take away their traditional lands and children and break up their communities and, lately, to incarcerate Aboriginal youths and adults in correctional facilities. Land is seen as necessary for survival and cultural identity, and to establish a vibrant economic base that can provide self-management and assure socioeconomic advancement.

Community vulnerability to crime

At present, there is little recognition of Aboriginal people as victims of crime. However, if rates of victimisation documented in other jurisdictions hold true for Victoria, Aboriginal people are more at risk of being victims of crime than any other group in the community.

The social and economic disadvantage experienced by Aboriginal people continues to place enormous stress on families and communities and reduces their social

functioning and harmony. Increased consumption of alcohol, drug abuse and the prevalence of violence cause much family and community stress and distress.

The recognition of the Aboriginal community's vulnerability to crime needs to be accompanied by the development of appropriate services (including prevention, victim support) and long-term strategies to heal the past and strengthen community functioning, social harmony and wellbeing.

Access to services

Aboriginal people display a low level of trust in the justice system's institutions. The relationship between Aboriginal communities and justice agencies continues to be affected by the role many of these institutions played in the lives of Aboriginal people and their communities. The role justice agencies played in separating Aboriginal children from their families, and the control they exercised in Aboriginal communities, remain strong in the living memory of the Aboriginal community.

This lack of trust, coupled with the inherent complexities, culturally alien mechanisms and costs of the justice system, contribute to many Aboriginal people's unwillingness to use the police, courts and equity bodies to protect and enjoy their legal rights. This increases Aboriginal people's risk of violence and abuse of rights, particularly the vulnerable sections of the community such as women, children and the elderly.

Racism and discrimination

Continuing racial vilification and stereotyping are real barriers to Aboriginals fully participating in the social and economic life of the Victorian community.

The relationship between Aboriginal and non-Aboriginals is best illustrated by the criminal justice system. The criminal justice system reflects and reinforces society's values, and these values may be at odds with Indigenous communities. Traditional systems of control often involved physical contact between individuals. These behaviours are often seen by the criminal justice system as offences, and

participants are arrested for assault, offensive language or disorderly conduct. As such, the definitions of what is, or is not, 'acceptable' social behaviour tends to be defined exclusively for the non-Indigenous community.

As traditional social control systems are not recognised, their effectiveness is undermined, and while the criminal justice system is not flexible enough to provide an acceptable alternative, the Aboriginal community is further marginalised.

The Royal Commission stressed the importance of institutional racism and the difficulty many non-Indigenous Australians have in accepting its existence and impact on the Aboriginal community. Institutional racism is typically initiated by persons of relative power and authority who see themselves as 'just doing their job' in accordance with supposedly fair and universal criteria.

The reduction, if not total elimination, of these barriers is critical to addressing the underlying issues that impact on Aboriginal people in a wide range of areas including housing, health, education, employment and justice. Without the full support of the justice system, Aboriginal aspirations for social and economic development will remain limited.

Citizenship rights

Most Aboriginal people are ignorant of their legal and civil rights, and feel they are victims of a justice system that is alien to their cultural beliefs and expectations.

When Aboriginal offenders confront the justice system, their families are powerless to provide advice on their rights, or money for services such as legal representation. Most Aboriginal families feel intimidated by the legal system and accept the outcome, whatever it is, because they believe objections are fruitless.

Aboriginal people under-utilise positive facilities (such as criminal compensation and victims services), and the mechanisms that protect their civil rights. Few participate in the political process.

Police discretion

While discretionary powers can be used to achieve a constructive outcome, these powers are, at times, used negatively in matters involving Aboriginal people, particularly Aboriginal youth.

There is a clear need to pay particular attention to pre-arrest, arrest and charge outcomes to ensure discriminatory practices do not undermine the potential benefits of police discretionary powers.

Sentencing options

While the courts have access to a wide range of sentencing options when dealing with offenders, there is a need to further expand the number of culturally appropriate mechanisms and community-based diversionary facilities.

It is important that these sentencing options are culturally appropriate and relevant to Aboriginal offenders, and their availability is made widely known so they may be considered, further developed and applied in appropriate cases to improve justice outcomes for Aboriginal people.

While Victoria has significantly reduced the over-representation of young Aboriginal people in the juvenile justice system since 1990, the current rate of over-representation in the adult and juvenile justice systems remains a serious concern.

Early contact with the justice system

Early entry as children appears to be a major factor leading to long-term involvement with all levels of the criminal justice system. The continuing disadvantage and racism experienced by Aboriginal people creates the conditions that place Aboriginal children and youth at high risk of involvement with the justice system.

The number of young Aboriginal people is increasing at a greater rate than that of the non-Aboriginal population. This indicates a potential increase in the number of young Aboriginal people entering the criminal justice system if current levels of involvement

continue and there is no resolution of the underlying issues and disadvantage.

Family and community stress

There is a clear correlation between the breakdown of Aboriginal families, involvement of children in the protection and care system, and subsequent contact with the justice system. This correlation has been identified in numerous reports, such as the Royal Commission, and in reviews undertaken by the Department of Human Services.

The relationship between family and community stress, and the behaviours likely to increase contact with the criminal justice system, is well documented. Risk factors include family violence and disharmony, poor supervision and monitoring of children, and social or cultural discrimination. Child abuse and neglect are also significant predictors of future contact with the criminal justice system.

While the Government provides a range of initiatives and programs to the general Victorian population that support families and children, there is a specific need to improve the level of accessibility of community-based, culturally appropriate programs that strengthen Aboriginal families in regional and suburban centres.

3.6 Issues affecting the delivery of services

To a large extent, justice outcomes for Aboriginal people are determined by the nature of the justice system, its structures and processes.

In developing the Agreement, justice agencies critically examined the operation of their programs and services to identify issues and barriers that could be addressed in its planning and implementation.

Implementation of the Royal Commission recommendations

Victoria has implemented a significant number of the Royal Commission recommendations and achieved better outcomes than other States and

Territories. However, it is now important that the Government re-commit to their ongoing implementation and monitoring.

In accordance with the structure of the Royal Commission's report, agencies have recognised and responded to specific recommendations. Unfortunately, this approach has meant agencies have worked in isolation rather than developing inter-sectoral and thematic responses across the whole-of-government.

Fragmentation of policies and programs

Single initiatives from justice agencies have led to fragmentation of policy and service delivery, low levels of communication, poorly co-ordinated and targeted programs, and resultant service duplication and delivery gaps. Agency efforts have also been diluted and spread across multiple competing goals and program activities.

Single-agency approaches are unable to effectively respond to the complex nature of the issues. The combined effort of many agencies working across the whole-of-government, in partnership with the Aboriginal community, toward an agreed goal, is now recognised as a necessary prerequisite to achieving better outcomes in areas such as health, justice and community safety.

Under-utilisation of services

Justice agency responses to the Royal Commission have shaped a justice system and initiatives that focus on Aboriginal people as offenders. Recognising Aboriginal community vulnerability to victimisation and crime requires the development of a more comprehensive and holistic service mix that includes victim support and the strengthening of family and community wellbeing.

Demographic issues

Emerging demographic and employment trends for the Aboriginal community indicate the population is much younger than the broader population and growing. National data suggest that on the basis of this growth pattern, unemployment in Aboriginal communities will increase significantly. These factors must be considered when developing strategic

approaches to address the needs of Aboriginal youth, and the underlying issues leading to the over-representation of Aboriginals in the criminal justice system.

Linking justice policy and programs with other agencies

Traditionally, many justice agencies have not taken a direct role in primary prevention and family support initiatives, even though they are frequently dealing with the last stages of family and community stress and breakdown. An inter-sectoral approach that improves co-ordination and recognises shared outcomes between the justice, education, health and community service sectors is needed to achieve better outcomes.

Community involvement

There is considerable opportunity and scope for justice agencies to more fully involve the Aboriginal community in designing, developing, monitoring and evaluating policies and programs that affect them. This is supported by the Government's continuing endorsement of the 1992 *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal People and Torres Strait Islanders*. It emphasised the need for Indigenous participation in the development and delivery of policies and services that impact on the Aboriginal community.

Best practice examples of successful and effective interventions that have emerged since the Royal Commission tend to be characterised by the Aboriginal community's participation in their development, ownership and implementation. These interventions demonstrate the importance of involving and supporting Aboriginal community participation in determining policies, programs and services.

Access to legal services

The availability of legal representation is a fundamental right, particularly for disadvantaged groups in the community. The Commonwealth Government's reduction in funding for legal aid is a major cause for concern. Simultaneously, the Victorian Aboriginal Legal Service (VALS) has had a 20 per cent increase in its caseload over the past 12 months.

A recent study by VALS (the Indigenous Women's Legal Needs Study) highlighted a range of unmet needs for which there is no readily accessible or culturally appropriate program. Overall there has been a large increase in matters being dealt with by VALS over the past two years, compounded by the Commonwealth cuts, the increasing impact of substance abuse and illicit drugs and the flow-on effects of gambling. The adequacy of resources for legal services across the whole community is currently being considered by a Victorian Parliamentary inquiry.

There is also a range of issues related to cross border servicing of Aboriginal people, particularly from New South Wales coming into contact with the Victorian justice system, and the appropriate resourcing of Victorian Indigenous community organisations in dealing with their needs.

3.7 Addressing justice issues

Development of the Aboriginal Justice Agreement occurs in the context of a range of important Victorian government policies, initiatives and forums. The policies and strategies outlined below will provide a sound foundation for the reform of justice processes.

If mainstream policies and programs are to effectively target the Aboriginal community and individuals, it is essential there is maximum Indigenous input at the planning stage, continuing through to implementation, review and evaluation.

The Royal Commission Into Aboriginal Deaths in Custody (1991)

The Victorian Government maintains a strong commitment to the Royal Commission's recommendations and will be undertaking a rigorous annual review of their implementation across the whole-of-government. The review will be undertaken by the Victorian Government jointly with the Aboriginal community.

The review will assess the implementation of the recommendations according to their intent, and identify opportunities to build upon their objectives and mechanisms. In keeping with the principles of the Agreement, the steering

committee for the review will include Indigenous members of the Aboriginal Justice Forum.

The implementation report will form part of the Government's annual report on Aboriginal Affairs.

A More Just Victoria (justice policy)

The Government believes in having a justice system that is fair, accessible and understandable. The Government also believes that Aboriginal people should not be disadvantaged when dealing with the police, courts and government. Its justice policy contains a wide range of initiatives to better implement the Agreement. These comprise:

- Introducing an independent and community-based Law Reform Commission to promote progressive and innovative changes to our laws and justice system with a specific charter to make recommendations to promote victims' rights and review children's experiences in the courts.
- Introducing a new Equal Opportunity Act, removing discriminatory clauses in legislation and restoring the independence of the Equal Opportunity Commission.
- Introducing legislation to prohibit hate and abuse in public places.
- Implementing programs to promote community safety by ensuring prisoners are ready for release after serving their sentence.
- Developing an education program to improve the understanding of ordinary Australians about their rights and responsibilities, with particular emphasis on their civil, human, legal and political rights.
- Trialling a new drug court, and providing magistrates with wider options and backup to deal with drug offenders.
- Reviewing management of Victoria's corrective services, and matching performance against international obligations relating to prison staffing and population, community corrections, home detention and post-release programs.
- Expanding programs that have been effective as alternatives to imprisonment, and developing better programs to prepare prisoners nearing the end of their sentences to return to the community and receive bridging support after release.

Community Protection Plan (community safety policy)

The Government is committed to reducing threats to the safety and security of all Victorians, and the impact crime has on society through an integrated crime prevention strategy involving police, government agencies, community organisations and the private sector. Historically, the most successful programs have been those with strong community support and involvement.

The policy contains a broad number of important initiatives that will complement the Aboriginal Justice Agreement, including:

- Implementing pilot mentoring programs to provide stable relationships and role models for offending adolescents and children at risk.
- Developing programs to provide practical guidance in parenting and improving family relationships to address some of the ingredients within families that may contribute to offending behaviour among young people.
- Assisting young offenders through the implementation of the Youth Crime Task Forces in areas where there are significant or emerging problems. These task forces will be responsible for maintaining a catalogue of available programs, resources and services for at-risk children and their families; identifying children who are at-risk; and referring the children and their parents (if appropriate) to suitable assistance.
- Establishing a crime prevention agency within the Department of Justice to work with police, local councils and the community to tailor crime prevention programs and strategies to particular localities. The agency will be responsible for identifying, developing, promoting and evaluating effective crime prevention ideas, programs and initiatives.
- Developing and implementing measures to raise community safety for all Victorians, including comprehensive measures to address the rapid rise in drug offences, and strategies to ensure young people receive the encouragement and support they deserve.

- Reviewing the police force and its recruitment procedures to ensure it is representative of the community.
- Underscoring a change in culture and emphasis on service to the community by prohibiting discrimination or harassment on grounds of ethnicity, religion or sexual preference by or within Victoria Police.

Victoria Police Aboriginal Policy Statement and Strategic Plan

The Government has an ongoing commitment to the Victoria Police Aboriginal Policy Statement and Strategic Plan.

The plan provides a framework for the police to focus on developing closer relationships with Aboriginal communities. Significant initiatives are now under way to increase the number of Aboriginals in Victoria Police while also improving relationships between police and the Aboriginal community.

A New Approach (drugs policy)

The drug problem is arguably the most serious social problem confronting the Victorian community. It is even more critical for the Indigenous community given the size of the Aboriginal youth sector and their level of disadvantage. A particular concern more specific to the Indigenous community is significant levels of substance abuse among Koori children and youth, including chronic and glue sniffing.

The Government's policy has four key components:

- Preventing drug abuse:
 - Implementing a school student program that aims to reduce risk taking behaviour (such as drug abuse) by keeping young people in school.
 - Delivering a youth jobs package targeting successful transition from school to vocational training or work.
- Saving lives:
 - Focusing on drug safety education, mobile overdose response services, a medically supervised heroin trial, safe injecting facilities, and the development of alternatives to methadone.

- Getting lives back on track:
 - Implementing a comprehensive strategy to put young people on course for treatment and rehabilitation.
 - Developing a framework within the criminal justice system focused on rehabilitation and treatment of drug users.
 - Linking young people into education, training or employment through a structured range of support programs that help them develop productive futures.
- Effectively policing the drug trade:
 - Directing additional law enforcement resources to identifying, prosecuting and punishing the commercial traffickers and importers.
 - Continuing the Victoria Police cautioning programs and adopting a harm minimisation approach to users.

Juvenile justice: a balanced approach

The Government will, within the parameters of its juvenile justice policies, the Koori Services Improvement Strategy and the Aboriginal Justice Agreement, adopt a balanced approach to juvenile justice program delivery, as it relates to the particular needs of Koori youth, that responds to the needs and circumstances of individual young people, the victims of crime, and the interests of the community.

The Government is committed to the principle that detention for young offenders should occur only when alternative non-custodial options have been fully considered and rejected as inappropriate.

In implementing the Government's policy and providing services to young offenders, including Aboriginal offenders, the Juvenile Justice Program will primarily focus on:

- A strong, coordinated platform of options to divert lower level offenders from the formal juvenile justice system, particularly from custody.
- Enhanced rehabilitation of those young people admitted to custody.
- Strong support for temporary leave, parole and post-release programs.

4. Development of a whole-of-government strategic framework

4.1 Addressing social and economic disadvantage

We know that the *Royal Commission into Aboriginal Deaths in Custody* was right when it found Indigenous over-representation in the criminal justice system relates to the 'whole-of-life' experience of Aboriginal people.

The recommendations made by the Royal Commission to address the underlying issues associated with offending behaviour related to a wide range of portfolio areas outside the justice system such as employment, health, education, community services, housing and economic development. Almost 10 years after the commission's report, government responses to the recommendations, statewide and nationally, continue to be fragmented.

Currently, there is no integrated, long-term plan or strategic framework for the provision of whole-of-government and cross-portfolio services to the Aboriginal community. This has meant strategies, programs and services are fragmented and uncoordinated. The regional plans developed by Tumbukka and Binjiru Regional Councils provide an excellent role model for the Government. These regional plans cover broad portfolios and seek improvements for their communities through better employment, economic, health and housing services.

In line with its Aboriginal Affairs policy, the Government will work with the Aboriginal community to develop a strategic framework. This framework will outline responsibilities and provide linkages across the whole-of-government, and coordinate a range of proposed and existing policies and programs. These include the Aboriginal Justice Agreement, Koori Health Reform Agreement, Koorie 2000 (Education Strategy), Koori Services Improvement Strategy, and the Government's approach to negotiated land agreements.

The strategic framework should be developed by 30 June 2001 with priorities being development of Indigenous-specific and interrelated strategies that initially address drug and substance abuse, children and youth issues,

and rebuilding families.

As the strategic framework's has a whole-of-government approach, and there is a need for a strong coordinating role, the Department of Premier and Cabinet will be responsible for its implementation.

The participation of Commonwealth departments and agencies, and ATSIC, will mean a balanced program and portfolio approach that will be central to the strategic framework's success.

4.2 Complementary initiatives

The strategic framework will include the Indigenous initiatives listed below, as well as the full range of government policies and programs which support the Indigenous community.

Reconciliation and Respect (Aboriginal Affairs policy)

The Reconciliation and Respect policy comprises a range of initiatives aimed at addressing the economic and social problems rooted in historic injustice, dispossession and disrespect for Indigenous culture. The Government will actively support and promote the reconciliation process to help achieve a lasting settlement between Indigenous and other Australians.

The Government supports the right of Aboriginal people to proper process under the *Native Title Act 1993* (Cwlth) and it will work closely with the Commonwealth Government to ensure this is guaranteed at the federal level. Aboriginal people will be assisted to prepare their native title claims for Crown lands in Victoria.

In taking a whole-of-government approach, the Government will:

- Establish a ministerial committee, chaired by the Premier, to coordinate the whole-of-government approach to Indigenous issues and needs in Victoria. The committee will report annually on cross-portfolio measures relating to Indigenous issues.
- Encourage the development of improved relations between Aboriginal communities and the administrative arm of the Government.
- Ensure equitable resourcing for Aboriginal services.
- Have a genuine commitment to consultation, increased participation and negotiations with Indigenous Victorians.
- Work with the Commonwealth Government to ensure a fair and equitable system of land rights and compensation.
- Recognise that the needs and concerns of Indigenous Victorians must be accommodated across all areas of government.

National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (*Bringing Them Home* report)

While the Human Rights and Equal Opportunity Commission's *Bringing Them Home* report largely concentrated on the effects of past policies and practices, it also illustrated the devastating impact of the juvenile justice system on the lives of Indigenous youth today.

The Government recognises the past policies of separating Indigenous children from their families continue to have a profound and lasting effect on the economic, social and cultural outcomes of Indigenous people, and contribute to the broader social problems faced by the wider Victorian community. A re-occurring theme among Aboriginals over-represented in Victorian prisons is their separation from family, community and land.

The Royal Commission investigated 99 Indigenous deaths in custody and found that almost half were people that had been removed from their families as children, severing their traditional and cultural linkages to community and land.

The separation of Aboriginal children from their families continues. Whatever the rationale, Aboriginal children are still being arrested, incarcerated and removed from their families at distorted rates compared to other Victorian children. The Government is committed to the Aboriginal Child Placement Principle as detailed in the *Children and Young Persons Act 1989*, and the related protocol with the Victorian Aboriginal Child Care Agency.

The Government will implement a comprehensive State response to the recommendations of the *Bringing Them Home* report. It will tackle the legacy of these past policies by implementing a number of initiatives, including some through the Ministerial Council of Aboriginal and Torres Strait Islander Affairs.

National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal People and Torres Strait Islanders (1992)

The National Commitment, like the Royal Commission, identified the many issues that underpin Aboriginal disadvantage. The National Commitment provides a strategy for developing bilateral agreements between Commonwealth, State and local governments for the delivery of services to Aboriginal people.

At the National Summit on Indigenous Deaths in Custody (1997), the National Aboriginal Justice Advisory Committee (NAJAC) recommended that the National Commitment provide the framework for developing jurisdictional justice plans.

While the Aboriginal Justice Agreement is significantly based on the principles of the National Commitment, it will extend the scope of the National Commitment by setting benchmarks, performance targets, timelines and regular reporting mechanisms.

Aboriginal Health Reform Agreement

The Department of Human Services has negotiated an agreement with the community-based Victorian Aboriginal Community Controlled Health Organisation Inc. (VACCHOI) to implement a statewide plan for Aboriginal health reform that is based on local community

ownership, planning and program delivery.

The agreement outlines the basis of a partnership between the Department of Human Services and VACCHOI, and recognises the need to involve Aboriginal people at all points, particularly VACCHOI and Aboriginal community controlled health organisations.

The agreement also recognises the need for the Commonwealth and State Governments to contribute to the improvement of the health status of Aboriginal people by agreeing to work within a common framework.

Koori Services Improvement Strategy

Building on the policy framework developed in health, the Department of Human Services (which contains areas such as juvenile justice, health, mental health, community services, housing, youth, and aged care) has extended this policy approach across the whole of its programs and services.

The Koori Services Improvement Strategy (KSIS) develops local planning networks and recognises that local Koori communities are best placed to identify needs and priorities, and deliver services to achieve effective outcomes.

In rural regions, the Regional AJACs could be jointly developed within the existing KSIS Regional Reference Groups, so as to reinforce existing consultative mechanisms and to extend the whole-of-government approach to service delivery.

Doing business (Koori Business Network)

Aboriginal Affairs Victoria developed the Koori Business Network in response to the increasing national focus on strategies to support Indigenous economic development. The network plays an important role in promoting Koori businesses and developing the economic base and small business sector of the Victorian Koori community.

Better education opportunities for Indigenous Victorians

An essential task in addressing Indigenous disadvantage is improving education outcomes for young Aboriginals. Improved retention rates

and education outcomes have a direct relationship with decreasing contact with the juvenile justice system.

In addressing the needs of Koori students, the Government's partnership with the Aboriginal community through the Victorian Aboriginal Education Association and the network of Local Aboriginal Education Consultative Groups across the State is widely recognised as fundamental to achieving improved education outcomes.

A new partnership with the community (community services)

The Government is committed to rebuilding the sense of community. Communities with strong networks and supports are less likely to experience problems (such as isolation, violence, crime, and homelessness) that carry heavy social and financial costs. Putting resources into strengthening communities is more cost-effective than reacting to a crisis.

The Government recognises inequality and disadvantage are the primary causes of social problems. It is committed to offering support services as early as possible in the lives of children and families so they can overcome disadvantage and enjoy the opportunities of society.

Socio-economic disadvantage, poor educational attainment, family breakdown and unemployment increase the vulnerability of young people to a range of problems, including offending.

The Government is committed to increasing educational and job opportunities for Victoria's young people, and providing support services to prevent young people becoming offenders.

The Government understands that previous policies of separating Indigenous children from their families continue to have a profound and lasting effect on economic, social and cultural outcomes of Indigenous people in Victoria.

Employment and skills (Employment Policy)

Victorian Aboriginals have disproportionately and unacceptable high unemployment rates, particularly in regional Victoria and among

young Aboriginals.

Community-wide initiatives to encourage employment growth will include:

- Reforming the Community Business Employment Program to target regions with high unemployment and low education retention rates. It will have designated targets for the long-term unemployed and disadvantaged communities.
- Developing pilot School Exit Plans to target early school leavers lacking recognised skills or qualifications.
- Developing a youth employment line for youth seeking assistance and information regarding careers, wages and conditions, contracts of employment, apprenticeships and employment opportunities.
- Developing youth recruitment targets and public sector traineeships across the public sector.

Indigenous-specific initiatives will comprise:

- Establishing employment and training targets in all government departments to ensure genuine career paths and appropriate support mechanisms.
- Developing a Koori Recruitment and Career Development Strategy for the Justice Portfolio within the Agreement and continuing the Indigenous Training and Recruitment strategy in DHS.
- Working with the public and private sectors to encourage Koori involvement and employment in ecotourism, cultural

heritage, and the care and management of heritage sites.

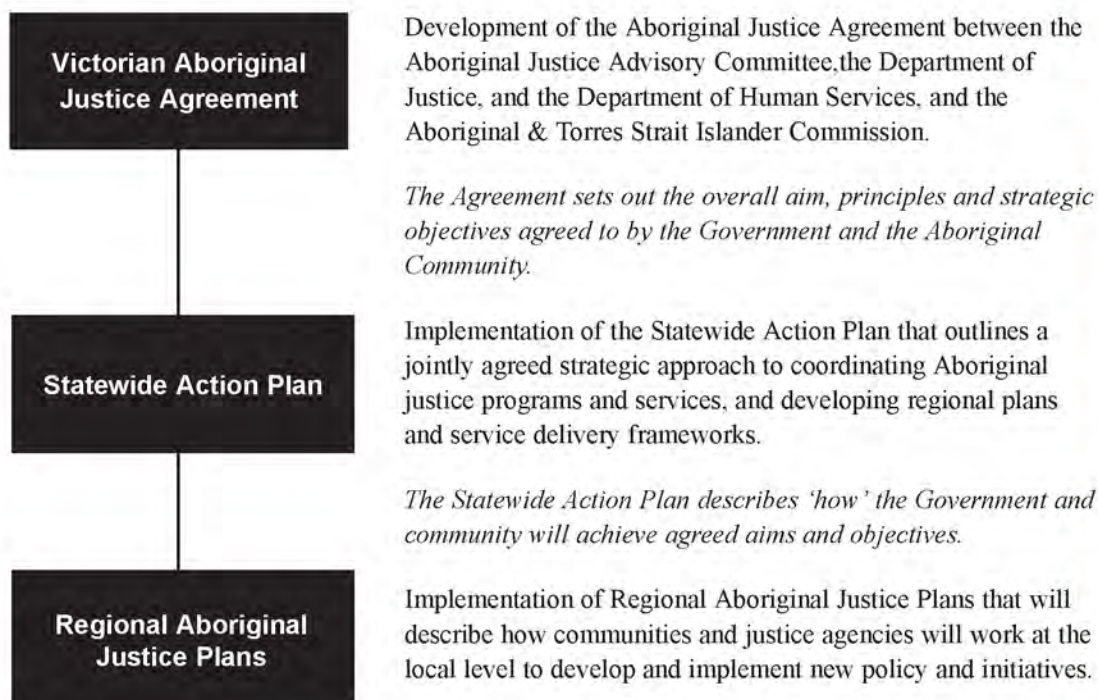
The Indigenous strategies detailed above are driven by:

- Recognition of the problems, and a commitment by the Government and the Aboriginal community to correcting the situation.
- Development of partnerships between the Government and the Aboriginal community at statewide and local levels.
- The Government recognising that to achieve effective outcomes there must be Aboriginal input in the planning through to the implementation, review and evaluation.
- Aboriginal communities identifying the key issues and prioritising service delivery.
- Recognition that the whole-of-government is responsible for reducing disadvantage and over-representation.
- Development of planning frameworks that address locally defined issues.
- The need for mainstream service agencies to be culturally responsive and provide appropriate programs.
- Building skills within the Aboriginal community to effectively manage and deliver services.
- The importance of early intervention services in promoting the health, wellbeing and developmental needs of children, as well as strengthening and supporting families experiencing difficulties.

4.3 Toward an integrated justice planning framework

The establishment of a formal partnership, initially between the Aboriginal community and justice-related agencies, will build on the foundation of existing policy frameworks, cover public and Indigenous provided services, and address the underlying issues and over-representation.

This process is outlined below.



4.4 Challenges and opportunities

There must be a total commitment from all stakeholders to implement the Victorian Aboriginal Justice Agreement's principles and initiatives if it is to fully realise its objectives.

There will be many challenges that will require an inclusive, flexible and, at times, radical approach. There will many opportunities for stakeholders to do things better and differently.

The *challenges* include:

- Ensuring the principles of the Aboriginal Justice Agreement are enshrined as core business for justice agencies and private providers, rather than being marginalised and gradually expiring.
- Ensuring justice agencies recognise that providing appropriate services to the

- Aboriginal community is a core responsibility and not an additional requirement as a result of the Aboriginal Justice Agreement.
- Breaking down past barriers between the Aboriginal community and the justice system.
 - Overcoming doubts in the Aboriginal community about the Government's commitment to fully implement the Agreement.
 - Ensuring justice agencies fully involve the Aboriginal community in developing, planning, delivering, monitoring and reviewing policies, programs and services that impact on Aboriginal people and communities.

The implementation of the Agreement will be assisted by:

- Government recognition that lasting reduction in the over-representation of Aboriginals in the criminal justice system can only be achieved by tackling the underlying issues.
- Goodwill in the Government, Aboriginal community and the wider community to improve justice outcomes for Aboriginal people.
- Eagerness among many in the Aboriginal community to work in or with the justice system.
- The Victorian Government's positive attitude to supporting the reconciliation process and the involvement of the Indigenous community across the whole-of-government service delivery.
- Expansion of the relationship between the Victorian Government and the regional councils to areas of the Commonwealth Government to pursue the Agreement's objectives.

5. Victorian Aboriginal Justice Agreement

1. The Victorian Aboriginal Justice Agreement formally recognises the growing partnership between the Government, ATSIC, AJAC and the Aboriginal community.
2. The Agreement will be continually developed, implemented and monitored by the Aboriginal community, the Department of Justice, Department of Human Services, and their respective agencies. It brings a high level of commitment to achieving improved justice outcomes for Aboriginal people.
3. The Agreement sets out a clear set of aims, strategic directions, principles and targets for reform, and outlines the roles and responsibilities of the signatories.
4. The Agreement may be restructured to include other parties, including Victorian and Commonwealth departments and agencies.
5. The Statewide Action Plan will support and implement strategies and initiatives targeting improved justice outcomes.
6. Complementing implementation of the Agreement and establishment of the Ministerial Committee on Aboriginal Affairs, will be development of a whole-of-government Indigenous strategic framework.
7. Other options for structuring and enhancing the Agreement will be negotiated between the Government and Aboriginal community representatives.

5.1 Agreement structure

Aim

In accordance with the principles and aims underlying the Final Report of the *Royal Commission into Aboriginal Deaths in Custody*, the Aboriginal Justice Agreement aims:

To minimise Indigenous over-representation in the criminal justice system by improving accessibility, utilisation and effectiveness of justice-related programs and services in

partnership with the Aboriginal community.

Principles

In developing and implementing policies, programs and services aimed at improving justice-related outcomes for Aboriginal people and communities, the signatories to the Agreement will:

1. Recognise the uniqueness and diversity of Aboriginal culture, society and history in Victoria, and promote reconciliation that gives proper recognition and respect to the Indigenous people of Victoria.
2. Recognise the impact of dispossession of traditional lands, the separation of children and families, past policies on the social and economic position of the Aboriginal community, and the resultant impact on the over-representation of Aboriginal people in police, courts and correctional systems, and as victims of crime.
3. Maintain their commitment to the implementation of the recommendations of the *Royal Commission into Aboriginal Deaths in Custody* and to adhering to key principles outlined by the Commission including that:
 - Arrest should be a sanction of last resort.
 - Imprisonment should be a sanction of last resort.
 - Aboriginal communities participate fully in the planning, delivery and evaluation of policies, programs and services that affect them.
4. Require that priorities and strategies (for improvement) of programs and services be developed and implemented primarily at the local level and agreed upon with Aboriginal community organisations.
5. Recognise that to achieve improved justice outcomes, there must be whole-of-government coordination and commitment at the highest levels of government in addressing Indigenous disadvantage and the underlying issues.

6. Recognise that improved justice outcomes for Aboriginal people require the Aboriginal community and government agencies with relevant and related responsibilities to work together to achieve specific outcomes/goals.
7. Recognise that improved justice outcomes will only be achieved when the Aboriginal community and organisations are empowered to act on their own behalf and when adequate resources are available.
8. Develop and enhance program and funding arrangements that promote effective operation of the Victorian Aboriginal Justice Agreement.
9. Focus on early intervention and primary crime prevention to reduce the over-representation of Aboriginal children and youth in the criminal justice system.

5.2 Strategic objectives

The six strategic objectives outlined below are pursued through a range of initiatives that are detailed in the Statewide Action Plan.

Increase community participation

Achieve maximum Aboriginal community participation in processes for legislative, policy, and program development, service delivery and monitoring and review.

Develop culturally appropriate programs and services

Identify and respond effectively to the needs of Aboriginal people through the development and delivery of culturally appropriate policies, programs and services.

Develop a co-ordinated and strategic approach

Develop a coordinated and strategic whole-of-government approach that ensures that the design, development, delivery and monitoring of programs and services for Aboriginal people is in accordance with agreed principles, policies and planning frameworks.

Deliver fair and equitable justice services for Aboriginal people

Address issues that limit or prevent Aboriginal

access to legal protection, and ensure the discretionary administration of law does not adversely impact on Aboriginal people and culture.

Increase community safety, security and wellbeing

Strengthen Aboriginal families and communities. Develop targeted strategies to address the underlying economic, social and cultural issues behind the breakdown of families and the over-representation of Aboriginal people coming in contact with the criminal justice system.

Reduce the risk of involvement of Aboriginal children and youth in the criminal justice system

Develop a whole-of-government approach that focuses on early intervention strategies to strengthen and support families experiencing difficulties, and on primary care as a means of reducing the risk of involvement of Aboriginal children and youth in the justice system.

5.3 Roles and responsibilities

Victorian Government

To tackle Indigenous disadvantage and the underlying issues, the Government will work with the Aboriginal community to develop a strategic framework across the whole-of-government that coordinates new and existing strategies and initiatives. The Aboriginal Justice Agreement will be one element within the proposed strategic framework.

The Government's role and responsibility in implementing the Victorian Aboriginal Justice Agreement will be to:

1. Improve coordination, across the whole-of-government, of programs and services and the provision of information and education related to justice programs and victim's services to the Aboriginal community.
2. Maintain and improve the effectiveness of current systems of planning, data collection, funding and service provision.
3. Develop planning processes that incorporate the Agreement and the Regional AJAC

plans into the core planning frameworks and systems of relevant justice agencies.

4. Obtain maximum participation of Aboriginal communities and people in the decision-making process about policies and programs that affect them.
5. Engage with and empower Aboriginal communities to collaborate as equal partners in all aspects of design, priority setting, implementation and evaluation (in policy and program development and service delivery) of initiatives developed under the Agreement.
6. Establish clear lines of accountability, benchmarks, performance indicators, targets and timelines for each initiative supported through the Agreement.
7. Provide a framework in which overall gains are capable of being achieved and recognised.
8. Report on implementation of the Agreement, the recommendations of the *Royal Commission into Aboriginal Deaths in Custody*, and the National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal People and Torres Strait Islanders, as part of the Government's Annual Report on Aboriginal Affairs.
9. Have the Departments of Human Services and Justice, and their respective business units, agencies and authorities, each include the Agreement in detail, and the principles and initiatives that underpin it, in their corporate and business plans on a continuing basis.
10. Ensure the Agreement is widely communicated to all staff, and ensure executive officers in the Department of Justice and justice-related agencies have this reflected in their performance plans.

Victorian Aboriginal Justice Advisory Committee

The role and responsibility of the Aboriginal

Justice Advisory Committee in implementing the Aboriginal Justice Agreement will be to:

1. Advise the Government on issues and priorities for effectively implementing and monitoring the recommendations from the *Royal Commission into Aboriginal Deaths in Custody*.
2. Monitor, evaluate and report annually to the Government on the implementation of the Agreement and the Regional AJAC Plans.
3. Identify and/or develop proposals for improving the justice system where it negatively impacts on the Aboriginal community.
4. Report to the Government on best practice examples and assist in developing programs and policies that focus on crime prevention.
5. Support and promote Regional AJACs and the development of local initiatives to address Aboriginal justice issues.

Aboriginal & Torres Strait Islander Commission

Binjirru Regional Council and Tumbukka Regional Council

The role and responsibility of the regional councils in implementing the Victorian Aboriginal Justice Agreement will be to:

1. Support and promote the Agreement through participation on the Aboriginal Justice Forum, the Aboriginal Justice Working Group, and the Regional Aboriginal Justice Advisory Committees.
2. Advise the Government on issues and priorities to successfully implement the Agreement.
3. Consider opportunities to link the Regional Council Plans with the Regional Aboriginal Justice Advisory Committee Plans.
4. Promote the participation of other Commonwealth departments and agencies in the Agreement and associated activities.
5. Consider the development of joint initiatives

with the Government to promote the Agreement's objectives.

6. Monitor implementation and compliance with the National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal and Torres Strait Islanders

5.4 Accountability and reporting

The Aboriginal Justice Forum will be responsible for monitoring and evaluating the Victorian Aboriginal Justice Agreement and related initiatives.

To improve accountability and monitor the effectiveness of the Agreement, benchmarks, performance indicators, targets and timelines will be developed for all initiatives developed or identified under the Agreement, and for the justice outcomes experienced by Aboriginal people.

These accountability measures will be developed together with the Indigenous parties to the Agreement.

Outcome monitoring

Outcome monitoring will focus on achieving the Agreement's objectives. These will be measured by statewide and regional justice outcomes.

The key program and service areas that will be subject to outcome monitoring include Victoria Police, courts and tribunals, corrections (community based and custodial) and juvenile justice (community based and custodial).

The Aboriginal community will have specific roles in the evaluation of all Indigenous specific justice programs.

Administrative responsibility

Portfolio Planning (Department of Justice), on behalf of the Aboriginal Justice Forum, will be responsible for coordinating and monitoring the overall effectiveness of the Agreement, especially against outcomes.

The Departments of Human Services and Justice agencies/business units will be directly responsible for designing and implementing programs in partnership with Aboriginal communities, and for monitoring and reporting against outputs.

Annual reporting on the key performance indicators will be produced for regions, and at a statewide level for individual agencies. Annual implementation reporting on the Agreement's outcomes will be included in the Victorian Government Aboriginal Affairs Report.

In terms of the initiatives covered by the Agreement, the Government will, by *30 June 2001*:

- Set output and outcome benchmarks with timelines which are measurable and which are agreed in partnership with the Aboriginal community.
- Ensure there are identifiers, administrative collections and information systems to enable accurate and consistent reporting for mainstream and Aboriginal-specific programs.
- Ensure all senior executive officers with responsibility for implementing initiatives under the Agreement have relevant targets in their performance agreements.

During *2000–2001*, the Government will commence annual reporting to Parliament on the Aboriginal Justice Agreement including these agreed benchmarks.

5.5 Implementation milestones

Year 1 (2000–2001)

Systemic milestones

- Establishment of Indigenous issues responsibility within Department of Justice.
- Establishment of the Aboriginal Justice Forum and Regional Aboriginal Justice Advisory Committee network and planning processes.
- Discussions with the Commonwealth on bilateral agreements related to the Aboriginal Justice Agreement.
- Development of regional and statewide Aboriginal justice planning processes.
- Annually report on implementation of *Royal Commission into Aboriginal Deaths in Custody* recommendations, the Aboriginal Justice Agreement and the National Commitment To Improved Outcomes in the Delivery of Programs and Services for Aboriginal People and Torres Strait Islanders.

Project milestones

- Review all existing justice based Aboriginal programs and services within DHS and the Justice portfolio.
- Establishment of benchmarks, performance indicators, targets and timelines for all initiatives, new and existing, identified under the Agreement by respective business units.
- Development of monitoring and evaluation strategies.
- Development of coordinated data collection and statistical profile of Indigenous contact with care and protection, juvenile and criminal justice systems, victims programs, and the Equal Opportunity Commission of Victoria.
- Development and implementation of a community initiatives pilot program.
- Development and implementation of a program to increase Aboriginal representation on relevant justice tribunals and boards.
- Development of community-based diversionary facilities.
- Development of a recruitment and career development scheme.
- Development and implementation of an identified positions policy.

- Development of all other initiatives identified in the Statewide Action Plan.
- Review of adequacy and effectiveness of legal representation.

Year 2 (2001–2002)

- Incorporation of Aboriginal Justice Planning framework and regional program and service activities within the Department of Justice's planning and budget cycle.
- Production of regional and statewide Aboriginal Justice Plans.
- Implementation of agency program and service review recommendations.
- Production of monitoring reports and statistics.

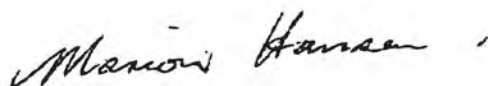
Year 3 (2002–2003)

- Consolidation of the Agreement's initiatives and the above processes.
- Evaluation and review of effectiveness of the Agreement and its initiatives.

5.6 Signatories

The signatories to the Agreement are:

Commissioner Marion Hansen
Aboriginal and Torres Strait Islander Commission



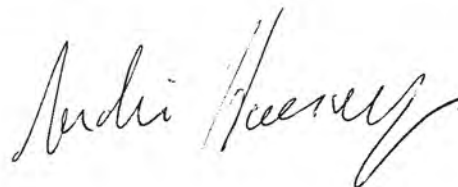
The Hon Rob Hulls, MP
Attorney-General



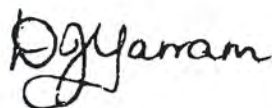
Alf Bamblett
Chairperson
Victorian Aboriginal Justice
Advisory Committee
(on behalf of constituent member organisations)



The Hon. André Haermeyer, MP
Minister for Police and Emergency Services
Minister for Corrections



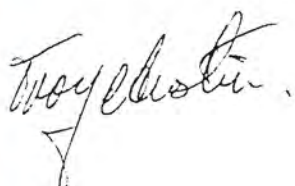
Daphne Yarram
Chairperson
Binjirru Regional Council



The Hon. Keith Hamilton, MP
Minister for Aboriginal Affairs



Troy Austin
Chairperson
Tumbukka Regional Council



The Hon. Christine Campbell, MP
Minister for Community Services

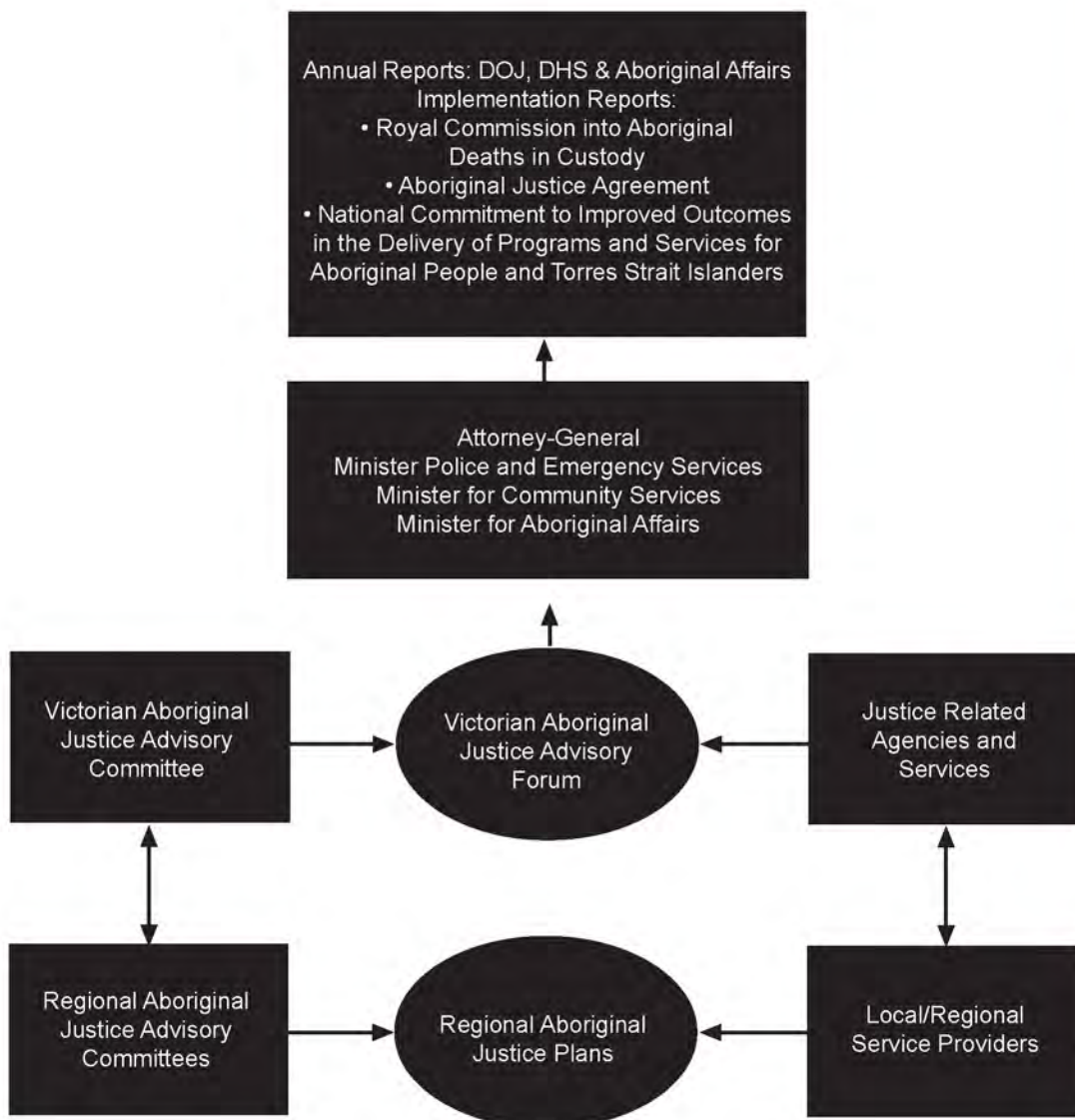


6. Statewide Action Plan

6.1 Planning and monitoring structures

The Statewide Action Plan outlines the structures and processes necessary to implement the aim, principles and strategic objectives of the Aboriginal Justice Agreement. It also outlines a series of new initiatives and operational reforms to enhance and develop linkages and partnerships between justice agencies and the Aboriginal community at local, regional and statewide levels.

The Government is committed to developing an Indigenous strategic framework by 30 June 2001 to extend the Agreement's principles and initiatives across the whole-of-government. This will further address Indigenous disadvantage and the underlying issues behind the over-representation of Aboriginal people in the criminal justice system.



6.2 Organisational structures

Aboriginal Justice Forum

The Aboriginal Justice Advisory Forum is the peak coordinating body responsible for overseeing the development and implementation of the Aboriginal Justice Agreement.

The forum will also:

- Oversee the establishment of Regional Aboriginal Justice Advisory Committees.
- Promote best practice approaches in program development and service delivery.
- Promote cross-program linkages and the development of a whole-of-government approach to addressing the underlying issues.
- Monitor and report on implementation and justice outcome data.

The forum will include a range of senior community and government representatives. It will meet quarterly to review progress and report to the Government on Aboriginal justice outcomes.

The forum will include:

- Parliamentary Secretary, Justice (Chair)
- AJAC Chairperson
- ATSIC Commissioner
- Regional AJAC representatives (6)
- Chairperson, Tumbukka Regional Council
- Chairperson, Binjirru Regional Council
- State Manager, ATSIC
- Secretary, Department of Justice
- Secretary, Department of Human Services
- Chief Commissioner, Victoria Police
- Chief Magistrate
- Director, Aboriginal Affairs Victoria
- Correctional Services Commissioner
- Assistant Secretary, Portfolio Planning, Department of Justice
- Chief Executive, Equal Opportunity Commission of Victoria
- Manager, Juvenile Justice Section, Department of Human Services
- Director, Victims Referral and Assistance Service
- Secretary, Department of Education, Employment and Training, as required

Aboriginal Justice Working Group

The Aboriginal Justice Working Group will assist the Aboriginal Justice Forum. The working group will meet as required to advance inter-agency coordination of programs and services, and to provide support to Regional Aboriginal Justice Advisory Committees.

The working group will:

- Support implementation of the Agreement.
- Establish the Regional Aboriginal Justice Advisory Committees.
- Assist the Regional Aboriginal Justice Advisory Committees develop their Regional Aboriginal Justice Plans.
- Identify and develop best practice approaches in program development and service delivery.
- Develop cross-program linkages.
- Monitor and report on implementation and justice outcome data.

It will include representatives from:

- Victorian Aboriginal Justice Advisory Committee
- Regional Aboriginal Justice Advisory Committees
- Victorian Aboriginal Legal Service
- Crime Prevention Agency
- Indigenous Issues, Department of Justice
- Courts and Tribunals Services
- Legal Policy Division, Department of Justice
- Victoria Police—Aboriginal Advisory Unit
- Equal Opportunity Commission of Victoria
- Victims Referral and Assistance Service
- Office of the Correctional Services Commissioner
- The Public Correctional Enterprise
- Aboriginal Affairs Victoria
- Koori Health Unit (DHS)
- Community Care Division (DHS)
- Juvenile Justice (DHS)
- Aboriginal & Torres Strait Islander Commission
- Sheriff's Office
- Department of Education, Employment and Training, as required

Department of Justice: Indigenous Issues Unit

On behalf of the Aboriginal Justice Forum and Aboriginal Justice Working Group, the Indigenous Issues Unit will be responsible for coordinating and monitoring the overall effectiveness of the Aboriginal Justice Agreement.

The unit will:

- Provide executive support services to the Aboriginal Justice Forum and Aboriginal Justice Working Group.
- Provide advice and support to Justice Ministers and the Justice Portfolio on policy and program matters affecting the Aboriginal community.
- Represent the Government on the Victorian Aboriginal Justice Advisory Committee and the Regional Aboriginal Justice Advisory Committees.
- Establish and maintain monitoring and reporting processes on Aboriginal justice outcome data.
- Develop and manage a range of initiatives and projects developed under the Aboriginal Justice Agreement, including the Aboriginal Community Initiatives Pilot Program and funding for the Regional AJACs.
- Liaise with State and Commonwealth agencies in developing a whole-of-government approach to addressing underlying issues.
- Monitor and provide advice to the Justice Portfolio on the implementation of Royal Commission recommendations.
- Co-ordinate the Justice Portfolio response to the annual Royal Commission Implementation Report.
- Advocate on behalf of the Aboriginal Justice Agreement.
- Co-ordinate the annual Aboriginal Justice Agreement Implementation Report.

Regional Aboriginal Justice Advisory Committees

A network of six Regional Aboriginal Justice Advisory Committees (Regional AJACs) will be established across the State. These committees will be responsible for developing and monitoring of Regional Aboriginal Justice Plans. The plans will be developed within the

principles and frameworks established under the Agreement, but be based in the context of local service delivery.

The Regional AJACs will also have a role in monitoring and reporting on implementation of Royal Commission recommendations on a regional basis.

The boundaries for the Regional AJACs could be similar to the five DHS rural regional boundaries, and be supported by a single metropolitan region. Factors that could also be considered in determining the boundaries are linkages to traditional lands and families.

Development of the Regional AJACs will require a staged process that takes account of the need for communities to have maximum participation in determining regional structures and planning processes. To ensure communities have an active and equal role in developing their Regional Justice Plans, support should be provided that enhances their skills and understanding.

A full-time executive officer will be based in each region to act as a key support for each Regional AJAC. Executive officers will be responsible to develop supportive linkages between justice agencies and community organisations involved in the planning process.

Regional Aboriginal Justice Advisory Committees will:

- Develop cross-agency linkages and promote information sharing at a local level.
- Assess local community needs and map service provision and utilisation.
- Coordinate the development of Regional Aboriginal Justice Plans.
- Monitor outcomes and service effectiveness.
- Monitor and report on the implementation of Regional Plans and justice outcome data.

The Regional AJACs should include representatives from:

- Local Tumbukka and Binjirru regional councillors
- Local and regional Aboriginal organisations
- Statewide AJAC
- Victoria Police

- Community Justice Panels
- Community Correctional Services
- Magistrates' Court
- DHS (Juvenile Justice—custodial and community based)
- DoJ (Portfolio Planning)
- Sheriff's Office
- Prisons (where located)
- DHS (Community Care)
- Sobering up centres and other A&D Treatment Services as appropriate
- Regional AJAC (Executive Officer)
- Victims' Assistance Programs
- Victorian Aboriginal Legal Service Client Services

6.3 Strategic objectives and agency responses

The Statewide Action Plan comprises initiatives that will reform how the justice system relates to the Aboriginal community. There are also initiatives that build increased Indigenous input into the development of policy, and delivery and review of programs and services. These initiatives will be enhanced and amended as we become aware of best practice and changing trends and circumstances.

All Indigenous justice programs within the Department of Human Services and the Justice Portfolio will be reviewed within the first twelve months of the Agreement to ensure compliance with the Recommendations of the Royal Commission and principles of the Aboriginal Justice Agreement.

The reviews team will comprise both government and community representatives from the Aboriginal Justice Forum (or delegates). The initiatives detailed below includes a number of existing programs that will be reviewed.

6.4 Strategic Objective 1: Community Participation

Achieve maximum Aboriginal community participation in the processes for legislative, policy & program development, service delivery, monitoring and review.

1.1 Koori Recruitment and Career Development Strategy

While the Government is committed to promoting Aboriginal employment across the public sector and setting targets in each department, the Justice Portfolio will take a lead in development of the comprehensive Koori Recruitment and Career Development Strategy.

While there is a recognised need to have more Aboriginal officers in Victoria Police and correctional facilities, there is also a priority need to have them employed in policy and program development areas in all justice agencies. Emphasis will be on the Department of Justice, Office of the Correctional Services Commissioner, Victoria Police and Juvenile Justice.

The strategy will be established to achieve:

- A long-term increase in the number of qualified Aboriginal staff employed across all areas and all levels of the Justice Portfolio.
- Similar increases in the employment and qualifications of Aboriginal people in the funded sector of the justice system.
- Development of appropriate career development frameworks and the opportunities for Aboriginal staff to undertake training and further education.

The strategy will have links to the DHS INTRAIN (Indigenous Training and Recruitment Initiatives Program) and other government traineeship and employment initiatives. It will include:

- Employment targets across all areas of the Justice Portfolio.
- Scholarship programs for Aboriginal students studying law, criminology, police studies and other justice-related courses.
- Scholarships and a mentoring program for Aboriginal employees within the Justice Portfolio to improve retention levels and career opportunities.
- Placement opportunities for Koori trainees within the justice system.
- Development of a support network for Koori employees.

1.2 Supporting Aboriginal Lawyers

A natural progression facilitated by the Aboriginal Justice Agreement should be the appointment of judicial officers from the Aboriginal community. However, insufficient numbers of Aboriginal law graduates are going on to practice or even stay within the profession – a fundamental requirement for appointment to the judiciary.

Positive initiatives, complementing the tertiary scholarships within the Agreement's Recruitment and Career Development Strategy, will be the promotion of facilitated and multiple placements of young Koori lawyers in law firms and government legal units and agencies. Also, the development of a mentoring program and network are considered essential elements in promoting retention.

1.3 Funding and support of Aboriginal organisations

The resource requirements for Aboriginal organisations will be identified to enable effective partnerships and service delivery of justice programs at best practice levels. Where necessary, strategies for capacity building will be developed to ensure communities gain the necessary skills to participate in planning and program and service delivery activities.

1.4 Aboriginal official visitors

The existing Official Visitor Program for prisons will be enhanced by the appointment of a number of Aboriginal visitors. These visitors will deal specifically with issues related to, or arising from, the imprisonment of Aboriginals, the adequacy and standard of services for Aboriginal prisoners, and the resolution of their complaints. This initiative is consistent with Recommendation 176 of the Royal Commission, that supports the establishment of an independent complaints officer.

On the recommendation of the Aboriginal Justice Forum, the Minister for Corrections will appoint (under section 35 of the *Corrections Act 1986*) Aboriginal official visitors for a period of two years. They will be appointed to cover a number of custodial facilities in metropolitan Melbourne, Gippsland, Goulburn Valley, Central Victoria and Geelong/South-West Victoria.

The visitors will be volunteers and provide their services on an honorary basis. They will be reimbursed for services incurred, and receive ongoing support and training from the Office of the Correctional Services Commissioner.

They will be invited to attend regular meetings of all official visitors with the Minister, and will report on complaints and issues they have not been able to resolve locally. Aboriginal official visitors will contribute to the Government's annual report on the implementation of the recommendations of the Royal Commission.

Aboriginal official visitors should be active and essential participants of their local Regional Aboriginal Justice Advisory Committee, and undertake related activities on behalf of the committee.

A similar program, consistent with the principles of the Aboriginal Justice Agreement, will be considered by 30 December 2000 for juvenile justice custodial facilities. The nature and form of the program will have to reflect the unique characteristics and needs of a younger age group.

1.5 Mentoring program for young Aboriginal women

The Aboriginal community has indicated a significant gap in support programs for young Aboriginal women who are increasingly coming into contact with the juvenile and criminal justice systems. Funds were allocated in 1999–2000 to the Correctional Services Commissioner to develop, in partnership with the Aboriginal community, two 12-month pilot projects.

Initially, participation in the program could be a condition of a community based order or an intensive corrections order. This would give the court a sentencing option when dealing with young Aboriginal women, particularly those with children.

Aboriginal female elders will be employed on a sessional basis as mentors to provide advocacy and support for Aboriginal women and girls at risk of coming into contact with the criminal justice system. The mentors will develop linkages to other programs and services that

cater to the needs of individual clients (such as drug and alcohol counselling and parenting programs).

1.6 Integration with local priority policing

There is a need to establish formal linkages between Regional AJACs, local priority policing groups and local/regional police commanders to ensure local Aboriginal community priorities are incorporated into their plans.

6.5 Strategic Objective 2: Development of culturally appropriate programs and services

Identify and respond effectively to the needs of Aboriginal people through the development and delivery of culturally appropriate programs and services.

2.1 Regional Aboriginal Justice Advisory Committees and associated planning framework

As recommended by the Royal Commission, a network of Regional Aboriginal Justice Advisory Committees will be established across the State to facilitate improved relations between local Aboriginal communities and justice agencies. A key role for the Regional AJACs will be to promote and facilitate community-based initiatives to reduce contact with the criminal justice system. The Regional AJACs will also have a role, with the Community Legal Education Program (proposed by the Victorian Aboriginal Legal Service), in increasing Aboriginal people's knowledge of their civil and legal rights.

A key role of the Regional AJACs will be the development of regional plans. These will outline strategies for improving service delivery to local Aboriginal communities, and will include:

- Identified needs of local communities.
- Locally agreed priorities for service reform and community initiatives.
- Development and enhancement of partnerships.

- Monitoring of Royal Commission and Aboriginal Justice Agreement implementation.
- Local community and departmental service infrastructure.
- Information and support provided by participating agencies.

2.2 Aboriginal Community Based Initiatives Pilot Program

It is proposed to establish a three-year pilot program to assist in research and development of community-based best practice initiatives that have been identified in local/regional planning. The program will encourage the development of local community-based responses to identified issues of concern, and partnerships with local justice agencies.

Initiatives should be consistent with the principles and strategic objectives identified in the Aboriginal Justice Agreement and the respective Regional Aboriginal Justice Plan.

2.3 Cross-cultural awareness training

Cross-cultural awareness training for officers within Justice agencies requires review to improve the effectiveness of training outcomes. Currently, training is provided through a range of mechanisms including external consultants, compulsory training units provided through agency-based training services, and some locally provided training.

Under the Agreement, cross-cultural awareness training programs will be reviewed and redeveloped to ensure:

- Officers from key justice agencies receive more than token cross-cultural awareness training.
- Local Aboriginal community participation in the design and delivery of the training.
- Training programs facilitate networking between departmental and community-based workers in relevant areas of the justice system.
- Emphasis is placed on relationship building between justice officers and communities at the local level.
- Training should include historic, social, political and service delivery issues.

2.4 Cultural Immersion Program

The Office of the Correctional Services Commissioner supports the extension of the Cultural Immersion Program to all prisons, public and private, in Victoria in 2000–2001. The program is based on a pilot conducted by CORE in November 1998 at Won Wron prison where Aboriginal elders presented a range of culturally based activities.

The program aims to address the offending behaviour of Aboriginal prisoners by reinforcing their spirituality and cultural identity. An evaluation has indicated positive outcomes (changed behaviour patterns) for participants.

Knowing the importance of land, the Program will be expanded to enable low-risk Aboriginal prisoners to participate in cultural camps on traditional lands. These will be hosted by Aboriginal communities and their respective elders.

2.5 Family Visits Program—Aboriginal prisoners

The Office of the Correctional Services Commissioner will administer a program providing assistance to families in need to visit their family members resident in Victorian correctional facilities, both public and private.

ATSIC has previously provided funding, on a pilot basis, to CORE to conduct a program that facilitates visits by the families of Aboriginal prisoners located in public sector prisons. For families of Aboriginal prisoners located in private prisons, the program was administered through the Victorian Association for the Care and Resettlement of Offenders.

2.6 Adult Residential Program

The Government and the Aboriginal community recognise the need for an Indigenous-specific diversionary program. Consultations with communities identified the urgent need for a program covering various regional locations, drug and alcohol rehabilitation, community-based remand facilities, and youth and female facilities.

Communities also noted the need for a residential program that provides opportunities for rehabilitation through cultural learning, and strengthens an individual's responsibility to their community and culture.

The Warrakoo Station program, operated by Mildura Aboriginal Corporation, integrates a range of rehabilitation strategies (including employment, training, education and cultural learning) in a drug- and alcohol-free environment. Offenders are placed at Warrakoo as a condition of bail. Those who successfully complete a period of residence are returned to court, at which time the court sentences them taking into account their progress in addressing offending-related behaviours.

While the Warrakoo program has been funded on an ad hoc basis to date, it will apply for recurrent funding under the Adult Residential Program.

Development of initiatives under the program will need to take account of the needs of offenders and those at risk of entering the criminal justice system. The program will be developed in consultation with communities, regional councils and the network of Aboriginal Justice Advisory Committees.

2.7 Capacity building

The Department of Justice, the Department of Human Services, the Office of Post Compulsory Education, Training and Employment (PETE), the Victorian Aboriginal Education Association Inc., Aboriginal Affairs Victoria, and ATSIC, will work together to assist Aboriginal organisations through the regional planning process. Organisations will be helped to increase their skills to ensure best practice service delivery and appropriate representation of the Aboriginal community in all justice matters.

Training must be developed in consultation with the local community. It should be linked with the capacity building initiatives outlined in the DHS Koori Services Improvement Strategy and regional council initiatives.

2.8 Youth leadership in custody

Community consultations with the Aboriginal community highlighted the need for more pre- and post-release programs for young Aboriginal men to ease them back into the community and reduce their risk of re-offending. Most male Aboriginal prisoners are aged between 20 and 30 years.

The Office of the Correctional Services Commissioner (OCSC) was provided with funds in 1999–2000 to develop, in partnership with the Aboriginal community, a youth leadership program for Aboriginal men in custody aged between 17 and 30 years who are nearing the end of their sentence. A steering committee will be established to work through the Corrections Education Management Consortium (a subcommittee of the Corrections Industry Training Board), to arrange for the delivery in existing TAFE institutes with prison and juvenile justice campuses.

The program will focus on providing prisoners with necessary skills and knowledge (including literacy and numeracy skills), to rebuild their self-esteem and self-confidence, and to increase their chances of finding employment and/or training opportunities once back in the community. The program will aim to strengthen the links between the young offender's family, community and culture.

Program outcomes should show a significant reduction in re-offending as participants will be equipped with the necessary skills and support to adjust back to the community.

2.9 Comprehensive and appropriate information

There is a need to improve and increase the knowledge of justice programs and services available to the Aboriginal community and people.

Respective justice agencies, particularly Victoria Police, Equal Opportunity Commission of Victoria, Sheriff's Office, Office of Correctional Services Commissioner need to provide clear and comprehensive information to Aboriginal people, communities and Regional AJACs.

A regular quarterly newsletter detailing and promoting implementation of the Aboriginal

Justice Agreement will be developed by the Department of Justice, under guidance of the Aboriginal Justice Forum. A complementary website will be developed to broaden the newsletter's access and provide linkages to similar Indigenous sites within Australia and overseas.

2.10 Culturally appropriate tender specifications

In all documentation, business units and agencies responsible for programs or services that are either Aboriginal-specific or impact to a significant degree on the Aboriginal community, are required to develop tender specifications that specify skills, experience and knowledge for culturally appropriate service delivery to Aboriginal communities.

The participation, including joint tendering, of Aboriginal communities in the development and delivery of services and programs impacting on Aboriginal people by non-Aboriginal organisations is essential, as outlined in the principles of the Agreement.

2.11 Identified positions policy

The Departments of Human Services and Justice and portfolio agencies will have an identified positions policy that will ensure, in part, that those personnel with appropriate skills are involved in the development, delivery and evaluation of services to the Aboriginal community.

An identified position is one in which some or all of the duties involve the development of policy or programs relating to Aboriginal people and communities, and/or involve interaction with Aboriginal communities (including service delivery). To perform these duties efficiently and effectively, it is essential that the appointee has an understanding of issues affecting the Aboriginal community. The appointee must also be able to communicate sensitively with Aboriginal people.

2.12 Agency level responses

Agency-based strategic responses will be developed to further the Aboriginal Justice Agreement's Strategic Objectives. These will include providing assistance and support for local community planning and service reform initiatives.

A positive outcome of this process will be the recognition by agencies that improving service delivery and achieving better outcomes for the Aboriginal community should be core business and ongoing.

2.13 Aboriginal welfare officers— correctional facilities

As recommended by the Royal Commission (Recommendation 174), all correctional authorities, public and private, are to employ Aboriginal welfare officers (AWOs) to assist Aboriginal prisoners. AWOs are to be located at, or frequently visit, each institution with a significant Aboriginal population.

Aboriginal prisoners will have the opportunity to meet with an AWO, as outlined in their case management plans. These plans are jointly developed by the prisoner, the AWO and prison management.

The role of the AWO is to:

- Liaise with prison management and relevant Aboriginal organisations.
- Provide education and training advice.
- Assist with any problems they might be experiencing inside the facility.
- Assist with welfare matters extending outside the institution.
- Provide counselling services.
- Provide information on pre-release and post-release programs.
- Co-ordinate cultural awareness programs.
- Assist with transport, accommodation and social security allowances.

AWOs are specific positions and these officers should not undertake tasks associated with prison security. The positions will be Aboriginal-identified, have a job description that reflects the role outlined above, and require a Diploma of Community Services or similar qualification and/or related experience and skills.

The Office of the Correctional Services Commissioner will be responsible for ensuring this requirement is implemented across private and public custodial facilities.

2.14 Koori Family History Service and Link Up

A common theme among Aboriginals coming into contact with the juvenile and criminal justice systems is their history of being separated from their families when they were children. The Royal Commission investigated 99 deaths and found that close to half were people who had been removed from their families as children.

The ATSIC funded Link Up Victoria is an Aboriginal program that traces and reunites Indigenous families immediately affected by past policies of forced removal of Aboriginal children. Link Up has been providing such a service to Koori prisoners throughout Victoria.

Also, a State Government initiative developed in response to the *Bringing Them Home* report will be the Koori Family History Service. This community based Service will aim to maintain south-eastern Indigenous genealogies through a central, community-based database with regional programs.

The service will provide an outreach program to Aboriginal people in juvenile justice centres and adult correctional facilities helping to rebuild family connections and ties to community.

2.15 Aboriginal pastoral service program

The spiritual needs of Aboriginals in custody are an important element in their rehabilitation. A program will be developed with the Minajalku Aboriginal Corporation (an Indigenous ecumenical forum) to assist with local delivery of an Indigenous-specific pastoral service to Aboriginal prisoners.

2.16 Community Legal Education Program

It is important that information is readily available to enable Aboriginal people to know what the present legal system involves in terms of rights and obligations so they can assess the usefulness of this system in solving problems.

The Victorian Aboriginal Legal Service has successfully piloted the Community Legal Education Program that targeted young people

and women. Collaborative planning with Victoria Legal Aid and networking with community legal centres has assisted already in the development and delivery of the pilot program.

6.6 Strategic Objective 3: Development of a co-ordinated and strategic approach

Development of a co-ordinated and strategic whole-of-government approach ensures that the design, development, delivery and monitoring of programs and services for Aboriginal people is in accordance with the Aboriginal Justice Agreement principles and objectives.

3.1 Streamline funding arrangements

Where appropriate for local Aboriginal community organisations, funding from all departmental sources will be integrated into a single contract with clear outcome measures and targets. Contract negotiation will be similarly integrated across program boundaries.

3.2 Consolidated consultative mechanisms

Integrated consultative mechanisms (for example, local/regional reference groups) will be developed between Aboriginal organisations and departmental agencies. Currently, individual departments develop local planning mechanisms that have similar objectives and participants (for example, Koori Services Improvement Strategy Regional Reference Group Plans and ATSIC Regional Council Plans). Integrated consultative mechanisms would reduce overlap and ensure better delivery of projects and services.

3.3 Accountability for service quality and outcomes

To improve accountability and the effectiveness of the Aboriginal Justice Agreement and associated initiatives, the respective agencies for all initiatives covered by this Agreement will establish benchmarks, performance indicators, targets and timelines.

In keeping with the principles of the Agreement, the Aboriginal Justice Working

Group will approve accountability measures for statewide initiatives, and Regional AJACs will approve local initiatives.

Initiatives covered by the Agreement will be included in the business plans of respective justice agencies and business units, and managerial performance plans and work plans.

3.4 Policy integration

This initiative will develop linkages, plan connections and, where appropriate, coordinate activities between the regional councils, Regional AJACs and similar bodies associated with implementing Indigenous policy frameworks. These would include community services, education, health, justice, Aboriginal Affairs and other related portfolios.

3.5 Best practice

This initiative will identify and promote best practice in regional planning, policy implementation and service delivery by justice and community service providers. A regular publication and complementary website will be developed to provide Indigenous best practice material and initiatives to Aboriginal communities and justice agencies.

3.6 Improved data collection

A database containing a statistical profile of Indigenous contact with the juvenile and adult criminal justice systems will be developed and maintained by the Department of Justice with assistance from the Department of Human Services, Australian Bureau of Statistics and the Australian Institute of Criminology.

Data collection systems and mechanisms will be established/enhanced for ongoing monitoring and analysis of Aboriginal people who progress through the criminal justice system. Procedures will be developed for improving consistency and accuracy in recording the Aboriginality of all service users.

Quarterly reports will be provided to all members of the Aboriginal Justice Forum and the Justice Aboriginal Working Group to assist in the monitoring and evaluation of programs and services.

3.7 Funded agency service agreements

The Departments of Justice and Human Services will ensure there are clearly identified outcomes and accountability measures (including performance indicators and targets) in all mainstream service agreements that impact on the Aboriginal community.

3.8 Improved education and training outcomes for Koories in juvenile justice centres and correctional facilities

The need for improved education and training outcomes for Aboriginal people in juvenile and adult correctional facilities is a high priority in their rehabilitation.

In working with the DHS, DEET, the Victorian Aboriginal Education Association Inc, training providers, Office of the Correctional Services Commissioner and relevant agencies, a coordinated strategy and protocols will be developed, in accordance with the principles of the Aboriginal Justice Agreement, which will promote improved Indigenous education outcomes across the corrections system.

6.7 Strategic Objective 4: Delivery of fair and equitable justice services

Address issues that limit or prevent Aboriginal access to legal protection and ensure that the discretionary administration of law does not adversely impact on Aboriginal people and culture.

4.1 Dispute Settlement Centre Victoria—Koori Program

During 1998, the Dispute Settlement Centre of Victoria (DSCV) consulted with Aboriginal communities to identify ways of improving their access to mediation services. Mediation can assist in dealing with conflict within their community, and conflict with people and organisations in the broader community.

Recommendations from the study included the development of community mediation training, Aboriginal mediators, and improved organisation-based mediation referral services. An important component of the program will be

the positive role elders can play in mediation and dispute settlement. The program will be implemented as a component of the overall Victorian Aboriginal Justice Agreement.

4.2 Improved levels of representation on boards and tribunals

In keeping with the Agreement's objectives of maximising Indigenous participation in the development and delivery of policies and services, a databank will be established of suitable Aboriginal people for appointment to DOJ and DHS advisory boards, tribunals, panels and committees.

In particular, the Government will promote the appointment of Aboriginals to such positions as Bail Justices and such organisations as the Youth Parole Board, the Youth Residential Board, the Adult Parole Board and the Equal Opportunity Commission Victoria.

4.3 Increased access to dispute resolution, mediation and complaints services

Working with respective agencies, the Aboriginal Justice Working Group will review current service delivery systems to ensure Indigenous needs have been recognised and responded to through the development and delivery of culturally appropriate programs and services.

Specific agencies and services that will have to comply with the Agreement's principles and strategic objectives include the Victims Referral and Assistance Service, the Dispute Settlement Centre of Victoria, the Equal Opportunity Commission, the Office of the Ombudsman and Victoria Police.

4.4 Access to legal representation

The Government will revamp the legal aid system to ensure professional advice is available through public, private and community sector providers.

While acknowledging the role that the Victorian Aboriginal Legal Service (VALS) has in servicing the Aboriginal community, Victorian Legal Aid (VLA) recognises its obligation to better inform Aboriginal people about their services and programs.

In the first year, a review will be undertaken to examine the provision and adequacy of legal representation to the Aboriginal community. Issues to be considered include funding sources, level and method of funding, service provision (including teleconferencing), and areas of coverage (including resources for minor advice for family and civil matters). The review will also consider the provision of resources for conducting test cases.

4.5 Improving Aboriginal/police relations

The Victoria Police Aboriginal Strategic Plan is supported, including the strategies and initiatives listed against the key result areas of improving communication and liaison, improving training and education, and improving recruitment.

The strategic plan is complementary to the principles, objectives and opportunities detailed in the Aboriginal Justice Agreement.

Victoria Police will place particular emphasis on the continued development of the Community Justice Panel network and increased Indigenous recruitment.

The appropriate selection and training of Aboriginal liaison officers within Victoria Police will also assist in breaking down barriers.

The partnership of Victoria Police and Community Justice Panels will be enhanced through joint membership of the Regional AJACs and the Aboriginal Justice Forum.

In areas where there are significant numbers of Aboriginal people, Victoria Police will develop local protocols with the Aboriginal communities. These protocols will cover service delivery and be developed around areas of significant community concern (such as family violence, bail, the needs of young people, public drinking, and the provision of an advisory service on policing issues).

All protocols will be authorised by the Assistant Commissioner General Policing and signed off in relation to agreed actions, roles

and responsibilities of all participating parties, including the regional commander, individual station commanders and Aboriginal community representatives.

4.6 Review of the Aboriginal Community Justice Panel Program

Aboriginal communities and the Government recognise that the Aboriginal Community Justice Panel (CJP) Program, administered by Victoria Police, is an essential, front-line service that assists Aboriginal people who come in contact with the criminal justice system.

Established in 1988, the CJP Program consists of 17 regional groups of volunteers who provide on-call services. The program has come under increasing pressure to provide an expanded range of services.

The factors impacting on the program's operation include:

- The reduction of Commonwealth funding to Aboriginal organisations, and a consequent increase in demand for CJPs to deliver a broad range of emergency and welfare services.
- Increased involvement in confronting and stressful Aboriginal-police encounters, and a lack of counselling, training and support for dealing with these incidents.
- Poor linkages between CJPs and other key Aboriginal and mainstream justice-related services.

Victoria Police together with the Aboriginal Justice Working Group will review the CJP Program and its future role in implementing the Aboriginal Justice Agreement to strengthen the operation of CJPs.

4.7 Statewide Protocol with Aboriginal Community Justice Panels

A protocol was developed in 1997 between CORE and the Community Justice Panels. It outlined a process for sharing resources including office facilities, expert advice, training and liaison.

Given the limitations of volunteers and resources, the protocol presently targets only public sector prisons and Community Corrections Services. The proposed review of

the CJP Program will include the feasibility of extending the protocol's coverage to private sector prisons.

4.8 Police Aboriginal liaison officers

All police Aboriginal liaison officers (ALOs) will, where possible, be at the rank of sergeant or above, and selected according to the role identified in the *Police Operating Procedures Manual*. ALOs will be responsible for the delivery and coordination of training on Aboriginal issues throughout the division, and other areas as required.

ALOs are accountable to the regional commander, and provide quarterly reports to the Victoria Police Aboriginal Advisory Unit on all aspects of the Victoria Police Aboriginal Strategic Plan and other areas relevant to the Victoria Police Aboriginal Policy.

4.9 Sheriff's Office Aboriginal Liaison Program

The Sheriff's Office is committed to providing a culturally appropriate program to assist Aboriginal people in negotiating their outstanding warrants through community based orders or community custodial permit.

An important mechanism for reducing over-representation of Aboriginal people in the criminal justice system is to have a culturally appropriate program within the Sheriff's Office that promotes community education and options available in negotiating outstanding payments. The social and economic disadvantage experienced by Aboriginal people means they disproportionately receive warrants for the non-payment of fines that lead to contact with the Sheriff's Office and, possibly, imprisonment.

The proposed program will educate the Aboriginal community on the role of the Sheriff's Office and develop positive relationships with the Aboriginal community, particularly CJPs, the Victorian Aboriginal Legal Service and local Aboriginal community organisations.

The Sheriff's Office will also participate in the Regional Aboriginal Justice Advisory Committee network to further develop positive

relationships with Aboriginal communities across the State.

4.10 Magistrates' Court: Indigenous initiatives

The establishment of a Koori Liaison Officer Program is a priority for the Magistrates' Court network in areas of significant Aboriginal communities (similar to existing disability and psychiatric liaison officer positions). The first position/s should be located in the Melbourne Magistrates' Court and then implemented across the State.

Another project to be given consideration is replicating with cultural adaptation, the Nunga Magistrates' Court of Port Adelaide, South Australia where Nunga elders advise the sitting magistrate. The court also employs at least one Aboriginal official as an assistant to the magistrate.

4.11 Indigenous Bail justices

In line with the Agreement's objectives to ensure maximum Indigenous participation in the justice system, the appointment of Indigenous Bail Justices has been identified as a key priority.

This initiative will require positive action by the Department of Justice in terms of education and promotion of the Bail Justice role within the Aboriginal community and a specific intake of Indigenous Bail Justices across the State. They will perform their duties for Aboriginal and non-Aboriginal people who come into contact with the Justice system.

6.8 Strategic Objective 5: Increasing community safety, security and wellbeing

Strengthening Aboriginal families and communities. Develop targeted strategies to address the underlying economic, social and cultural issues behind the breakdown of families and the over-representation of Aboriginal people coming into contact with the juvenile and criminal justice systems.

5.1 Support and strengthen community strategies for addressing family violence

Tackling family violence and providing support for victims are primary tasks of the Aboriginal Justice Agreement.

Together, Regional AJACs and justice agencies will establish protocols seeking improved responses to family violence. Regional AJACs will consider the development of holistic community-based family violence strategies through joint activity of local Aboriginal justice planning groups and Koori Services Improvement Strategy (KSIS) regional reference groups.

Program assistance should be a priority for mainstream service providers, while assistance will be also available under the proposed Community Initiatives Pilot Program to develop and research initiatives targeting family violence.

5.2 Post-release Aboriginal employment and training advisory service

A post-release employment and training advisory service (the advisory service) is proposed to increase opportunities for prisoners accessing the labour market after release. While Aboriginal prisoners are able to access a range of employment-related training programs in prison, obtaining employment after release proves problematic.

The advisory service will consist of a database of job vacancies in Aboriginal and non-Aboriginal communities that links with the skills gained by prisoners who have undertaken training programs in prison. The service would also arrange prospective employment interviews and post-release support during the initial months in employment, assist with identifying accommodation and promoting linkages with Aboriginal and mainstream service providers.

The Department of Employment, Training and Youth Affairs, in conjunction with the Bendigo Regional Institute of TAFE has a similar pilot initiative to that proposed. Two Aboriginal workers were employed as employment and training advisers at Loddon Prison in 1999.

The Office of the Correctional Services Commissioner will consider the evaluation of the program with a view to proposing a statewide program aimed at providing employment and training assistance to all eligible prisoners prior to, and following, their release from prison.

5.3 Integration with the crime prevention agency strategies

Formal linkages will be developed between statewide and Regional AJACs and the local senior management teams established under the *Safer Cities and Shires Program*.

The Department of Justice recognises the need to ensure Indigenous concerns are a priority in its mainstream programs, and not merely included as an additional item.

5.4 Victim Support Services and Court Network

It is important to ensure the Victims Referral and Assistance Service and the Court Network recognise the needs of the Aboriginal community, and respond by developing and delivering culturally appropriate and relevant victim support programs and services.

5.5 Drug and Alcohol Services integration

The linkages and co-ordination between Victorian Aboriginal Drug and Alcohol Services and justice system-based programs and community-based services need to be improved.

Many Aboriginal communities highlighted difficulties in accessing mainstream drug and alcohol services, particularly accessing residential detoxification and recovery programs in regional areas.

While the requirement for these services is not unique to the Aboriginal community, the development of Regional AJACs provides an opportunity for the Department of Human Services to examine the role and delivery of Aboriginal and mainstream drug and alcohol services. This will assist in their effective integration into regional Aboriginal justice planning and service delivery frameworks.

6.9 Strategic Objective 6: Reducing the risk for Aboriginal children and youth

Through the development of a whole-of-government approach, focus on strengthening families and primary crime prevention as a means of reducing the risk of involvement of Aboriginal children and youth in the justice system.

6.1 Koori Justice Worker Program review

The Juvenile Justice Section in DHS, in conjunction with the Aboriginal Justice Working Group, will undertake a review of the Koori Justice Worker Program and its future role in implementing the Aboriginal Justice Agreement.

The review will comment on the most effective location for Koori justice workers (in the Aboriginal community, the wider community, or based within DHS) including the adequacy of current resources for delivery of the program at best practice level.

6.2 Juvenile justice remand and bail support

While the remand rate for young Aboriginal people is lower in Victoria than in other jurisdictions, there is still concern about their over-representation in the juvenile justice system.

The Department of Human Services will review current support programs for Aboriginal juveniles to further minimise the incidence of inappropriate remand episodes. This could involve creating an intensive support and supervision program (mentor program), and enhancing culturally appropriate placement and support services for young Aboriginal people.

6.3 Restorative justice initiatives

It is important to examine the feasibility of developing (on a pilot basis) culturally appropriate restorative justice initiatives that involve family members, Aboriginal Elders and relevant community organisations. These initiatives initially would be aimed at the Children's Court and diverting young people

from the criminal justice system. Similar initiatives already operate in Central Australia, South Australia and Canada.

6.4 Establish linkages with the Police Youth Statement External Reference Group

This group provides support to Victoria Police to ensure its Youth Policy Statement effectively meets the contemporary needs of the Aboriginal community. It reviews the Youth Policy Statement biannually.

6.5 Koori Peer Education Program

Consultations with the Aboriginal community revealed a widespread concern with the linkages between alcohol and substance use by young Aboriginal people, and offending and anti-social behaviour. Aboriginal communities identified the need to establish an alcohol and drug program specifically targeted at young Koories that was similar to the Alcohol and Drug Project established by the Juvenile Justice Section.

The Alcohol and Drug Project is a multi-faceted approach to dealing with substance use by young offenders. It relies on a number of strategies to reduce the harm caused by the inappropriate use of alcohol and other substances, and to substitute positive behaviour.

One strategy is the Peer Education Program. After completing two-day intensive programs in alcohol and drug and harm minimisation, peer educators run information sessions for other young people. Peer educators have credibility with young people and can present information to their peer group in an effective way.

It is proposed to establish a program specifically targeted at young Koori offenders and those at risk of offending. Under the proposal, the Juvenile Justice Section would receive funding to develop the peer education program in partnership with the Aboriginal community/agency. The program would also develop linkages with other services that attend to the needs of the individual clients.

Glossary

Agreement	The Victorian Aboriginal Justice Agreement
Justice agencies	The variety of justice agencies in the Department of Justice (including Victoria Police, Office of the Correctional Services Commissioner, Public Correctional Enterprise, courts and tribunals, the Equal Opportunity Commission, the Victims Referral and Assistance Service and Dispute Settlement Centre of Victoria) and the juvenile justice program in the Department of Human Services
Koori	Term generally used to describe Indigenous inhabitants of south-east Australia
National Inquiry	Human Rights and Equal Opportunity Commission's National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children From Their Families
Nungas	Indigenous name for South Australian Aboriginal people
Regional councils	Binjirru and Tumbukka Regional Councils comprise the elected arm of ATSIC in Victoria.
Royal Commission	Royal Commission into Aboriginal Deaths in Custody

Acronyms

AJAC	Aboriginal Justice Advisory Committee (Victoria)
ATSIC	Aboriginal & Torres Strait Islander Commission
ERC	Economic Review Committee
CJP	Community Justice Panel
CORE	The Public Correctional Enterprise
DHS	Department of Human Services
DOJ	Department of Justice
KSIS	Koori Services Improvement Strategy
NAJAC	National Aboriginal Justice Advisory Committee
RAJAC	Regional Aboriginal Justice Advisory Committee
VALS	Victorian Aboriginal Legal Service
VLA	Victoria Legal Aid
VRAS	Victims Referral and Assistance Service
VAP	Victims Assistance Programs

Please note:

In 2003, CORE and the Office of the Correctional Services Commissioner were amalgamated under the new title Corrections Victoria.

Attachment: Ministerial Summit on Indigenous Deaths in Custody, 4 July 1997

Summit Communiqué

Preamble

Commonwealth, State and Territory Ministers with responsibility for justice, policing, correctional services, and Indigenous affairs, together with representatives of Indigenous communities, met on 4 July 1997 to examine issues relating to the implementation of the Royal Commission into Aboriginal Deaths in Custody.

In coming to the Ministerial Summit on Indigenous Deaths in Custody, Ministers:

- (a) agree that the primary issue of concern is the significant over-representation of Indigenous people at all stages of the criminal justice system and the increase in the rate of Indigenous deaths in custody in some States since the release of the Royal Commission's Final Report;
- (b) acknowledge the efforts of all governments, Indigenous peoples and organisations to prevent contact between Indigenous peoples and the criminal justice system;
- (c) acknowledge that addressing the underlying issues is fundamental to the achievement of any real, long-term solutions to the issue of Indigenous incarceration and deaths in custody; and
- (d) recognise that it will take the combined effort of Commonwealth, State and Territory Governments and Indigenous peoples and the wider community to effectively address Indigenous over-representation.

Resolution

To address the over-representation of Indigenous people in the criminal justice system, Ministers agreed, in partnership with Indigenous peoples, to develop strategic plans

for the coordination of Commonwealth, State and Territory funding and service delivery for Indigenous programs and services, including working towards the development of multi-lateral agreements between Commonwealth, State and Territory Governments and Indigenous peoples and organisations to further develop and deliver programs.

The focus of these plans will address:

- underlying social, economic and cultural issues;
- justice issues;
- customary law; and
- law reform;

and will include:

- jurisdictional targets for reducing the rate of over-representation of Indigenous people within the criminal justice system;
- planning mechanisms;
- methods of service delivery; and
- monitoring and evaluation.



Victorian Aboriginal Justice Agreement Phase 2 (AJA2)



A Partnership between the Victorian
Government and the Koori Community

"The markings on this shield represent our people and our country".
Kurnai Shield is an acrylic on canvas created by Eileen Harrison, a Kurnai woman from Gippsland.

The shield was painted in 2002 and was featured in the Mallacoota Arts Festival of that year.

Victorian Aboriginal Justice Agreement Phase 2 (AJA2)

A Partnership between the Victorian Government
and the Koori Community

For further information on the Victorian Aboriginal Justice Agreement, please contact:

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The Victorian Aboriginal Justice Agreement can be found at:

<http://www.justice.vic.gov.au>
<http://www.dhs.vic.gov.au>

ISBN: 1921028254

Acknowledgement

© 2003. Kurnai Shield by Eileen Harrison, Kurnai woman from Gippsland. The Department of Justice reproduced the shield's design under contract with the Artist.

First published by in June 2006 by the Victorian Department of Justice.

Designed by: Reanna Bono, Deadly Design
Printed by: Bigprint
Document automation and development by: Linton (Aust.) Pty. Ltd.

The terms Aboriginal, Indigenous, Koori and Koories are used throughout this document to describe Indigenous inhabitants of Victoria. The term Indigenous is used to describe Aboriginal and Torres Strait Islanders nationally. The Koori Caucus of the Aboriginal Justice Forum has agreed that for consistency the term 'Koori' is the preferred term (Koories for plural) to be used in the AJA and related initiatives.

Foreword

This Agreement exists because, quite simply, there is business to be finished between Indigenous and non-Indigenous Australia. As a nation, of course, we are still on the journey to the necessary maturity to achieve this. Along the way, however, have been moments of clarity – moments when society looks itself in the mirror and confronts what it finds.

The Royal Commission into Aboriginal Deaths in Custody was such a moment – a profound wake up call that put the country's leaders on notice to stand up and take responsibility. The Victorian Aboriginal Justice Agreement, first signed in 2000, was one of the Bracks Government's responses to this call. The Agreement has demonstrated what can be achieved when we continue the journey side by side, as well as when the practical and the symbolic are combined. Its success is undeniable and its momentum irreversible – from the Koori Court network that has seen recidivism amongst offenders drop dramatically; the Koori Night Patrols and Frontline Youth Initiatives; or simply the growing number of Koories in justice leadership positions and the extraordinary level of consensus that exists in the Aboriginal Justice Forum and its supporting networks.

We cannot pretend for a moment, however, that all the hard yards have been done and, while we are certainly on the right path, there are many miles to go before we can truly claim to be making progress. This is, of course, where the AJA2 comes in – a recommitment between Government and Indigenous Victorians to the challenges ahead – to the rates of adult Indigenous incarceration that remain unacceptable; and to what, appallingly, seems to be an *increase* in incarceration rates of the burgeoning population of Koori people aged 25 and under.

Make no mistake, we have a small window before another generation of Indigenous hopes are lost to disadvantage and despair. Accordingly, the AJA2 contains a range of initiatives which will operate along the spectrum of the criminal justice system – from programs that encourage the participation of Koori young people in education and employment, right through to programs that aim to influence the behaviour of offenders in custody and thereby reduce the risk of further offending post-release.

We have a lot of work ahead of us and I take this opportunity to thank those tireless workers in Government and Indigenous communities – particularly Elders and Respected Persons – for their time, dedication and compassion; and urge them on to this new phase of the journey together. The Agreement would be nothing without the work of people on the ground or without the work of those who have dedicated themselves to cementing the positive relationships that now exist between Government and Koori communities. I look forward to discovering what more we can achieve when, together, we engage, work hard, challenge each other and walk the path of genuine Reconciliation.

ROB HULLS, MP
Attorney-General

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1 Development of the AJA2

The first phase of the Aboriginal Justice Agreement (AJA1) was launched in June 2000 and was reviewed four years later. The review recommended that Government and the Koori community renew their commitment to the Agreement by developing its second phase (AJA2). This document describes that re-commitment.

The Aboriginal Justice Forum (AJF) established a Steering Committee to oversee the development of the AJA2 in 2005. Its membership reflected that of the AJF and emphasised the continuing partnership between Government and the Koori community in addressing Koori over-representation in Victoria's criminal justice system. Development of the AJA2 was undertaken in accordance with the principles articulated in AJA1.

As part of the process to develop the AJA2, the Steering Committee:

- Examined patterns of Koori contact with the criminal justice system.
- Investigated national and international 'best practice' models used to respond to Indigenous justice issues.
- Emphasised the importance of holistic and local platforms in responding to over-representation.
- Analysed recommendations from key reviews relating to Koori over-representation.
- Sought to strengthen development of Koori-specific strategies within justice agencies and Juvenile Justice and Youth Services.
- Continually negotiated and tested ideas with community and government stakeholders.

1.1 Why have an AJA2

The Aboriginal Justice Agreement (AJA1):

- Set out aims and strategic directions to be pursued.
- Identified agreed principles to guide actions.
- Specified the roles and responsibilities of the signatories to the AJA.
- Formed the basis for achieving equity between parties.
- Identified key results to be monitored and evaluated.
- Identified specific projects and systemic reforms.

The purpose of the AJA's reforms will be to:

- Continue to develop a shared vision and agreed priorities for action within government and community sectors.
- Enhance appropriate systems for monitoring outcomes.
- Continue to develop stronger and more sustainable approaches to tackling the many issues associated with over-representation of Koories in the Victorian justice system.
- Continue to empower local Koori communities to become involved in justice policy, planning and service delivery.
- Reduce duplication in service delivery and target effort and resources more effectively.
- Share ideas and expertise.
- Increase accountability and transparency in decision making.
- Contribute to collaborative approaches across government and community to improve justice outcomes for the Koori community.

2 Background

Development of the AJA2 occurred within a dynamic environmental context consistent with the principles of the AJA1. This section describes the environment that informed its development and within which it will be implemented.

2.1 Koori over-representation

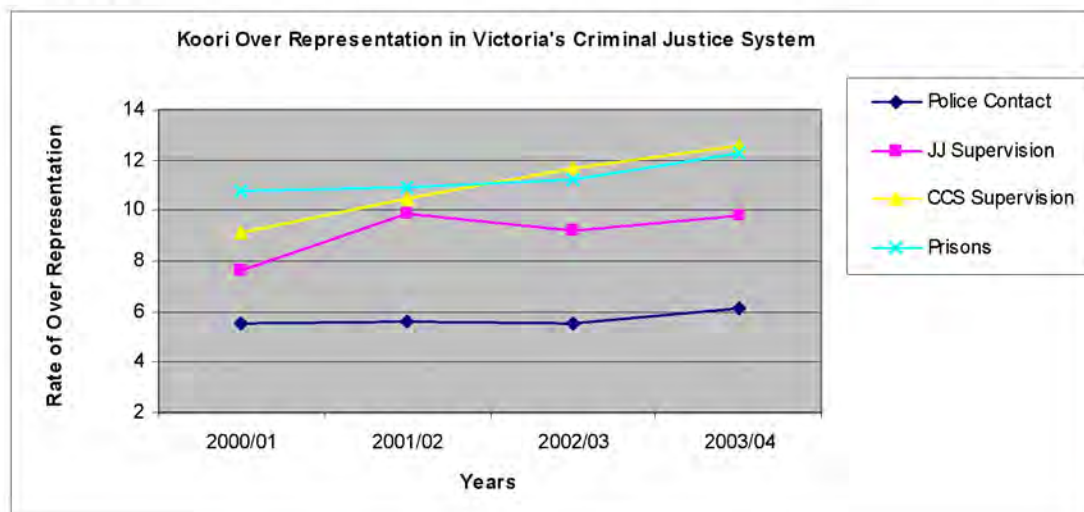
The extent of Koori over-representation in Victoria's criminal justice system between 2000 and 2004 is described in Figure 1. Taken at face value, the data indicates that Koori over-representation in contact with police, juvenile justice and the correctional system increased between 2000 and 2004. It should be noted, however, that the extent of this increase (or otherwise) is uncertain because calculations are based on 2001 census figures which do not take account of increases in population since 2001. This methodological limitation is likely to have inflated the rates of over-representation reported in Figure 1, particularly in 2002/03 and 2003/04. It should also be noted that the level of Koori contact with police reported in Figure 1 is probably understated. Anecdotal evidence suggests that a large number of Koories do not self identify as such when processed by police.

Although much of the over-representation illustrated in Figure 1 is caused by Indigenous social and economic disadvantage, there are other contributing factors, including the relatively poor outcomes Koories experience in the criminal justice system. This can often be attributed to systemic discrimination and is a major focus of the AJA2. It is illustrated by the following Victorian statistics that, compared to non-Koories:

- Koori prisoners, on average, were 30% more likely to re-offend and re-enter prison within two years of release between 2000/01 and 2004/05.
- Koories were slightly more likely to be sentenced to prison than community-based orders between 2000/01 and 2004/05.
- Koories were approximately 23% more likely to be on remand when in prison between 2002/03 and 2004/05.
- Koories were approximately 20% more likely to be incarcerated in maximum security when in prison between 2000/01 and 2004/05.
- Koories were nearly 19% more likely to breach community-based orders between 2000/01 and 2004/05.
- Koori youth were nearly three times less likely to be cautioned when processed by police in 2003/04.
- Koories were approximately 12% less likely to be released on parole when in prison between 2000/01 and 2004/05.

The poor outcomes for Koories in all these areas contribute to the extent of their over-representation in prison and the criminal justice system as a whole.

Figure 1: Rates of Koori over-representation in contact with Victoria Police, Juvenile Justice and the Corrections system from 2000 to 2004



Source: Juvenile Justice in Australia 2000-01 to 2003-04.

2.2 Phase 1 of the AJA

The *Royal Commission into Aboriginal Deaths in Custody* (Royal Commission) found that the high number of Indigenous deaths in custody Australia wide was related to Indigenous people's over-representation in the criminal justice system. Importantly, this over-representation was linked with the high level of Indigenous disadvantage. The AJA was the Victorian Government's response to the *1997 National Ministerial Summit into Indigenous Deaths in Custody*, which served to review Federal and State Governments' responses to the Royal Commission's Recommendations five years after their implementation.

Victoria was the first jurisdiction to develop a justice agreement and action plan with the Koori community. It was signed in June 2000 and remains a formal agreement between Government Ministers and elected members of the Koori community. It outlined the partnership approach to be taken to enable all groups to work together to reduce Koori contact with the justice system.

The AJA1 made important progress toward improving justice outcomes for the Koori community. Most notably it:

- Promoted robust partnerships between Government and the Koori community.
- Built infrastructure that would assist in reducing over-representation.
- Introduced initiatives that demonstrably improved justice-related outcomes for the Koori community.

Some examples of the initiatives of AJA1 implemented toward these outcomes are described below.

Aboriginal Justice Forum

The AJF enables Government and the Koori community representatives to jointly set policy direction and monitor all AJA-related activities. It has been instrumental in forging partnerships between Government and the Koori community at the local, regional and state-wide levels.

Regional Aboriginal Justice Advisory Committee Network

The RAJAC network is the foundation of the justice system's relationship with the Koori community. It enables representatives from Koori communities and justice agencies to jointly drive positive change at state, regional and local levels.

Community Grant Programs

A range of AJA grant programs have been developed to enable communities to develop regional and local responses to criminal justice-related problems. These programs have been used to provide Night Patrol Programs across the state, target 'at risk' Koori youth and develop pilot projects, including the Koori Offender Support and Mentoring Program for Koories subject to community-based correctional orders.

Koori Recruitment and Career Development Strategy

A range of initiatives (including in part Job Fairs, Koori Staff Network, Scholarships, Indigenous Law Students and Lawyers Association) have been successful in increasing the number of Koories working within the Department of Justice (DOJ) from 4 in 2000 to 52 in 2005.

Courts

A network of Koori Courts (Adult and Children's) has been implemented across Victoria which has shown to have a large and positive impact on reducing re-offending while also rebuilding the role of community Elders and Koori society. Koories' experience of mainstream courts has also improved through an Aboriginal Liaison Officer (ALO) Program and cultural awareness training for court staff and Magistrates.

Victoria Police

The 17 Aboriginal Community Justice Panels (ACJP) across the State support Koories who have come into negative contact with Victoria Police. The Aboriginal Community Liaison Officer (ACLO) program piloted in 2005 will contribute to a more enhanced program commencing in 2006/07. The ACLO program employs a number of Koories to build local relationships between Koori communities and police.

Corrections Victoria

A series of initiatives, for example, the Indigenous Community Corrections Officer (ICCO), Aboriginal Well-being Officer (AWO) and Indigenous Services Officer Programs were implemented to make the correctional system safer and more responsive to Koories' needs. Other programs have been delivered to provide community-based alternatives to imprisonment (Warrakoo Life Skills Program and the Wulgunggo Ngalu Learning Place), reduce re-offending (the Cultural Immersion and Marumali Programs and the Koori-specific Cognitive Skills Program) and improve contact with families through the Aboriginal Family Visits Program.

Juvenile Justice and Youth Services

Koori Juvenile Justice Workers are employed by community service providers across Victoria to assist in the management of Koori youth in contact with the criminal justice system. There are also a range of cultural supports and programs available to young Koories in custody. The Koori Liaison Officers employed at each of the three Juvenile Justice Centres provide many of these culturally relevant services.

Dispute Settlement Centre Victoria

Community mediation training, an Aboriginal Mediators Program and improved organisation-based mediation referral services have been implemented across the state.

Improved representation

Koories are more involved in justice-related decision making through the Koori Courts and the Indigenous Bail Justice Program. They are also represented on the Youth Parole Board, the Youth Residential Board, the Adult Parole Board, the Women's Correctional Services Advisory Committee, the Equal Opportunity Commission Victoria (EOCV) and the Victorian Community Council on Crime and Violence (VCCCV).

2.3 Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody

The AJA1 committed the Victorian Government to undertaking the *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (the Implementation Review) in partnership with the Koori community. The Implementation Review commenced in 2003 and the Report was tabled in Parliament in October 2005. Among other things, it found that:

- There are entrenched processes, procedures and attitudes throughout the criminal justice system that continue to discriminate against Koories.
- There were seven Indigenous deaths in custody between 1991 and 2000.
- Koories continue to be over-represented in all components of the criminal justice system.
- Disadvantage in education, employment, housing, health and well-being, alcohol and other substance misuse continues to drive over-representation.

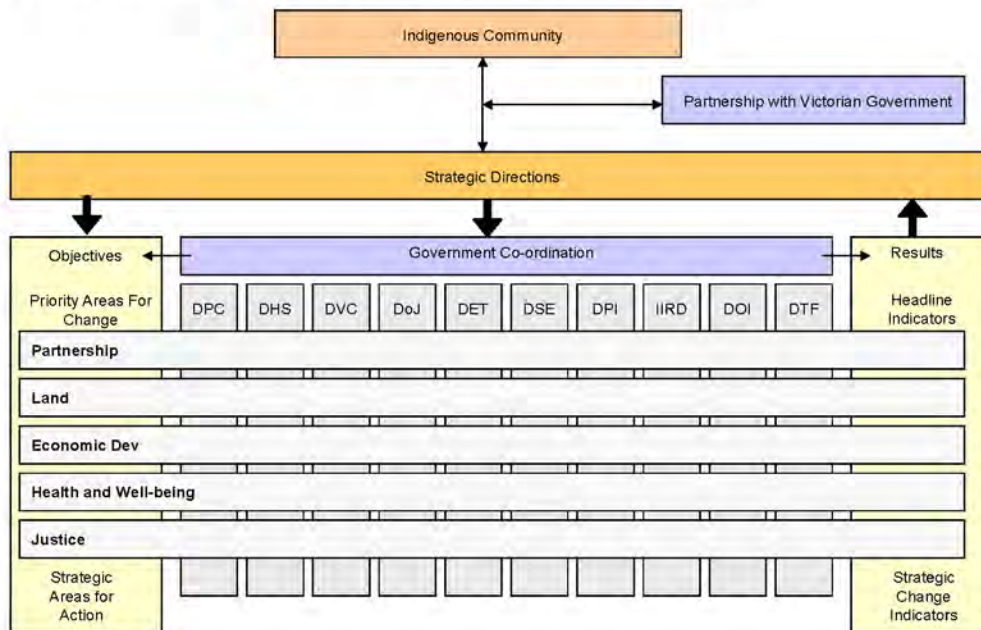
The Implementation Review contained 164 recommendations toward increasing safety in custody and reducing Koori over-representation in Victoria's criminal justice system. One of these was that Government and the Koori community should redevelop the AJA. When responding to the Implementation Review, Government announced that it would address its justice-related recommendations through redevelopment of the AJA2.

2.4 Victorian Indigenous Affairs Framework

The State Government's Victorian Indigenous Affairs Framework (VIAF) has been developed to reduce Koori disadvantage. It will do this by providing a sustainable approach that places particular emphasis on improving:

- Outcomes for Indigenous people.
- Coordination of government programs.
- Input and direction by Indigenous communities.
- Approaches to service delivery.

Figure 2: Pictorial representation of the Victorian Indigenous Aboriginal Affairs Framework



Source: Department of Justice, Victoria

The VIAF is a whole-of-government approach and builds on existing partnerships within government and the Koori community. These partnerships are actioned through forums such as the AJF, the Aboriginal Human Services Forum and the Indigenous Family Violence Partnership Forum.

The VIAF acknowledges that issues facing Indigenous families and communities in Victoria are interconnected and that new policy and service delivery approaches are required if progress is to be made in overcoming disadvantage.

As described in Figure 2, five strategic areas for action have been identified within the VIAF:

- **Partnerships:** Recognising and respecting Indigenous people's right to self-determination expressed through active partnerships with government that involve Indigenous Victorians in the planning, management and delivery of services.
- **Land and Culture:** Delivering land justice to Indigenous Victorians and protecting Victoria's Indigenous cultural heritage for future generations.
- **Economic Development and Participation:** Improving education and training outcomes to facilitate participation and economic development. Facilitating the effective translation of benefits of greater cultural recognition, land ownership and community control into opportunities for business development, employment, and economic independence.
- **Family and Community Health and Well-being:** Developing positive strategies to address individual and community well-being that build on the strength of Indigenous culture and help nurture and develop the well-being, knowledge, skills and identity of Indigenous Victorians.
- **Improved Justice Outcomes:** Addressing injustice and providing a safe and secure environment for Indigenous families and communities to live in.

2.5 Government policy

The AJA2 has been developed in alignment with the improved justice outcomes component of the VIAF. It will also deliver on four of Government's key policy goals as articulated within *A Fairer Victoria*, namely:

- *Access to universal services* (Getting young people back on track; Responding to family violence more effectively).
- *Reducing barriers to opportunity* (Providing fairer access to services; Improving access to justice).
- *Support for disadvantaged groups* (Building a new partnership with Indigenous Victorians).
- *Support for disadvantaged places* (Building stronger communities).

AJA2 strategies are consistent with the *Justice Statement* and deliver on key Government policy commitments in *Growing Victoria Together*, namely:

- Building cohesive communities and reducing inequalities.
- Promoting rights and respecting diversity.
- Safe streets, homes and workplaces.

The *Promoting Rights and Respecting Diversity* strategy illustrates the Victorian Government's commitment to developing diverse communities. It also acknowledges the importance to the State of many of the non-financial benefits associated with promoting diverse communities, including:

- Enhanced social justice for Koories and improved community safety for all Victorians.
- Stronger Koori communities that increasingly contribute to Victoria's development.
- Increased likelihood of reconciliation between Koories and non-Koories.
- Improved trust between government and the Koori community.

3 Over-representation

3.1 Causes of over-representation

The causes of over-representation are many and varied. The sections below describe some of the contributing factors.

Disadvantage

The Royal Commission identified that the overwhelming reason for Indigenous peoples' over-representation in the criminal justice system was their social, economic and cultural disadvantage. With respect to Victoria, this disadvantage is the direct result of Koories having been dispossessed from their land and culture and being forcibly removed from their families. Past government policies including those relating to protection, assimilation and the removal of children, have contributed significantly to the breakdown of Koori social structures and continue to cause disadvantage and dysfunction to this very day.

Its importance as a contributing factor suggests that any attempt to reduce over-representation must also address the disadvantage that underlies it. The *Steering Committee for the Review of Government Service Provision – Overcoming Disadvantage Key Indicators 2005 Report*, unfortunately continues to demonstrate that there has been little improvement in Indigenous disadvantage since the Royal Commission. For example:

- The life expectancy of Victorian Koories is 17 years lower than for other Australians.
- In Victoria, Koori youth are half as likely to complete Year 12 as non-Koori youth.
- The unemployment rate in 2002 was 14% for Victorian Koories compared to 5% for non-Indigenous people.
- The gross weekly household income for Victorian Koories in 2002 was \$394 compared with \$665 for non-Indigenous people.

Unstable communities

Socioeconomic disadvantage has also been identified as a powerful contributor to social disconnection in communities. This disconnection makes it difficult for families and communities to engage their young people in environments supported by stability, community organisation and identity, all of which work to protect them from anti-social life-styles. There is also more likely to be negative peer influences in communities in which many people have been in negative contact with the criminal justice system.

Victimisation

There is growing recognition of Indigenous people as victims of crime. The Australian Bureau of Statistics (ABS) *National Aboriginal and Torres Strait Islander Social Survey 2002* found that Victorian Koories were more than three times likely to report being a victim than non-Indigenous people in the past twelve months.

The high levels of violence and crime perpetrated against Koories exacerbates the enormous stress they experience as a result of disadvantage, discrimination and dispossession from land, culture and family. This stress impacts negatively on social functioning and harmony and increases social disorganisation. All these things have been empirically and theoretically linked to high rates of crime.

Systemic discrimination

The Royal Commission stresses the importance of recognising institutional racism and the difficulty many non-Indigenous Australians have in accepting its existence and impact on the Indigenous communities. Systemic discrimination begins for Koories at birth and continues throughout their lives, particularly when they come in contact with the criminal justice system. The Implementation Review supported this in finding entrenched processes, procedures and attitudes within the criminal justice system that result in discriminatory outcomes for Koories. The relatively poor outcomes experienced by Koories in the criminal justice system (as reported in Section 2.1) supports this contention.

The fact that relatively few Koories utilise justice-related services (see *Review of Services to Victims of Crime in the Victorian Indigenous Community*) because they are not responsive to Koories' cultural and personal needs is also a form of systemic discrimination. The complexities of the justice system, its culturally alien mechanisms and costs often contribute to the unwillingness of Koories to use the police, courts and equity bodies to protect and exercise their legal and civil rights.

3.2 Addressing over-representation

While the role of the AJA2 is not to address the issues underlying Koori contact with the criminal justice system, it does have substantial capacity to make an impact on over-representation through Koori-specific justice strategies. These are described more fully below.

Developmental approaches

It is well established that young people offend more frequently than older people. The Koori community has a very youthful demographic profile (approximately 50% of Koories are less than 20 years old compared to 28% of the non-Indigenous population) suggesting that the upward pressure on over-representation will continue. Given that developmental approaches target young people, it is appropriate that the AJA2 utilises these to reduce the number of Koori youth who come in contact with the criminal justice system.

These young people typically demonstrate characteristics and life histories that put them at high risk of offending. They also tend to possess few life experiences that protect them from engaging in criminal lifestyles. Developmental approaches to crime prevention seek to minimise risk factors and maximise protective factors in youth through targeting interventions at the key points in a youth's development that are most often associated with offending.

Studies highlight that risk and protective factors are generally associated with family, school, peer group and community environments. Continual exposure to disadvantage, community dysfunction, a lack of future prospects, marginalisation and victimisation increase the large number of risk factors already prevalent in the lives of Koori youth.

Some of the risk factors experienced by Koori youth include:

- *Individual factors:* Physical or sexual abuse, neglect, racism and discrimination, exposure to violence and/or high levels of trauma, loss and other life stressors.
- *Family factors:* Parental alcohol abuse and/or the lack of adequate parental supervision of children.
- *School factors:* Truancy and/or lack of engagement.
- *Peer factors:* Anti-social peer groups and/or peer pressure to engage in crime.
- *Neighbourhood and community factors:* Community violence and/or lack of access to positive activities, resources and mentor figures.

Protective factors can counterbalance the impact of risk factors and reduce the probability of people engaging in offending behaviour.

Some examples of protective factors that Koories can experience include:

- Strong bonds with family, friends and teachers.
- Adequate parental monitoring.
- The belief in a positive future.
- Participation in family, school and community activities.
- Recognition and praise for positive behaviour.
- Cultural resilience.

The continuity of family relationships and cultural identity and strength are particularly important protective factors for Koori youth. They have been linked with resilience and the capacity to weather life stresses.

It has been demonstrated that targeted interventions that introduce protective factors and remove risk factors from key transition points are able to produce better outcomes for children and families. There are three different types of transitions that need to be considered in this approach:

- Life stage transitions such as birth, the preschool years, primary to secondary school and the school to work or higher education.
- Developmental pathways such as late childhood and early adolescence.
- Life transitions triggered by crises or events such as the death of a relative, family breakdown or first contact with the justice system.

Difficulties in negotiating these transitions can trigger offending behaviour, while support during this time can build resilience and effectively combat the entrenchment of offending behaviour.

Criminal justice system approaches

Koories are over represented at every level in criminal justice system. Closer examination of the criminal justice process shows there are four key stages that create opportunities for intervention. These opportunities are described below and will be a priority concern for the AJA2.

Prior to first criminal justice contact

This stage has been dealt with in the preceding section. It is an important stage for intervention, because in addition to the multiplicity of risk factors, the Koori community has a very youthful demographic profile. This means that the number of young people at risk of criminal justice involvement is increasing much more rapidly in the Koori community than for the general population. Therefore, appropriate interventions that prevent Koori youth from entering the criminal justice system are urgently required.

There are many points within the criminal justice system where intervention could affect the extent of Koori over-representation. Some of these are described below and will be a priority concern for the AJA2.

Policing and front end diversion

Currently, Koories are over-represented in their contact with police. When processed by police, Koories are cautioned less often and arrested more often than other Victorians. This makes it apparent that there are opportunities to impose penalties less harsh than those Koories often experience when coming into contact with the criminal justice system. Interventions that make less severe sanctions more likely can have a major impact on rates of over-representation.

Sentenced offender stage

In comparison with other Victorians, Koories are less likely to access mainstream rehabilitation programs and are more likely to breach community-based orders. This demonstrates that different outcomes can occur when offenders are found guilty and that Koories often experience the worst of these outcomes. All the decision points within the criminal justice system represent intervention possibilities, some of which have the potential to substantially impact on medium and long term over-representation.

There are also possibilities to reduce re-offending in people who have been sentenced to prison and community-based orders through their participation in offence specific and related rehabilitation programs. These have been found to effectively reduce re-offending when delivered in custodial and community settings.

Pre- and post-release stage

Koories return to prison more frequently and are less likely to utilise mainstream pre- and post-release support programs than other Victorians. Unfortunately, people often return to prison quickly because they have limited options after release. They often return to criminal life-styles and resume associations with peers who support anti-social behaviour. These prisoners need to reintegrate into their broader communities as the first step in their efforts to avoid further contact with the criminal justice system. They can often only do this if they are prepared properly for their release and then assisted to re-integrate following it.

Community building

Many Koories attribute their continuing disadvantage to the disorganisation of Koori communities and the breakdown of Koori families. Traditionally, family and community bonds have served as protective agents that assist individuals manage economic, personal and social challenges. The damage done to traditional family and community connection since colonisation has reduced this resource. The lack of stability, community organisation and identity associated with social disorganisation means that parents are less able to control their young people and therefore less able to protect them from entering disadvantaged lifestyles.

The AJA2 will assist local communities to develop their own solutions to local justice problems and to have access to programs that have been successful elsewhere. Local justice focussed bodies can gather information on local issues, engage the community through a participatory planning process, ensure that strategies are based on local knowledge and facilitate debate on complex and sensitive issues. Importantly, local action groups can act as catalysts to promote community building by bringing together a diversity of groups and organisations.

Many jurisdictions have implemented local Aboriginal justice groups and outcomes have included:

- Reduction in juvenile offending and school truanting.
- Reduction in family violence and community disputes.
- More effective use of police and judicial discretion.
- Increased community self-esteem and empowerment.
- Better support for offender reintegration.
- Cost savings for criminal justice agencies.

In Victoria, active partnerships between Koori communities and justice agencies to address justice issues have been developed through the networks of Regional Aboriginal Justice Advisory Committees (RAJACs). These networks have enabled the development of a number of innovative initiatives which have demonstrated significant capacity to impact on over representation at the local level. Examples include night patrols, women's mentoring and targeted youth initiatives. The success of these networks has led to the development of local justice action committees where local Koori communities are working closely with justice agencies to devise local solutions to justice issues.

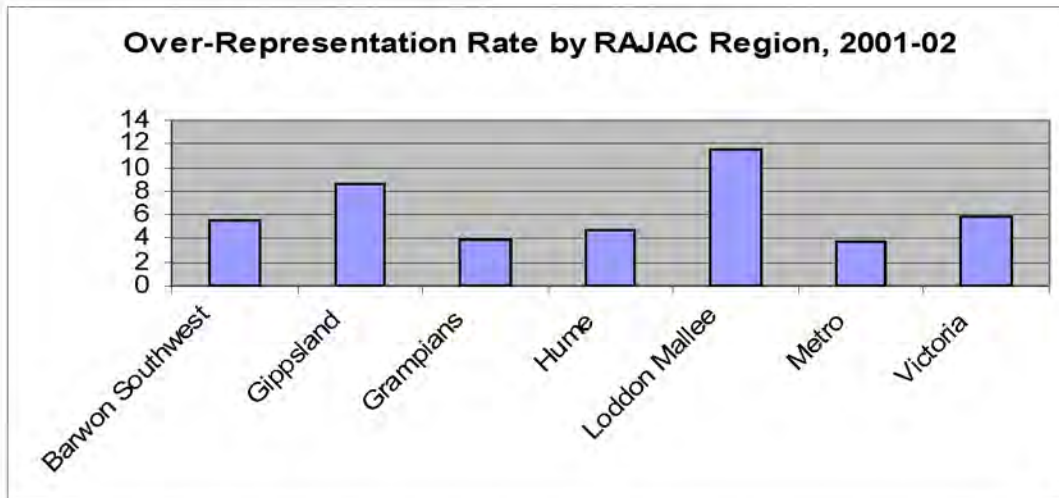
The continued development of the RAJAC and Local Aboriginal Justice Action Committees (LAJAC) will increase the local responsiveness and support community crime prevention strategies.

Place-based approaches

Targeted and place-based approaches focus on developing responses and connecting service systems at the local level. They focus on bringing service providers and communities together to address the multiple disadvantages, build resilience and community capacity to improve justice outcomes in those locations.

Not surprisingly, localities with the highest levels of social disadvantage also have high levels of contact with the criminal justice system. Most Koories reside in localities with high levels of social disadvantage and, as Figure 3 illustrates, the rate of over-representation is considerable in all RAJAC regions. This is particularly so in Loddon Mallee (11.5 times higher) and Gippsland (8.7). Even in areas of lower over-representation the rates are still very significant: 3.8 for metropolitan Melbourne and 3.9 for Grampians.

Figure 3: Rates of Koori over-representation in contact with Victoria Police by RAJAC region

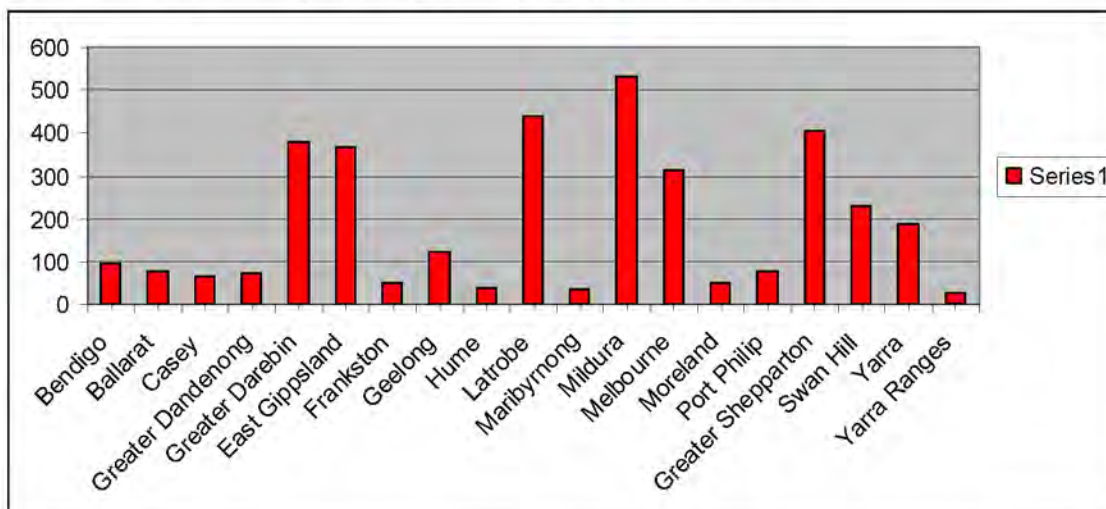


Source: Relative rates of over-representation by RAJAC region, 2001/02, based on rates of police contact for Koories and the general Victorian population.

Data on negative contact with the justice system shows that not only do Koori communities experience higher levels of contact with the criminal justice system than other communities but also that there is variation within regions with some communities experiencing higher levels of contact than others (see Figure 4). Analysis of Koori offenders processed in each local government area shows that within the Loddon Mallee and Gippsland regions the areas of Mildura, Swan Hill, East Gippsland and Latrobe have higher levels of contact.

When looked at from the perspective of absolute numbers of Koories in contact with the criminal justice system, Greater Shepparton and metropolitan Melbourne (particularly Greater Darebin and inner Melbourne) require particular attention.

Figure 4: Number of Koori offenders processed by Victoria Police by Local Government area 2003/04



Source: Relative rates of over-representation by RAJAC region, 2001/02, based on rates of police contact for Koories and the general Victorian population.

A place-based approach enables the justice service system to respond to regional diversity and work intensively in particular locations with local communities and target the particular set of factors contributing to higher rates of contact with the criminal

justice system in that locality. It also enables strategic decisions about resource allocation, targeting of effort and the harnessing of that effort in a timely manner. Under AJA2 it is proposed to enhance the place-based approach and expand the number of initiatives and range of locations that initiatives can be established in partnership with targeted local communities.

Other strategic issues

There are some other key factors to be taken into account in developing responses to over-representation in the justice system.

Age

As previously described, the Koori population has a far more youthful demographic than non-Indigenous Victorians. Since young people are by far the most likely to offend there is substantial risk that Koori over-representation will increase in the near future.

Young Koories will comprise an increasing proportion of the youth population in coming decades.

It is very important for criminal justice initiatives to target children and young people at risk of entering the justice system in addition to adults who are already involved in it. Interventions need to be designed and delivered in ways that effectively reach the particular age group and stage of development being targeted.

Gender

Koori women are over-represented in the prisoner population at a similar rate to Koori men, although the actual number of women is lower. In designing responses to address contact with the criminal justice system it is important to recognise that some issues are unique to women. These include:

- Koori women tend to have the primary parenting role. This means that imprisonment or other sanctions are likely to have more disruptive consequences for children, compared to when the offender is male.
- Very high rates of victimisation are experienced by Koori women compared to Koori men and other Victorians. Being a victim of crime is often directly or indirectly related to the reasons why Koori women themselves become involved in the criminal justice system.
- Koori women can experience discrimination on the basis of both ethnicity *and* gender. This leaves them with more numerous barriers to overcome in the broader context of social justice.

In addition to the above findings on issues that uniquely affect women, studies have established that female offenders tend to be more disadvantaged than men. This pattern is particularly pronounced for Koori women. Female offenders generally have poorer physical and mental health, lower levels of education, employment and income, and a lower standard of housing. As a result, Koori women in contact with the criminal justice system have more needs than most other groups and require more intensive and multi-dimensional services if there is to be an impact on their over-representation.

4 Aboriginal Justice Agreement (Phase 2)

The AJA2 is an agreement between Government and representatives from the Koori community about how they will work together to improve justice outcomes for Koories. Its components are described in detail below.

4.1 Aim

The Aim of the Aboriginal Justice Agreement Phase 2 (AJA2) is to:

- (a) minimise Koori over-representation in the criminal justice system by improving accessibility, utilisation and efficacy of justice-related programs and services in partnership with the Koori community; and
- (b) have a Koori community, as part of the broader Victorian community, that has the same access to human, civil and legal rights, living free from racism and discrimination and experiencing the same justice outcomes through the elimination of inequities in the justice system.

4.2 Principles

To achieve this aim, all AJA2 activities and negotiations will be progressed in a manner consistent with the principles outlined below. The principles are the foundation of the partnership between the government and the Koori community. In working toward the AJA2's successful implementation, the signatories:

- Acknowledge the uniqueness, diversity, history and culture of the Koori community. In doing this, they will recognise and respect Koori connection to country and culture and the essential function that healthy and nurturing families have in improving justice outcomes.
- Acknowledge the negative impact that dispossession of traditional lands, languages, cultures and the separation of children and families and past policies have had on Koori over-representation as victims of crime and on the social and economic position of the Koori community.
- Agree that Koori communities are entitled to live in a safe, harmonious and nurturing environment free from racism and discrimination. Koories are also entitled to enjoy the same rights and justice outcomes as other Victorians, including natural justice and procedural fairness.
- Will ensure that honesty, transparency and accountability are central to all facets of the AJA2 and its implementation and are essential to the maintenance of partnerships and achievement of outcomes.
- Will maintain and strengthen their commitment to the Recommendations from the *1991 Royal Commission into Aboriginal Deaths in Custody* and adhere to key principles outlined by the Commission including that *arrest and imprisonment should be sanctions of last resort*.
- Will support the right of Koori communities to participate as equal partners in the development, delivery and evaluation of all justice-related policies and programs that impact specifically on the Koori community.
- Will actively and vigorously progress the aims and objectives of the AJA2, including through whole-of-government coordination at the highest levels.

- Will develop and implement the AJA2 through the delivery of best practice Indigenous justice initiatives that include:
 - The provision of adequate and sustainable resources, delivery of effective management and governance mechanisms and implementation of capacity building initiatives in both the community and the justice system.
 - The employment, nurturing and retention of Koori staff.
 - Increasing the understanding that non-Koori staff have of Victorian Koori society, culture and history.
 - The provision of holistic program development and service delivery processes with culturally appropriate content.
 - Service development and delivery that is specific to Koori status, gender and age.

4.3 Objectives

The AJA2 will only be successful in meeting its aim if the six objectives outlined below are met.

Objective 1: Crime prevention and early intervention

Reduce the number of Koori youth coming in contact with the criminal justice system by promoting protective factors and reducing risk factors for offending behaviour.

Objective 2: Diversion/Strengthening alternatives to imprisonment

Increase the rate at which justice agencies divert Koories from more serious contact with the criminal justice system and strengthen community-based alternatives to imprisonment.

Objective 3: Reduce Re-offending

Reduce the rate at which Koories re-offend by changing environmental and behavioural factors that contribute to that offending.

Objective 4: Reduce victimisation

Reduce the negative impact that the high rate of victimisation has on Koori communities, families and individuals so that intergenerational contributors to offending are reduced.

Objective 5: Responsive and inclusive services

Make mainstream and positive justice-related services more responsive and inclusive of the needs of the Koori community.

Objective 6: Strengthen community justice responses

Build capacity in and strengthen Koori communities so they are better able to improve their justice outcomes, particularly through the delivery of place-based initiatives.

4.4 Roles and Responsibilities

The partnership between Government and the Koori community established in AJA1 will continue to address issues contributing to Koori over-representation in the criminal justice system through the joint delivery of AJA2.

Victorian Government

In implementing the AJA2, the Victorian Government (primarily through the Justice Portfolio and Juvenile Justice and Youth Services, DHS) will:

- Adhere to the AJA2's principles.
- Work with the Koori community as equal partners to develop, implement and evaluate AJA2 initiatives.
- Establish accountability through the measurement of efficacy against benchmarks, performance indicators, targets and timelines for all AJA2 initiatives.
- Improve whole-of-government coordination of Koori justice programs.
- Provide information and awareness material relating to Koori-related justice programs.
- Regularly provide data and related information to the Indigenous Issues Unit and the AJF on Koori contact with the criminal justice system.
- Report on and assist implementation of the agreed justice related actions from the *Victorian Government Response to the Implementation Review of Recommendations from the Royal Commission into Aboriginal Deaths in Custody (2005)*.
- Commit to and incorporate the AJA2 and regional and local justice plans in their strategic and business plans.
- Include successful implementation of AJA2 initiatives in performance plans of Executive Officers within AJA2 related business units and agencies.
- Maximise Koori membership on justice-related boards, committees and tribunals that make decisions impacting on the Koori community.
- Commit to appropriate levels of senior representation on the AJF and the RAJAC/LAJAC network.

Aboriginal Affairs Victoria (AAV) as the central coordinating agency on Indigenous affairs for the Victorian Government is in a pivotal position in providing context to the AJF on how the AJA-related initiatives fit within the VIAF.

Aboriginal Justice Forum

The AJF continues as the peak coordinating body responsible for overseeing the development, implementation and direction of the AJA2. It has been effective in developing positive relationships among representatives from the Koori community and the justice system. Significant features of the AJF have been its transparency, processes and protocols and the high level of commitment from its members to work toward the aims and objectives of the AJA.

The AJF will meet quarterly to improve accountability, community participation and the progression of major policies and initiatives. Two of these meetings will be held over three days and held across Victoria and include open community forums. The other two meetings will be held annually and convened in Melbourne over one day each.

The AJF will undertake the following activities:

- Promote and coordinate the AJA2 principles and initiatives in the Koori community and across the justice system.
- Promote discussion and awareness of Koori justice issues and the identification or development of solutions to address improved justice outcomes for the Koori community.
- Promote increased positive participation of the Koori community in the justice system and AJA2.
- Promote greater accountability and transparency of the justice system in its relationship with the Koori community.
- Promote best practice approaches to the design, development, implementation and evaluation of AJA2 initiatives and other justice-related programs and services that impact on the Koori community.
- Report to the Victorian Government on justice issues impacting on the Koori community.
- Monitor, review and report on the implementation of AJA2 related initiatives and other justice initiatives that impact on the Koori community.
- Report on the implementation of the agreed justice-related actions from the *Victorian Government Response to the Implementation Review of Recommendations from the Royal Commission into Aboriginal Deaths in Custody (2005)*.
- Monitor, analyse and report on data describing Koori contact with the justice system.
- Promote cross sectoral linkages and partnerships with other Koori based structures in government and the community to tackle Koori disadvantage and over-representation.

Membership

Membership of the AJF is drawn from the most senior representatives of the justice system and the Koori community and include:

Chairperson

Parliamentary Secretary, Justice.

Community members

Chairperson, Victorian Aboriginal Justice Advisory Committee.

Chairperson, Barwon South West RAJAC.

Chairperson, Gippsland RAJAC.

Chairperson, Grampians RAJAC.

Chairperson, Hume RAJAC.

Chairperson, Loddon Mallee RAJAC.

Chairperson, North West Metropolitan RAJAC.

Chairperson, South East Metropolitan RAJAC.

Chairperson (or nominated representative) Victorian Aboriginal Legal Service (VALS).

Chairperson (or nominated representative) Aboriginal Community Justice Panels Program.

Chairperson (or nominated representative) Aboriginal Family Violence Prevention & Legal Service (Vic).

Government members

Secretary, Department of Justice.

Chief Commissioner, Victoria Police.

Under Secretary, Department of Human Services.

Director, Juvenile Justice and Youth Services, Department of Human Services.

Commissioner, Corrections Victoria.

Executive Director, Community Operations and Strategy, Department of Justice.

Director, Indigenous Issues Unit, Department of Justice.

Director, Victims Support Agency.

Director, Enforcement Management.

Manager, Courts and Programs Development Unit

Chief Executive Officer, Equal Opportunity Commission of Victoria.

Executive Director, Aboriginal Affairs Victoria.

State Manager, Commonwealth Office of Indigenous Policy Coordination.

Courts

The President of the Children's Court.

Chief Magistrate.

Victorian Aboriginal Justice Advisory Committee

The Victorian Aboriginal Justice Advisory Committee (VAJAC) is a community based advocacy body that was established as a direct response to Recommendation 2 of the Royal Commission. Its core membership includes:

- Chairpersons of the RAJAC Network.
- Chairpersons of state-wide Koori community service providers and advocacy groups.

The primary role of VAJAC is to:

- Actively participate in the AJF and related forums to promote improved justice outcomes for the Koori community.
- Report annually to the AJF on the implementation of the AJA.
- Identify and participate in the development of initiatives that promote improved Koori justice outcomes.
- Monitor and report on the implementation of the agreed justice-related actions from the *Victorian Government Response to the Implementation Review of Recommendations from the Royal Commission into Aboriginal Deaths in Custody (2005)*.
- Report to Government and the AJF on best practice strategies to reduce Koori over-representation and assist in development of programs and policies that improve Koori justice outcomes.
- Support and promote the RAJAC/LAJAC network in the development of initiatives to address justice issues.

Regional Aboriginal Justice Advisory Committees

Seven RAJACs were established through the AJA1 – Barwon South-West, Hume, Gippsland, Grampians, Loddon Mallee, North-West Metropolitan and South-East Metropolitan RAJACs. Their functions will continue to include to:

- Advocate for and promote improved justice outcomes and AJA-related initiatives to both Koori communities and government agencies.
- Participate in and provide advice to AJF, the VAJAC and other related forums.
- Develop and implement regional justice plans that address Koori over-representation.
- In partnership promote and participate in cross agency and cross sectoral forums and initiatives to address Indigenous disadvantage.
- Work with other regional Koori advocacy groups.
- Monitor and comment on Koori contact with the justice system at a regional level.
- Promote and nurture LAJAC and provide advocacy for the LAJAC at the regional level.

The core membership for each RAJAC should comprise a range of senior Koori community and regional government representatives and including:

Community Members

A member from each of the LAJACs in the region.

A youth representative.

A VALS representative.

A representative from each of the ACJPs in the region.

A representative from community organisations with justice-related programs.

A representative from each of the Family Violence Regional Action Groups in the region.

A Koori Official Visitor (where available).

A Koori Bail Justice (where available).

An Elder or Respected Person from each of the Koori Courts in the region.

Government

RAJAC Executive Officer.

Justice Regional Coordinator.

DHS Regional Director.

Local Government representative.

Magistrate or Registrar.

Community Correctional Services Location Manager.

Enforcement Management Location Manager.

Victoria Police, Superintendent.

Victims Services, Manager.

Local Aboriginal Justice Action Committees

A network of LAJACs will be established, with priority given to localities with poor justice outcomes. The LAJACs will:

- Identify and address justice issues that contribute to poor outcomes for the local Koori community. This will be done through the development and implementation of local justice plans.
- Advocate, monitor and comment on Koori contact with the justice system at the local level.
- Promote justice related initiatives to Koori communities and government agencies.
- Promote Koori participation in the design, development, implementation and evaluation of local justice initiatives.
- Participate in and provide advice to the RAJAC network.
- Through the RAJAC, participate in and provide advice to AJF, the VAJAC and related forums.
- Develop, promote and participate in relevant and local cross agency and cross sectoral forums and initiatives.

The core membership for each LAJAC should comprise a range of Koori community and local government representatives and including:

Community Members

A youth representative.

A VALS representative.

A representative from the local ACJP.

A representative from community-based organisations with justice-related programs.

A representative from the local Family Violence Local Action Group.

A local Koori Official Visitor (where available).

A local Koori Bail Justice (where available).

An Elder or Respected Person from the local Koori Courts (where available).

Government

RAJAC/LAJAC Executive Officer.

Juvenile Justice Unit Manager.

Local Government representative.

Magistrate or Registrar.

Senior Community Corrections representative.

Senior Enforcement Management representative.

Victoria Police, Officer in Charge.

Senior Victims Services representative.

Indigenous Issues Unit, Department of Justice

The Indigenous Issues Unit will act on behalf of the AJF to coordinate the delivery, monitor and evaluate the effectiveness of the AJA and related programs. Further, the Unit will:

- Provide advice and executive support services to the AJF and the RAJAC/LAJAC network.
- Provide advice to Ministers and Executives on policy and program matters affecting Koori communities.
- Maintain a data-base detailing Koori contact with the criminal justice system.
- Coordinate and monitor the annual AJA budget allocation.
- Coordinate the AJA contribution to the whole-of-government Indigenous Affairs Report.
- Provide advice to the AJF on the extent of implementation of the justice-related recommendations from the 2005 Implementation Review report.

4.5 Monitoring and measuring success

The implementation progress, funding status, expenditure on, throughput and continuing need for each AJA initiative will be measured utilising a monitoring framework to be developed and administered by the Indigenous Issues Unit. Lead agencies for each initiative will be expected to report against this framework twice a year to the AJF.

The impact of the AJA will be measured through tracking the performance of headline and intermediary indicators of success, which will be aligned, respectively, to the AJA2's aim and strategic objectives. This approach is consistent with the biannual *Overcoming Indigenous Disadvantage: Key Indicators* reports published by the Commonwealth Government.

As was the case in AJA1, the rate of Koories in prison will be used as the headline indicator to measure the extent to which the aim of the AJA has been met. In making this choice, it is acknowledged that Koori contact with the prison system is the culmination of a chain of contributing problems. Indigenous socio-economic disadvantage is probably the most important of these, however, the performance of the criminal justice system also makes a substantial contribution.

Because Koori over-representation is heavily influenced by conditions beyond the control of the justice system, the headline indicator is unlikely to be sensitive enough to measure decreases in over-representation caused by AJA initiatives. The intermediary indicators outlined below are far more able to do this because factors outside the influence of the AJA have less impact on them. Further, they all contribute to the performance of the headline indicator.

Intermediary Indicators

Crime prevention and early intervention

Reduce the number of Koori youth coming in contact with the criminal justice system by promoting protective factors and reducing risk factors for offending behaviour. This will be measured by the:

- Number of times Koori youth are processed by police (arrest + summons + caution).

Diversion/alternatives to imprisonment

Increase the rate at which justice agencies divert Koories from more serious contact with the criminal justice system and strengthen community-based alternatives to imprisonment. This will be measured by the:

- Proportion of Koories cautioned when processed by police.
- Proportion of Koories remanded in custody.
- Proportion of Koories in maximum security prisons.
- Proportion of adult Koories sentenced to prison rather than other orders.
- Proportion of Koori youth sentenced to juvenile detention rather than other orders.
- Proportion of Koori prisoners released on parole.

Reduce re-offending

Reduce the rate at which Koories re-offend by changing environmental and behavioural factors that contribute to that offending. This will be measured by the:

- Proportion of Koori adults/youth who return to prison/juvenile detention within two years.
- Proportion of Koori adults/youth who are convicted within two years of their previous conviction.

Responsive and inclusive services

Make mainstream and positive justice-related services more responsive and inclusive of the needs of the Koori community. This will be measured by the:

- Proportion of people accessing positive criminal justice system-related services who are Koori.
- Number of Koories employed in criminal justice system-related agencies.

Reducing victimisation

Reduce the negative impact that the high rate of victimisation has on Koori communities, families and individuals so that intergenerational contributors to offending are reduced. This will be measured by the:

- Number of Koories on intervention orders.
- Number of Koories convicted for violent offences against persons.
- Number of Koories who are victims of crime (by offence category).

Strengthening community justice responses

Build capacity in and strengthen Koori communities so they are better able to improve their justice outcomes, particularly through the delivery of place-based initiatives. This will be measured by the:

- Number of Koori volunteers involved in programs.
- Number of community initiated and implemented programs.
- Number of Koori organisations delivering programs.

The diversity of Koori communities throughout the state and the differences in the characteristics of their contact with the criminal justice system indicate that a place-based approach to evaluation will be the most sensitive in detecting program-related change when it occurs. To enable this approach, a process map of Koori and non-Koori contact with the criminal justice system will be populated for all of Victoria's local government areas, regions and for the State as a whole.

Depending on local needs and stage of project implementation, evaluations are likely to take one of three forms:

- 1 Process evaluation – In their early phases of implementation, initiatives may be subjected to evaluations of the processes and systems by which they are delivered. This will ensure that the initiatives are being implemented with the quality required to maximise their impact.
- 2 Measurement of intermediary indicators – Once program stakeholders are confident that the initiatives are being implemented in an effective manner, they will be evaluated to determine the extent to which they contribute to the performance of the intermediary indicators. It is noteworthy that intermediary outcomes are necessary but may not be sufficient to reduce Indigenous over-representation in the criminal justice system. For example, reduced re-offending by Koori prisoners does not necessarily mean that over-representation will decrease but it is likely to contribute to this.
- 3 Measurement of key indicators – Age standardised measures of Koori over-representation in adult prisons will be examined to determine whether there have been statistically significant reductions that can be associated with changes observed in the intermediary indicators.

5 Signatories to the AJA2

 ROB HULLS, MP Attorney-General	 RAY AHMAT Chairperson, Hume Regional Aboriginal Justice Advisory Committee
 GAVIN JENNINGS, MLC Minister for Aboriginal Affairs	 BESS YARRAM Chairperson, Gippsland Regional Aboriginal Justice Advisory Committee
 SHERRYL GARBUTT, MP Minister for Children Minister for Community Services	 LARRY KANOA Chairperson, Grampians Regional Aboriginal Justice Advisory Committee
 TIM HOLDING, MP Minister for Police & Emergency Services Minister for Corrections	 SID CLARKE Chairperson, Loddon Mallee Regional Aboriginal Justice Advisory Committee
 ALF BAMBLETT Chairperson Victorian Aboriginal Justice Advisory Committee (on behalf of constituent member organisations)	 LINDA BAMBLETT Chairperson, Melbourne Metropolitan North West Regional Aboriginal Justice Advisory Committee
 ROD JACKSON Chairperson, Barwon South West Regional Aboriginal Justice Advisory Committee	 MARION GREEN Chairperson, Melbourne Metropolitan South East Regional Aboriginal Justice Advisory Committee

6 Strategies and initiatives

Work against each of the six objectives will be pursued through the successful delivery of a range of initiatives. It should be noted that some initiatives contribute to a number of objectives, although they are described within the context of the objective on which they have the largest impact.

The initiatives described below represent the AJA2's four-year action plan. As was the case in AJA1, the following action plan comprises both funded and unfunded initiatives with the majority of the unfunded initiatives being about doing business better, more effectively and without the need for additional resources. Those proposed initiatives in the action plan that may require new money will be considered for development by the AJF during the life of the AJA2 against competing priorities, and available and/or potential resources.

The agencies and organisations with primary responsibility for delivering AJA2 initiatives will develop detailed implementation plans for them. These plans will give the highest implementation priority to initiatives that have the potential to make the largest impact on over-representation and to those targeting young Koories.

Objective 1: Crime prevention and early intervention

Strategy 1.1: Reduce risk factors associated with youth offending and increase protective factors

Activity 1.1.1: Support families to manage youth at risk

The importance of the family environment in young peoples' development and the risk and protective factors associated with that environment has been established. Options for the delivery of services that assist families to support their youth in ways that make them less likely to engage in offending behaviour will be considered.

Lead agency: Juvenile Justice and Youth Services, Department of Human Services (DHS).

Activity 1.1.2: Reduce progression from child protection to juvenile justice systems

Consideration will be given to research to identify factors contributing to the progression of Koori youth from the child protection system into the juvenile justice system. Effective implementations in this area will require improved data collection and information sharing processes between the juvenile justice and child protection systems.

Lead agency: Juvenile Justice and Youth Services, DHS.

Activity 1.1.3: Improve education and employment outcomes for at risk youth

Dropping out of school early is known to increase the risk that young people will offend and engage in other anti-social behaviour. Unemployment is also associated with high rates of offending.

The *Preventative Youth Early School Leaver and Youth Employment Program* (ESL&YEP) will be delivered to Koori youth known to be at risk of disengaging from the educational system. It will provide intensive outreach support to Koori youth so that they remain in school or connect to alternative educational and training programs so their educational and training outcomes are improved.

Lead agency: Juvenile Justice and Youth Services, DHS.

Activity 1.1.4: Increase activity-based protective factors

Community grant programs will provide Koori youth with a range of activities that protect them from risks in their environment. The initiatives will be place-based and age appropriate and include the Frontline Youth Initiatives Program and the Community Initiatives Program.

Lead agency: Indigenous Issues Unit, DOJ.

Activity 1.1.5: Reduce factors that place Koori youth at risk of offending

Victoria Police is currently developing its Youth At Risk Program, which aims to reduce factors that place Koori youth at high risk of coming in contact with the criminal justice system. When the program is implemented, Youth Resource Officers and Koori communities will together identify high risk activities and develop local and place-based strategies to reduce them.

Lead agency: Victoria Police.

Activity 1.1.6: Reduce risk factors associated with drug and alcohol use

Strategic linkages will be developed with key stakeholders responsible for delivering a range of drug and alcohol services across Victoria. This will enable them to more effectively work with the RAJAC/LAJAC to improve and develop services that target and reduce drug, alcohol and substance misuse by Koori youth.

Lead agency: DHS.

Activity 1.1.7: Increase Koori youth access to mainstream opportunities

Relevant agencies and the Koori community will be engaged to ensure that Koori youth gain access to appropriate and targeted interventions by:

- Ensuring appropriate access to mainstream sport and recreation programs.
- Improving coordination between agencies delivering youth programs and services.
- Ensuring appropriate access to activities delivered through the performing arts sector.
- Developing linkages with the philanthropic sector.

Lead agency: Indigenous Issues Unit, DOJ, AAV and other agencies as appropriate.

Strategy 1.2: Minimise circumstances in which Koories are at risk of negative contact with police**Activity 1.2.1: Deliver the state-wide Koori Night Patrol Program**

The Koori Night Patrol Program will continue so that Koories around the state are assisted to avoid circumstances in which they are at risk of negative contact with police and/or being victims of crime. If it is successful in achieving its aim, funds will be sought to expand the program to other locations where it is needed.

Lead agency: Indigenous Issues Unit, DOJ.

Activity 1.2.2: Reduce the number of alcohol-related arrests

Victoria Police will work with Koori communities to develop and enhance place-based strategies, agreements and protocols to reduce alcohol related incidents leading to arrest or negative contact with police. A focus will be the implementation of strategies that ensure that police use custody as a last resort for intoxicated persons.

Lead agency: Victoria Police.

Objective 2: Diversion/Strengthening alternatives to imprisonment

Strategy 2.1: Increase the rate at which Koories are diverted from more serious contact with the juvenile justice system

Activity 2.1.1: Increase the proportion of Koori youth who receive bail

The Koori Youth Intensive Bail Support Program aims to reduce the number of young Koories who are detained prior to sentencing. The program will provide intensive outreach support to assist young people to comply with bail conditions or conditions placed on deferred sentences.

Lead agency: Juvenile Justice and Youth Services, DHS.

Strategy 2.2: Increase the rate at which Koories are diverted from more serious contact with Victoria Police

Activity 2.2.1: Increase the proportion of Koories who are cautioned when processed by police

Victoria Police will report regularly to the AJF on the extent to which Koories are cautioned when processed. In addition, a review will be undertaken to ascertain why Koories are cautioned less frequently when processed by police than non-Indigenous offenders. Recommendations from this review will be considered and implemented if appropriate. Victoria Polices' Local Koori Community Justice Youth Diversion Pilot Project will also be reviewed and expanded to additional locations if found to be effective in increasing the proportion of times Koories are cautioned when processed by police.

Lead agencies: Victoria Police and the Indigenous Issues Unit, DOJ.

Activity 2.2.2: Improve relationships between police and the Koori Community

The Aboriginal Community Liaison Officer (ACLO) Program and Police Aboriginal Liaison Officer (PALO) Program aim to reduce the frequency of negative contact that Koories have with police and increase the likelihood that contact is less punitive than is currently the case. This will be achieved primarily through the development of positive relationships between the Koori community and Victoria Police and the implementation of jointly planned, locally relevant and targeted initiatives.

The ACLO Program will be expanded from its pilot phase. The PALO Program will be enhanced by enabling Koori community members to contribute to the selection of the PALOs working with their communities. Both Programs will be actively promoted within Koori communities and government agencies and cultures within police stations where these staff are placed will be made more responsive to Koori workers and cultures.

Lead agency: Victoria Police.

Activity 2.2.3: Increase the proportion of Koories bailed from police custody

The Koori Bail Justice Program will be reviewed to determine its capacity to contribute to Koories having the same access to bail from police custody as non-Indigenous people. Recommendations from this review will be considered by the AJF and implemented if accepted. Other initiatives that improve Koories' access to bail will also be researched and considered for implementation.

Lead agency: Victoria Police and Courts Programs Development Unit, DOJ.

Strategy 2.3: Increase the rate at which the court system diverts Koories from more serious contact with the criminal justice system

Activity 2.3.1: Strengthen community-based alternatives to imprisonment

Koori community organisations will be assisted to establish the Local Justice Worker Program. This program will work closely with Corrections Victoria and Enforcement Management to provide supervised community work opportunities for Koori offenders, as well as other services to assist Koories reduce their rates of re-offending and otherwise meet the conditions of their orders.

Lead agencies: Indigenous Issues Unit, Corrections Victoria, Enforcement Management, DOJ.

Activity 2.3.2: Improve Koories' access to mainstream court diversion and support programs and decision making courts

Strategies will be developed and implemented to increase the extent to which Koori offenders participate in mainstream court-related diversionary initiatives, support programs and decision making courts that are available to them but rarely utilised. An important mechanism through which this will occur is the mainstream Court Koori Liaison Officer Program.

Lead agency: Courts and Programs Development Unit, DOJ.

Activity 2.3.3: Enhance and expand the Koori Court Network

In addition to reducing the rate at which offenders re-offend, Koori Courts are effective in increasing the extent to which Koories are sentenced to community-based alternatives to offending. This occurs because Koori community members are involved within the court, understand the Koori community supports available, and also appreciate the personal and social context of offending behaviour and whether offenders can be supported in the community rather than being sent to prison.

Lead agency: Courts and Programs Development Unit, DOJ.

Activity 2.3.4: Investigate the impact of sentencing practices

The Sentencing Advisory Council will be invited to undertake research on the degree to which Koories are on remand or sentenced for short periods of time and the impact this has on them, the Koori community and family members. It will also be asked to investigate sentencing outcomes for first time Koori offenders.

Lead agency: Sentencing Advisory Council.

Strategy 2.4: Increase the rate at which Koories are diverted from more serious contact with the correctional system

Activity 2.4.1: Assist Koori offenders to meet the conditions of community-based orders

The Koori Offenders Support and Mentoring Program will be developed and implemented to decrease the rate at which Koories breach community-based orders. It will be a state-wide program based on the successful Rumbalara Koori Women's Mentoring Program. It will provide an outreach service utilising Koori community members to assist male and female offenders to meet the conditions of their sentence. In doing so, it will effectively remove the negative criminal justice system consequences (including imprisonment) that occur when offenders breach their order conditions.

The ICCO Program will be strengthened with increased centralised support. This program employs Koories as Community Corrections Officers and provides outreach supervision to better enable Koori offenders to meet the conditions of their sentences.

Lead agencies: Indigenous Issues Unit and Corrections Victoria, DOJ.

Delivery of the Koori Juvenile Justice Program will continue. It assists young Koories subject to Juvenile Justice orders to meet the conditions of those orders while remaining in the community. The program is delivered by a state-wide network of Koori Juvenile Justice Workers.

Lead agency: Juvenile Justice and Youth Services, DHS.

Activity 2.4.2: Implement initiatives that divert Koori women from prison

The large increase in the number of Koori women in prison between 2003/04 indicates the need for the delivery of community-based diversion initiatives for Koori women. Options in relation to such initiatives will be explored and implemented where appropriate.

Lead agency: Corrections Victoria, DOJ.

Activity 2.4.3: Deliver the diversion program for Koori men at the Wulgunggo-Ngalu Learning Place

Development of the Wulgunggo-Ngalu Learning Place Program (Adult Indigenous Residential Program) in Gippsland will continue. When fully operational, it will provide a culturally appropriate residential program for up to 20 Koori men serving community based orders. The program aims to reduce imprisonment, re-offending and breach rates.

Lead agency: Corrections Victoria, DOJ.

Activity 2.4.4: Reduce the proportion of Koories in maximum security prisons

A review examining the security ratings and placement of Koori prisoners will be undertaken. Reasons for any disparities with other prisoners will be examined and initiatives aiming to ensure Koories are classified and housed at the lowest appropriate security level will be implemented.

Lead agency: Corrections Victoria, DOJ.

Strategy 2.5: Increase the rate at which Enforcement Management diverts Koories from more serious contact with the criminal justice system.

Activity 2.5.1: Enhance the effectiveness of the *Fairer and Firmer Fines* legislation

Local action plans will seek to enhance the effectiveness of the *Fairer and Firmer Fines* legislation to prevent further penetration of Koories into the criminal justice system. A comprehensive awareness and education strategy will also be developed and delivered to inform the Koori community of the potential consequences associated with failing to pay fines and of the options they have in relation to paying them. This work will be done in partnership with Koori communities, the community based Local Justice Workers, and with the support of the Koori Liaison Officer Program within the Sheriff's Office.

Lead agency: Enforcement Management, DOJ.

Activity 2.5.2: Coordinate interagency fine systems

A review of existing agency protocols and procedures regarding outstanding or unpaid fines for Koori prisoners will be undertaken. An outcome of this is expected to include development of a coordinated approach to ensure that time served against outstanding warrants and unpaid fines is recorded and credited to Koori prisoners.

Lead agency: Enforcement Management, DOJ.

Objective 3: Reduce re-offending

Strategy 3.1: Ensure conditions support the rehabilitation of Koori prisoners

Activity 3.1.1: Ensure the welfare of Koories in prison

The AWO and Indigenous Services Officer Programs will be expanded to ensure the welfare of Koories in prison and Koories subject to community based orders. These staff will provide practical assistance to Koori inmates (and offenders), ensure that they have access to mainstream services, assist them to celebrate Koori festivals and consult with prisoners' contact officers and offender case managers to ensure their needs are being met.

Lead agency: Corrections Victoria, DOJ.

Corrections Victoria, Victoria Police and Juvenile Justice and Youth Services will work collaboratively to review current practices that relate to the care and wellbeing of Koori detainees, prisoners and offenders in light of the recommendations of the 2005 *Implementation Review*.

Lead agencies: Corrections Victoria, DOJ, Victoria Police and Juvenile Justice and Youth Services, DHS.

Activity 3.1.2: Koori Men's and Women's Prisoner Support Groups

Corrections Victoria will work with the RAJAC/LAJAC networks to establish Koori Men's and Women's Prisoner Support Groups as an initiative to reduce re-offending through the provision of guidance and support upon release.

Lead agency: Corrections Victoria, Indigenous Issues Unit, DOJ.

Strategy 3.2: Address characteristics that put offenders at high risk of re-offending

Activity 3.2.1: Increase the cultural strength of Koori offenders

Cultural Immersion Programs delivered to Koori offenders and prisoners will enhance their cultural understanding and identity. Prisoners will also be given access to cultural resources, for example the Marumali Program and through the celebration of NAIDOC week activities.

Lead agency: Corrections Victoria, DOJ.

Activity 3.2.2: Increase utilisation of education, training and employment initiatives

Initiatives aiming to increase the number of Koori prisoners and offenders who access mainstream education, training and employment initiatives will be implemented. Consideration will also be given to delivering Koori specific education, training and employment initiatives in prisons.

Lead agency: Corrections Victoria, DOJ.

Activity 3.2.3: Develop and deliver Koori-specific offending behaviour programs

Delivery of the Koori-specific Cognitive Skills Program will be expanded. Koori-specific violence, drug and alcohol and sex offending programs will be developed and delivered to Koori prisoners and offenders. These programs will reduce re-offending by Koories and so reduce the high rate of victimisation suffered in the Koori community.

Lead agency: Corrections Victoria, DOJ.

Activity 3.2.4: Ensure that the mental health needs of Koori prisoners are met

A review of the mental health needs of Koori prisoners and offenders will be undertaken. This will include an assessment of the adequacy of the existing mental health services in meeting their needs.

Lead agency: Corrections Victoria, DOJ.

Strategy 3.3: Ensure that Koories in custody are able to effectively reintegrate into their communities upon release

Activity 3.3.1: Assist Koori youth in detention to reintegrate into their communities

An Intensive Pre and Post Release Transitional Support Program for Koori youth will be developed and delivered to Koories in custody before their release and via outreach following their release. The program will assist youth practically during the days after release and then later to enact plans that increase pro-social and reduce offending behaviour.

Lead agency: Juvenile Justice and Youth Services, DHS.

Activity 3.3.2: Assist Koori adults in prison to reintegrate into their communities

A Bridging Support Program for Koori adults (similar to that delivered to Koori youth) will be developed and delivered to Koori prisoners before their release and via outreach following their release.

Lead agency: Corrections Victoria, DOJ.

Activity 3.3.3: Assist Koori adults to maintain strong family links while in prison

The Koori Family Visits Program will be enhanced to ensure that it is more widely utilised. Contact with family improves prisoners' welfare during incarceration and also assists them after release, especially as many move in with their families.

Custodial visiting limitations that may prevent family members from visiting Koori prisoners will be identified and reviewed in private and public prisons. Particular examples include any visiting limitations placed on family members with old/prior convictions or who are ex-prisoners.

Lead agency: Corrections Victoria, DOJ.

Activity 3.3.4: Assist Koories to recover family links while in prison

Protocols will be established that formally link Koori offenders with Stolen Generations services.

Lead agencies: AAV and Corrections Victoria, DOJ..

Objective 4: Reduce victimisation*Strategy 4.1: Reduce the impact of crime on victims***Activity 4.1.1: Deliver services to Koori victims of crime**

A range of initiatives will be implemented that increase Koori utilisation of services offered by victims agencies. This work will be carried out jointly by the Victims of Crime Assistance Tribunal (VOCAT) and the Victims Support Agency (VSA). A working group has been convened to develop strategies and initiatives to increase utilisation and participation of Koories in victims' services. An outcome of this process will be a comprehensive Koori community communications strategy that promotes the range of support services available.

Lead agencies: VOCAT and VSA, DOJ.

Activity 4.1.2: Improve responses to Indigenous family violence

Victoria Police will work with Indigenous Family Violence Action Groups and the RAJAC/LAJAC network to develop protocols that effectively address Indigenous family violence responses and service delivery at the local level.

Lead agency: Victoria Police and AAV.

Activity 4.1.3: Ensure that victims know when perpetrators are being released from prison

Initiatives will be implemented to increase Koori community awareness of the Victims Register, which alerts victims to perpetrators' release dates and Parole Board hearings.

Lead agency: Corrections Victoria, DOJ.

Activity 4.1.4: Ensure that family violence programs are responsive to Koories' needs.

The responsiveness of DOJ family violence programs to Koories needs will be enhanced. This will include:

- Ensuring that Family Violence Courts are responsive to the needs of the Koori community.
- Monitoring Koori access to mainstream Family Violence Courts.
- Delivering culturally appropriate Mandated Men's Programs to Koori men who perpetrate violence toward family members.

Lead agency: Courts and Programs Development Unit, DOJ.

Activity 4.1.5: Assist to ensure the delivery of integrated programs

Considerable effort will be made to ensure that AJA2 initiatives are integrated and complementary to Indigenous family violence policy and programs by:

- Ensuring the RAJAC/LAJAC is linked with Indigenous Family Violence Regional Action Groups and Indigenous Family Violence Local Action Groups.
- Assisting the state-wide implementation of inter-agency Regional Forums.
- Ensuring Koori community input into the development of the Indigenous Family Violence Strategy.

Lead agency: Indigenous Issues Unit, DOJ, AAV, DHS.

Activity 4.1.6: Ensure that support is available to Koories in contact with the Coroner's Court

Koories' utilisation of counselling and support services (and other programs) within the Coroner's Court will be increased through the delivery of culturally sensitive services.

Lead agency: Coroner's Court, Court Services, DOJ.

Objective 5: Responsive and inclusive services

Strategy 5.1: Integrate AJA2 implementation into agency planning processes and operations

Activity 5.1.1: Develop and implement Koori Action Plans

Justice business units and agencies with responsibility for the implementation and reporting of AJA initiatives will develop, implement and monitor Koori Action Plans as part of their core planning processes.

All Koori Action Plans will include Koori Recruitment and Career Development Strategy components to maximise opportunities for Koori employment and career development. They should also articulate the strategies business units and agencies will use to reduce Koori over-representation in the criminal justice system and how and when they will be implemented.

Action Plans are to be consistent with the AJA and be informed through input from the LAJAC/RAJAC network and the Aboriginal Justice Forum. The Koori Action Plans will be reviewed annually and evaluated triennially in partnership with the AJF. Success in implementing the Koori Action Plans will be included as performance measures for relevant business unit and agency Executive Officers.

Lead agencies: Dispute Settlement Centre of Victoria, Courts, Corrections Victoria, Enforcement Management, Victims Services Agency, Indigenous Issues Unit, DOJ, Victoria Police and EOCV.

Strategy 5.2: Increase the number of Koories working in the justice system

Activity 5.2.1: Increase the number of Koories studying in criminal justice related fields

Tertiary scholarships will continue to be made available to Koories studying in justice related fields, such as law, social and emotional wellbeing, social work and psychology fields.

Lead agency: Indigenous Issues Unit, DOJ.

Activity 5.2.2: Increase the number of Koories working in law

Support for the Indigenous Lawyer Students and Lawyers Association of Victoria (ILSLAV) will continue. It provides a range of services to assist Indigenous law students to graduate and continue working in law.

Lead agency: Indigenous Issues Unit, Human Resources, DOJ.

Strategy 5.3: Make government workplaces more responsive to Koori employees' needs

Activity 5.3.1: Increase the understanding that non-Koori employees have of Koori culture

Delivery of accredited Indigenous Cultural Awareness Training (ICAT) will be enhanced and delivered to the Justice Executive Committee, supervisors of Koori staff and staff working in Courts, Victoria Police, Corrections Victoria, Enforcement Management and other agencies with high numbers of Koori clients.

Lead agency: Indigenous Issues Unit, Human Resources, DOJ.

Strategy 5.4: Ensure that Koories have access to Koori-specific services

Activity 5.4.1: Deliver programs that protect the rights of Koories with cognitive disabilities

Following the research conducted by the Office of the Public Advocate in 2003. The Independent Third Person Program is now implementing strategies to increase the representation of Koori people onto the program and to increase their access.

The Independent Third Persons Program assists a person, who has a cognitive disability (Intellectual disability, acquired brain injury, or dementia) or a mental illness, during an interview or when making a formal statement to Victoria Police. The person may be an alleged offender, victim or a witness.

Lead agency: Office of the Public Advocate.

Activity 5.4.2: Deliver programs that reduce discrimination against Koories

Delivery of the EOCV's Indigenous Program will continue and will include a range of initiatives to identify and tackle systemic discrimination. These will include the development and delivery of community education strategies to increase community awareness of protections afforded by Equal Opportunity legislation and of impacts of new legislation, including the *Racial and Religious Tolerance Act 2001*. Regular reports will be provided to the AJF on program activities and the number and nature of complaints received from Koories.

Lead agency: EOCV.

Activity 5.4.3: Increase Koories' representation on justice-related Boards, Committees and Tribunals

A strategy will be developed and implemented to maximise Koori participation on DOJ and DHS advisory boards, tribunals, panels and committees. In particular, the Government will promote the appointment of Koories to such positions as Bail Justices and such organisations as the Youth Parole Board, the Youth Residential Board, the Adult Parole Board and the EOCV.

Lead agency: Indigenous Issues Unit, DOJ.

Strategy 5.5: Ensure that AJA2 stakeholders understand the profile of Indigenous over-representation

Activity 5.5.1: Develop a detailed data-base describing Koori over-representation in the criminal justice system

The development and maintenance of a criminal justice system database will continue. When fully developed, the database will inform place, regional and state-based decision making, identify points of the criminal justice system at which Koories are over-represented and enable the outcome evaluation of place-based initiatives. It will also provide a valuable resource for research into contributors to Koori over-representation (among other things). Access to available data will be provided to relevant community and justice agencies.

Lead agency: Indigenous Issues Unit, DOJ.

Strategy 5.6: Increase the accountability of agencies that deliver justice services to Koories

Activity 5.6.1: Ensure that appropriate grievance procedures are available to Koories in justice agencies

Grievance bodies within the justice system, including those in Victoria Police, Corrections Victoria, Enforcement Management and Courts, will record the Indigenous status of complainants in their formal complaint registration processes. Grievance bodies responsible for grievance processes will also develop and deliver Indigenous specific communication strategies to assist Koori communities to better understand how to utilise their services. These bodies will also report to the AJF regularly on the number and nature of Indigenous complaints received.

A Koori Liaison Officer will be appointed within the Ethical Standards Department.

Lead agencies: All DOJ agencies.

Activity 5.6.2: Ensure the transparency of Koories' conditions in detention

Aboriginal Official Visitors will continue to be appointed into the adult prison system. The feasibility of delivering a related program in the juvenile detention system will also be investigated.

Lead agencies: Corrections Inspectorate, DOJ and Juvenile Justice and Youth Services.

Activity 5.6.3: Ensure that Koories are supported when detained in police cells

The ACJP Program will be strengthened so that it provides a wider and more effective practical advocacy service to Koories detained by police.

Lead agency: Victoria Police.

Activity 5.6.4: Improve the manner in which relatives are informed of a Koori death in custody

Keeping in mind privacy, legal, policy and practical implications of any changes, the processes by which relatives are notified in the event of a Koori death in custody will be improved.

Lead agencies: Victoria Police, Corrections Victoria, DOJ and Juvenile Justice and Youth Services, DHS.

Objective 6: Strengthen community justice responses

It is important to note here that many of the initiatives described under other objectives contribute to building stronger communities. While stronger communities can have the largest effect on over-representation, e.g. these effects are often secondary and more difficult to measure. The fact that they have not been included within this objective is no reflection of their central importance to it.

Strategy 6.1: Support the provision of local, place-based approaches and solutions to crime prevention, diversion and rehabilitation

Activity 6.1.1: Ensure that Koori communities and government agencies have the capacity to deliver local solutions

The AJA Review found that the AJA1 had improved central and regional partnerships and outcomes for Koories and government agencies, but that these mutually beneficial partnerships often remained weak at local levels. Because Koori communities are so diverse and their profiles of contact with the criminal justice system are so different, local partnerships and actions will have the most impact on over-representation. The LAJAC Network (and similar local partnerships) will be expanded to localities where there is a high level of Koori contact with the criminal justice system. This will enable local action and ensure that place-based responses to local justice-related problems are implemented in areas where they are most needed.

Lead agency: Indigenous Issues Unit, DOJ.

Activity 6.1.2: Ensure that Koori communities engage with police and impact on local policing practices.

Koori communities will inform and participate in Local Priority Policing initiatives and Local Safety Committees. This will enable them to make their communities safer and reduce over-policing by police who may not understand Koori culture and who may not fully understand the impact that colonisation and discriminatory policies has had on Koories.

Lead agency: Indigenous Issues Unit, DOJ and Victoria Police.

Activity 6.1.3: Ensure that Koori communities are informed about justice-related issues

The LAJAC network will coordinate and promote the delivery of Koori responsive justice-related information to Koori communities. This information will allow them to better protect their rights through improved understanding of the justice environment and enable them to be more proactive in community efforts to improve Koori justice outcomes.

All justice agencies will take a leading role in developing this information. It will be provided by means accessible to Koories, for example through the Koori Justice Newsletter, Gateways Annual Calendars, Indigenous Community Justice Awards, Koori Job Fairs, Community Justice Forums, youth publications, community information kits and/or the development of websites.

Lead agencies: Strategic Communications, Indigenous Issues Unit, DOJ and all justice agencies.

A range of community service providers, including VALS and the Aboriginal Family Violence Prevention Legal Service (Vic) will be engaged to increase Koories' understanding of the legal system, services available and of their rights. Among others, the communication campaign will target youth and victims and will provide information on grievance mechanisms.

Lead agency: Indigenous Issues Unit, DOJ.

Strategy 6.2: Reduce dispute-related conflict in Koori communities

Koori access to mediation and conflict resolution services will be promoted through the expanded delivery of the Indigenous Mediator Program. This expansion will include the increased recruitment and training of mediators accredited to work with Koories, the development of specialist areas of mediation expertise and the expansion of the program in rural and regional areas. The AJF will consider frequent reports about the progress of this program.

Lead agency: Dispute Settlement Centre of Victoria, DOJ.

Acronyms

AAV	Aboriginal Affairs Victoria
ACJP	Aboriginal Community Justice Panel
ACLO	Aboriginal Community Liaison Officer
AJA	Aboriginal Justice Agreement
AJA1	Aboriginal Justice Agreement
AJA2	Aboriginal Justice Agreement Phase 2
AJF	Aboriginal Justice Forum
ALO	Aboriginal Liaison Officer
AWO	Aboriginal Well-being Officer
DHS	Department of Human Services
DOJ	Department of Justice
EOCV	Equal Opportunity Commission Victoria
ICCO	Indigenous Community Corrections Officer
LAJAC	Local Aboriginal Justice Action Committee
RAJAC	Regional Aboriginal Justice Advisory Committee
VALS	Victorian Aboriginal Legal Service
VAJAC	Victorian Aboriginal Justice Advisory Committee
VIAF	Victorian Indigenous Affairs Framework
VSA	Victims Support Agency

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Victorian Aboriginal Justice Agreement Phase 3 (AJA3)

A partnership between the Victorian
Government and Koori Community

KOORI Strong
KOORI Proud
KOORI Justice



The Victorian Department of Justice acknowledges Aboriginal and Torres Strait Islander people as the Traditional Custodians of the land. The department also acknowledges and pays respect to their Elders, past and present.

Aboriginal and Torres Strait Islander people should be aware that this document may contain images or names of people who may have passed away since the time of publishing.

Published by the Koori Justice Unit, Victorian Government Department of Justice, Melbourne, Victoria, Australia.

March 2013 © Government of Victoria

ISBN 978-1-921627-79-8

This document is also available at www.justice.vic.gov.au in accessible Adobe PDF and eBook formats.

Authorised by Department of Justice, 121 Exhibition Street, Melbourne.

Print managed by Finsbury Green and designed by Marcus Lee Design.

If you would like to receive this publication in an accessible format please telephone the Strategic Communication Branch, Department of Justice on (03) 8684 0376, the National Relay Service (TTY) on 13 36 77 or email accessibility@justice.vic.gov.au.

Victorian Aboriginal Justice Agreement Phase 3 (AJA3)

A partnership between the Victorian
Government and Koori Community



Foreword

It was more than 20 years ago that the Royal Commission into Aboriginal Deaths in Custody released its Final Report. The Royal Commission highlighted the need for Aboriginal people to be involved in the process of implementing its 339 recommendations. In 1997, the Kennett Government began charting a new direction for Victoria's justice system, a direction that has led to a partnership with the Koori community to tackle Indigenous over-representation.

This partnership has delivered significant improvements since the first Aboriginal Justice Agreement was reached in 2000. Perhaps the single clearest measure of the success of this approach is the rate at which Aboriginal Victorians are over-represented in the criminal justice system, which is significantly lower than the national average.

In 2013, the Victorian Government is committed to continuing to work in partnership with the Koori community to achieve improved justice outcomes for Aboriginal Victorians. It is this partnership approach that has made the Justice Agreement relevant, durable and effective.

As the Aboriginal Justice Agreement enters its third phase, the partnership is focussed on improving justice outcomes by building stronger families and safer communities.

Work to improve educational outcomes, enhance opportunities for employment and strengthen our economy has direct and positive impacts on reducing youth offending, lowering imprisonment rates and tackling family violence.

This work is supported by every area of government, coordinated through the Victorian Aboriginal Affairs Framework (VAAF), as we progress towards a better future for Victoria's young and growing Aboriginal community.

The Justice Agreement is a key component of the VAAF and reflects the Framework's central principles of aspirations, accountability, engagement and inclusiveness.

We would not be launching the next phase of the Justice Agreement if not for the commitment, passion and leadership of the Aboriginal community in wanting a better future for their children.

I thank the Aboriginal Justice Forum and so many community members for their important work and I look forward to seeing many positive results as we work together under the third Aboriginal Justice Agreement.

Robert Clark, MP
Attorney-General

I am pleased on the behalf of the Koori Caucus to be able to contribute to the foreword of the Victorian Aboriginal Justice Agreement phase three (AJA3) with the continued promise of building on strong partnerships between Aboriginal people across Victoria and the Department of Justice to improve Koori justice outcomes.

For Aboriginal and Torres Strait Islander people across Australia justice is often viewed as inequitable and is described by many as a system which treats our people unjustly. When a system is unable to make the best decisions and treat everyone equally then it is important to improve it. However, over-representation cannot be blamed solely on the justice system. We as Aboriginal people also have to take responsibility for our actions leading to our involvement in it. That is why Victoria's AJA is so important to the Victorian Aboriginal people.

Importantly, I want to give due recognition and acknowledgement of the role of the Victorian government in seeking to reduce Aboriginal over-representation in the justice system. I also want to acknowledge that there would not be an Aboriginal Justice Agreement without the ongoing commitment and support of the Koori Caucus, whose pursuit of genuine partnerships and leading role in establishing and driving outcomes has contributed to the success of AJA1 and AJA2 .

The development of each AJA has severely challenged the Koori Caucus and the Department of Justice given the breath of issues and the complexity of systems with which the partnership has had to work to achieve success. We can be well proud of the progress we have made to date.

The implementation of AJA3 will again challenge us as we focus on expanding the emphasis on crime prevention and diversion activities to reduce re-offending and over-representation. We know also that we need to better understand the key drivers of offending and work with our people to address these issues earlier. AJA3 will focus heavily on reducing conflict and violence across our community to improve community safety. We will only achieve this through collaboration and strong partnerships with and between all stakeholders.

Whilst we have seen significant improvements through our work on AJA1 and AJA2 across the State, it is clear we need to do a lot more in our response to specific issues for our women and to work with young women in the prison system both pre- and post release. But more importantly their initial diversion.

Fundamental to the work of the AJA3 must be mutual adherence by government and the Koori community to the principles of the Agreement. Both parties have to be accountable for the outcomes; both parties need to be transparent in the work they do and be inclusive of all.

Disconnection from land and people and a loss of culture has led to a breakdown in

traditional values and has severely impacted on our people, which is a key contributor to our over-representation in the justice system. A fundamental challenge will be to establish a strong cultural base and identity in our children and young people. We cannot afford a continuing cultural disconnect within our communities.

We need to ensure that in the 'justice system' that there are actions across the age spectrum to address parenting for Koori parents both in prison and upon release.

The Agreement moves to address a whole range of justice issues and I believe that Aboriginal people have embraced it, there is a high level of Aboriginal participation and involvement and a genuine willingness to embrace what we see as positive outcomes. I look forward to a continued improvement both in our relationships and in our ability to bring about long-term sustainable change.

Dr Alf Bamblett
Chairperson
Victorian Aboriginal Justice Advisory Committee



The Kurnai Shield and the AJA

Kurnai Shield © 2002 by artist Ms Eileen Harrison, a Kurnai woman from Gippsland “The markings on this shield represent our people and our country.”

Kurnai Shield is an acrylic on canvas which was created in 2002 and featured in the Mallacoota Arts Festival of that year.

In 2003, the artwork was purchased by the Department of Justice to feature as the visual emblem of the Victorian Aboriginal Justice Agreement (AJA). Since then it has featured prominently on all associated documents and publications, including the AJA1 and AJA2 (designed by Deadly Design).

In 2010 Ms Harrison agreed to allow a stylised version of the artwork to be created, enabling increased promotion of the AJA by the Department of Justice.

Aboriginal designer Marcus Lee developed the ‘Koori Strong, Koori Proud, Koori Justice’ emblem featuring a stylistic representation of the Kurnai Shield, signifying the evolution of the AJA and coinciding with its 10th Anniversary.



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Terminology

The terms Aboriginal, Indigenous, Koori and Koories are used throughout this document to describe the traditional inhabitants of Victoria. The Aboriginal Justice Forum and the Department of Justice have agreed with the Koori Caucus that for consistency, the term Koori (Koories for plural) is the preferred term for use in the Victorian Aboriginal Justice Agreement and all related reports, policies, programs and initiatives.

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Part 1: Introduction

Overview: the third phase of the Aboriginal Justice Agreement (AJA3)

The Victorian Aboriginal Justice Agreement (AJA) is an agreement between the Victorian Government and Koori community to work together to improve Koori justice outcomes.

The continuation of the AJA after completion of its first two phases (launched in 2000 and 2006 respectively), was recommended after an independent evaluation of AJA2, which found that a strong and enduring partnership had been built between justice agencies and the Koori community and that the partnership structures at state-wide, regional and local levels, had set a strong foundation for future initiatives. In responding to the findings and recommendations of the Evaluation, this Agreement builds on and extends the previous two Agreements and ensures its continued relevance.

The AJA3 was developed through the Aboriginal Justice Forum in a partnership process of extensive consultation and collaboration, resulting in a strategy which:

- maintains and continues to grow the strong partnership between the Victorian Government and Koori community
- recognises the importance of cultural identity, connection and strength in building the resilience, skills, economic participation and wellbeing of Koories and protecting against crime and violence
- provides a strategic direction that maintains and extends activity across the justice system, consistent with the AJA objectives and with government and Koori community priorities in key areas
- reinforces a targeted approach to key drivers of crime, violence and Koori over-representation
- includes a monitoring and evaluation framework that strengthens governance and reporting systems
- emphasises place-based approaches and seeks to improve the consistency, accessibility and availability of the program and service system across regions
- improves collaboration across government to address the underlying issues and work towards common goals.

AJA3 continues to be underpinned by the principles articulated in AJA2, which include acknowledging the uniqueness, diversity, history and culture of the Koori community, ensuring honesty, transparency and accountability, and supporting the right of Koori communities to participate as equal partners in all justice-related policies and programs that affect the Koori community.

AJA3 also contributes towards achieving long-term change within generational timeframes consistent with the Council of Australian Governments Closing the Gap policy. AJA3 is to be implemented over a five-year period (2013-18) and represents the midpoint of a long-term strategy, rolled out in stages until the gap is closed.

How the Agreement has evolved

Victorian Aboriginal Justice Agreement Phase 1

In Victoria, action to improve justice outcomes has its origins in the 1991 report of the Royal Commission into Aboriginal Deaths in Custody¹ and the subsequent 1997 National Ministerial Summit into Indigenous Deaths in Custody, held to review implementation of Royal Commission recommendations. The first phase of the Victorian Aboriginal Justice Agreement (AJA) was produced in direct response to the summit resolution to develop strategic planning, program delivery and monitoring frameworks in each jurisdiction, aimed at reducing Aboriginal contact with the criminal justice system.

Critical to the development of AJA was the Victorian Aboriginal Justice Advisory Committee, established under recommendations from the Royal Commission. Under the leadership of its Chair, Dr Alf Bamblett, the committee negotiated with government to shape the Agreement and paved the way for the partnership that exists today.

The AJA set out aims, strategies, principles, roles and responsibilities of its signatories, forming the basis for achieving equity between the government and the Koori community. It also identified key results for monitoring and evaluation and embarked on a range of projects and systemic reforms.

The first phase ran from 2000-06 and laid the foundation for improved Koori justice outcomes. Important achievements included:

- establishing robust partnerships between the Victorian Government and Koori community
- building infrastructure to assist in reducing over-representation
- introducing initiatives that improved justice-related outcomes for the Koori community.

The Victorian Aboriginal Justice Agreement (AJA) was produced in direct response to the summit resolution to develop strategic planning, program delivery and monitoring frameworks in each jurisdiction, aimed at reducing Aboriginal contact with the criminal justice system.

¹ The Royal Commission found that the high number of Aboriginal deaths in custody was related to the over-representation of Aboriginal people in the criminal justice system. The most significant cause of this over-representation was the extremely disadvantaged and unequal position of Aboriginal people within the broader society, which left them vulnerable to lifelong involvement with the justice system.

Victorian Aboriginal Justice Agreement Phase 2

The second phase of the Aboriginal Justice Agreement (AJA2) was launched in 2006 and aimed to improve Koori justice outcomes through:

- minimising Koori over-representation in the criminal justice system
- improving Koori access to mechanisms designed to uphold their human, civil and legal rights
- eliminating inequalities in the justice system.

AJA2 again outlined aims, principles, objectives, roles and responsibilities for all parties and introduced a comprehensive monitoring and evaluation framework.

It focused on preventing and reducing the progression of young Koories into the criminal justice system and in reducing re-offending of those young people and adults already in the system. It was built on a strategic framework of prevention, early intervention, increased diversion and reduced re-offending and looked at intervening at every point in the criminal justice system. It also focused on changing the justice system to be more responsive and inclusive in its approach to Koories.

The AJA2 took a place-based approach and aimed to expand the number of locations and initiatives that could be established in partnership with local communities. It recognised the importance of strengthening community and building capacity to enable crime and justice-related issues to be addressed locally.

Implementation and monitoring

AJA2 contained more than 50 initiatives with strategic objectives to:

- increase crime prevention and early intervention
- improve diversion and strengthen alternatives to imprisonment
- reduce re-offending
- reduce victimisation
- increase responsive and inclusive services
- strengthen community justice responses.

Responsibility for delivering outcomes was shared between Department of Justice and Victoria Police, the Department of Human Services and the Department of Planning and Community Development.

Implementation of AJA2 was coordinated and managed through detailed plans presented as:

- **Koori Action Plans:** developed by each government business unit responsible for delivering AJA2 initiatives. The plans were developed by Koori Reference Groups that included Koori members of the Aboriginal Justice Forum, and progress against them was reported back at each forum meeting.
- **Regional Justice Plans:** developed by each Regional Aboriginal Justice Advisory Committee, which identified critical justice issues in their region and contributed to achieving the AJA2 objectives. Committee Chairpersons reported on progress against their regional justice plan to the Aboriginal Justice Forum.

By 2012, the majority of AJA2 initiatives had been implemented across the justice system (on or before schedule) and are listed in Figure 1.

Figure 1: Key initiatives of the AJA

Objective	Focus area	Key initiatives
Increase crime prevention and early intervention	Reduce risk factors for crime and strengthen protective factors for Koori youth	<ul style="list-style-type: none"> • Frontline Youth Initiatives and Community Initiatives Programs • Koori Early School Leaver Program and Youth Employment Service
Improve diversion and strengthen alternatives to imprisonment	Increase diversion options at strategic points and strengthen system capacity	<ul style="list-style-type: none"> • Victorian Aboriginal Legal Service and Victoria Police Koori Youth Cautioning Project • Victoria Police Aboriginal Community Liaison Officer and Police Aboriginal Liaison Officer programs • Koori Courts, including Koori Children's Courts and County Koori Court • Koori Youth Intensive Bail Support Program • Court Integrated Services Program • Local Justice Worker Program • Wulgunggo Ngalu Learning Place
Reduce re-offending	Address environmental and behavioural risk factors for re-offending	<ul style="list-style-type: none"> • Aboriginal Cultural Immersion Program • Koori Cognitive Skills Program • Koori KONNECT transition and post release support program • Indigenous Community Corrections Officers Program
Reduce victimisation	Reduce the negative impact of the high rate of victimisation on the Koori community and reduce inter-generational contributors	<ul style="list-style-type: none"> • Koori Victims of Crime Assistance Tribunal List • Victims Support Agency Indigenous Victims of Crime Officers and Support Strategy • Indigenous Family Violence 10-Year Plan
Increase responsive and inclusive services	Increase responsiveness to Koori culture in the justice system and strengthen Koori inclusion at all levels	<ul style="list-style-type: none"> • Koori Action Plans • Koori Recruitment and Career Development Strategy • Indigenous Cultural Awareness Training • Aboriginal Community Justice Panels
Strengthen community justice responses	Increase community strength and capacity to develop local solutions to local justice issues	<ul style="list-style-type: none"> • Regional Aboriginal Justice Advisory Committee and Local Aboriginal Justice Action Committee networks • Place-based strategies at Lake Tyers and Mildura • Koori Mediation Program pilot

The AJA2 recognised the importance of strengthening community and building capacity to enable crime and justice-related issues to be addressed locally.

HOW THE AGREEMENT HAS EVOLVED

Evaluation of AJA2

In 2011-12 an independent evaluation of the AJA2 was undertaken by the Nous Group. It focused on change in Koori justice outcomes attributable to the AJA2 over its duration, looking at overall impact on Koori over-representation in the justice system and also performance against the objectives.

Key findings of the evaluation were that:

- Koori over-representation in the criminal justice system was still increasing, but would have increased more without the AJA2
- there had been positive outcomes against all objectives, but remained more to do (summarised in Figure 2 but provided in more detail in Appendix 1).

Figure 2: Summary of findings from the AJA2 evaluation

Objective	Summary finding
Increase crime prevention and early intervention	Youth contact with police and incarceration has been reduced
Improve diversion and strengthen alternatives to imprisonment	There has been no change at the state level, but most regions have improved
Reduce re-offending	Re-offending has been reduced
Reduce victimisation	Victimisation has worsened but services for victims have improved
Increase responsive and inclusive services	The inclusion and responsiveness of Justice services has generally increased
Strengthen community justice responses	The strength of community justice responses has increased

Overall, the evaluation found that the AJA2 delivered significant improvements in justice outcomes for Koories in Victoria, resulting in lower numbers of Aboriginal people in prison, offenders and offences committed than estimated (based on 2001-06 statistical trends).

It highlighted the value of a place-based approach and demonstrating that regions were affected differently in Koori over-representation in prison. While over-representation decreased in all five non-metropolitan regions (with decreases ranging from 11-31 per cent), it remained the same in two of the metropolitan regions and increased the North Metropolitan region by up to one-third which impacted on the overall result state-wide.

In monetary terms, the evaluators calculated that the gross benefits to Victoria of the AJA2 was approximately \$22-26 million in 2011, representing a social return on investment between \$1.66-1.93 for every dollar invested.

The evaluation also found that the AJA2 partnership structures had set a strong foundation for achieving outcomes to date and for developing future initiatives

As a result, the overarching recommendation was for its continuation over a third phase (AJA3), enhancing the existing approach, as the best way to tackle the complex and intergenerational issues and achieve sustainable change over time.

Further recommendations, which significantly shaped the priorities for AJA3, were to:

- improve governance and reporting to actively drive outcomes
- address key risk points for Koories in the justice system
- improve consistency of service availability and access across and within geographic areas
- continue to focus on improving justice outcomes, while collaborating across government.

"The difference with the AJA is that it has a signed agreement with real ownership by Koories...it provides a real platform for voices of the community without fear" RAJAC Chair.

HOW THE AGREEMENT HAS EVOLVED

From AJA2 to AJA3

Each phase of the AJA builds and extends on the one that went before it. AJA3 consolidates and extends successful initiatives/components, ensuring it is well-placed to respond to new challenges.

AJA3 maintains AJA2's developmental approach by minimising risk factors and maximising protective factors for youth, targeting interventions at the key transition points in a youth's development that are most often associated with offending.

AJA3 maintains an emphasis on prevention, early intervention and diversion to reduce further progression into the justice system.

It also seeks to reduce re-offending and strengthen the focus on addressing drivers such as alcohol and drugs, mental health, unstable housing and unemployment through offender rehabilitation and behaviour programs, improved transition support and continuity of care to assist offenders reintegrate into the community.

AJA3 has an increased focus on improving the safety of Koori families and communities through reducing conflict, violence and victimisation and improving support for victims. AJA3 maintains a place-based approach and seeks to strengthen local community justice responses through community safety planning in key locations.

AJA3 continues to increase the responsiveness of the justice system through the implementation of the Justice Department's Koori Inclusion Action Plan *Mingu Gadhaba*, and implementation of the Department's Koori Employment Strategy 2011-2015.

AJA3 recognises the importance of cultural identity and connection and emphasises cultural strengthening as a vital foundation which builds the resilience, skills, participation and wellbeing of Koories and protects against crime and violence.

By seeking to break cycles of violence and offending, and increasing family and community safety, AJA3 assists in supporting young Koories to thrive by creating environments conducive to employment and economic development.

Figure 3 summarises the changes in focus between AJA2 and AJA3, highlighting the areas that have been rolled over and strengthened.

Figure 3: Primary focus of objectives across AJA2 and AJA3

Phase 2 objective	Phase 3 objective
Increase crime prevention, early intervention	Continue to focus on crime prevention and early intervention
Improve diversion and strengthen alternatives to imprisonment	Continue to emphasise and extend across the justice system
Reduce re-offending	Increase focus across the justice system
Reduce victimisation	Expand focus to include reducing conflict and violence as well as victimisation
Increase responsive and inclusive services	Increase focus through Koori Inclusion Action Plan and Koori Employment Strategy 2011-15
Strengthen community justice responses	Expand focus to also include increasing community safety



*Koori sporting clubs and organisations are the heart of many communities.
Photographer: Richard Kendall*



Koori justice workers recognised by the Institute of Public Administration Australia through Young Indigenous Leader Scholarship awards

Koori contact with the justice system

At the conclusion of AJA2, in Victoria there were 70 fewer Aboriginal people in prison, 200 fewer Aboriginal offenders and 1300 fewer Aboriginal offences in 2011 than expected (based on 2001-06 statistical trends) (Figure 4).

Figure 4: Expected vs actual change in Koori justice outcomes for adults in 2011

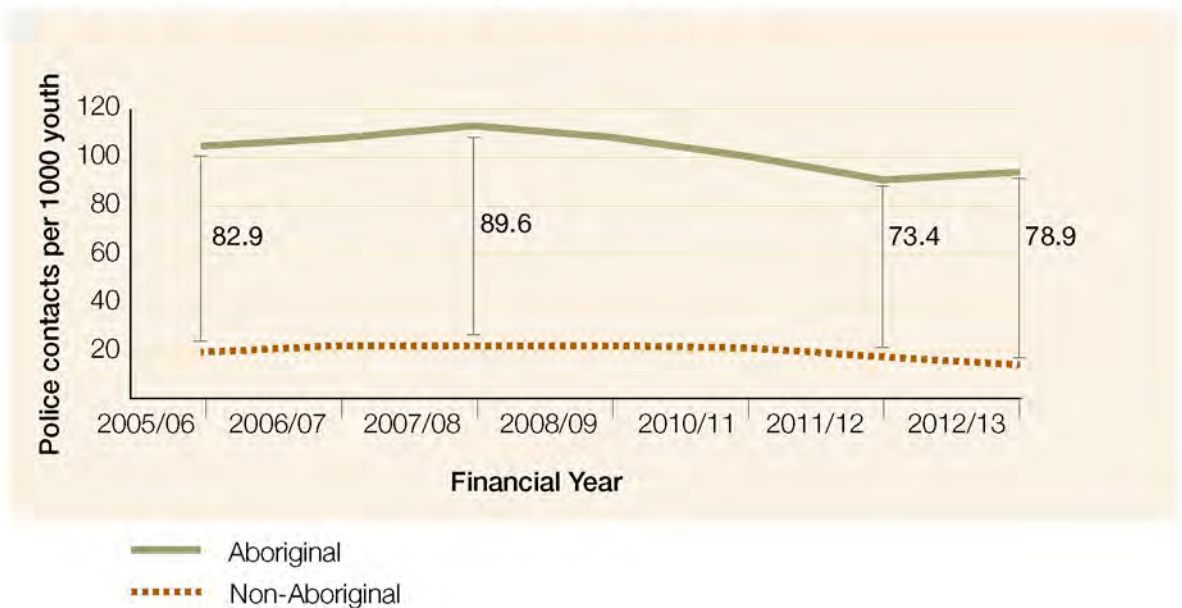


Source: NOUS Group, AJA2 Evaluation Report 2012

However, Koories remain over-represented across all stages of the criminal justice system, including the following examples:

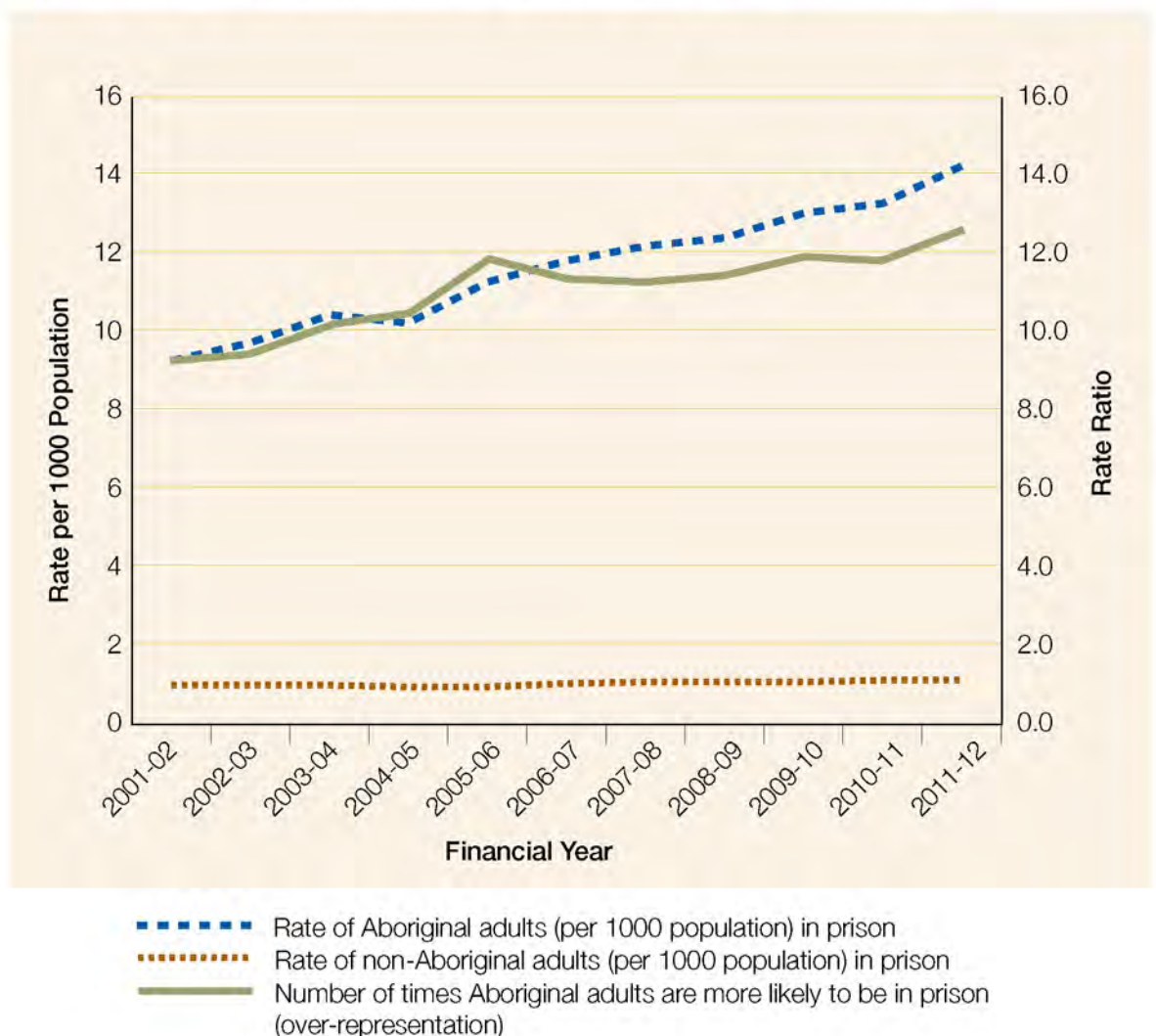
- The rate of Aboriginal young people (10-17) processed by police has fallen in recent years from around 100 per 1000 to close to 90 per 1000. The percentage-point gap between the rate of Aboriginal and non-Aboriginal young people processed by police has also fallen to 78.9. However the rate remains unacceptably high and is still over 6 times the non-Aboriginal rate.
- Similarly, the Australian Institute of Health and Welfare (AIHW) reported that in 2010-11 that 2.5 of every 1,000 Koori youth in Victoria were in youth detention, compared with 0.1 of every 1,000 non-Indigenous youth. Koori youth also enter the youth justice system at a younger age (AIHW, 2012).
- In 2011, the Australian Bureau of Statistics (ABS) found that Indigenous people in Victoria were imprisoned at a rate of 11.6 per 1,000 people while just over one per 1,000 non-Indigenous Victorians were in prison (ABS, 2012 Prisoners in Australia).

Figure 5: Youth contact with police (per 1000 population)



Source: Victoria Police Corporate Statistics, LEAP Database. Data extracted 21 December 2012.

Figure 6: Rate of adult imprisonment in Victoria (per 1000 population)

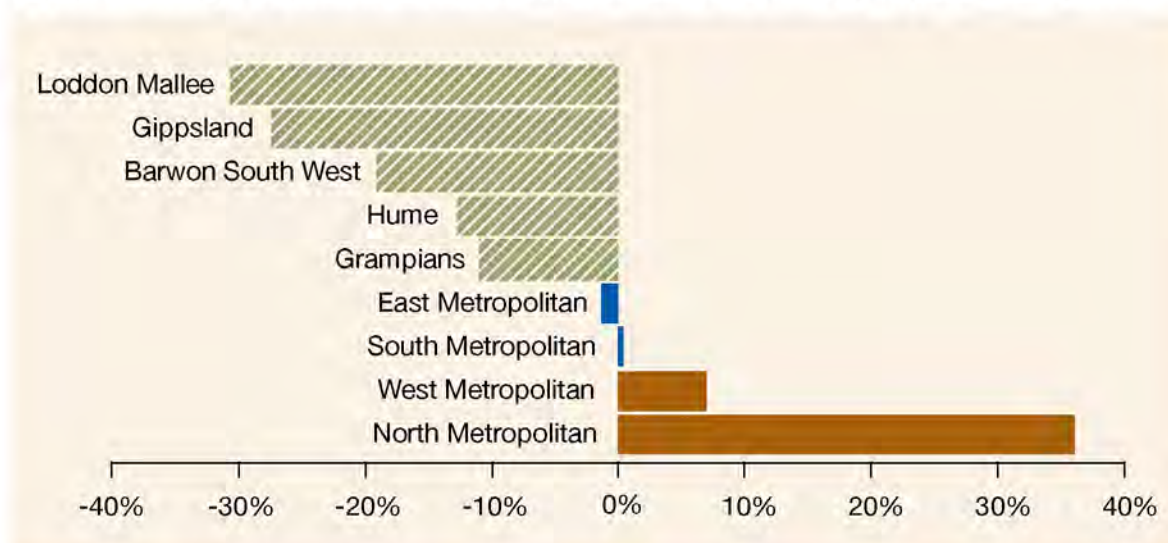


Source: Corrections Victoria

Different outcomes across Victoria

Across the whole Victorian Koori population, over-representation worsened between 2006 and 2011. However the AJA2 evaluation indicated that where there has been a clear focus and investment of resources, there has been a reduction in over-representation of Koories in prison (Figure 6). In particular there were decreases in over-representation in all five non-metropolitan regions from 2006-2011 (ranging from 11 per cent decrease in Grampians to 31 per cent decrease in Loddon Mallee). Over-representation in the South and East Metropolitan areas stayed the same, while in the North and West Metropolitan regions – the regions with the highest Koori population – over-representation increased by one-third. This also affected the overall outcomes state-wide (Figure 7).

Figure 7: Change in Koori adult over-representation in prison by region, 2006-2011²



Source: NOUS Group, AJA2 evaluation report 2012

Note: This refers to Regional Aboriginal Justice Advisory Committee regions

² This has been population adjusted using straight line extension of population growth between 2001 and 2006. Note that at the beginning of this period, East Metropolitan and West Metropolitan were part of South East Metropolitan and North West Metropolitan Regional Aboriginal Justice Advisory Committee regions respectively.

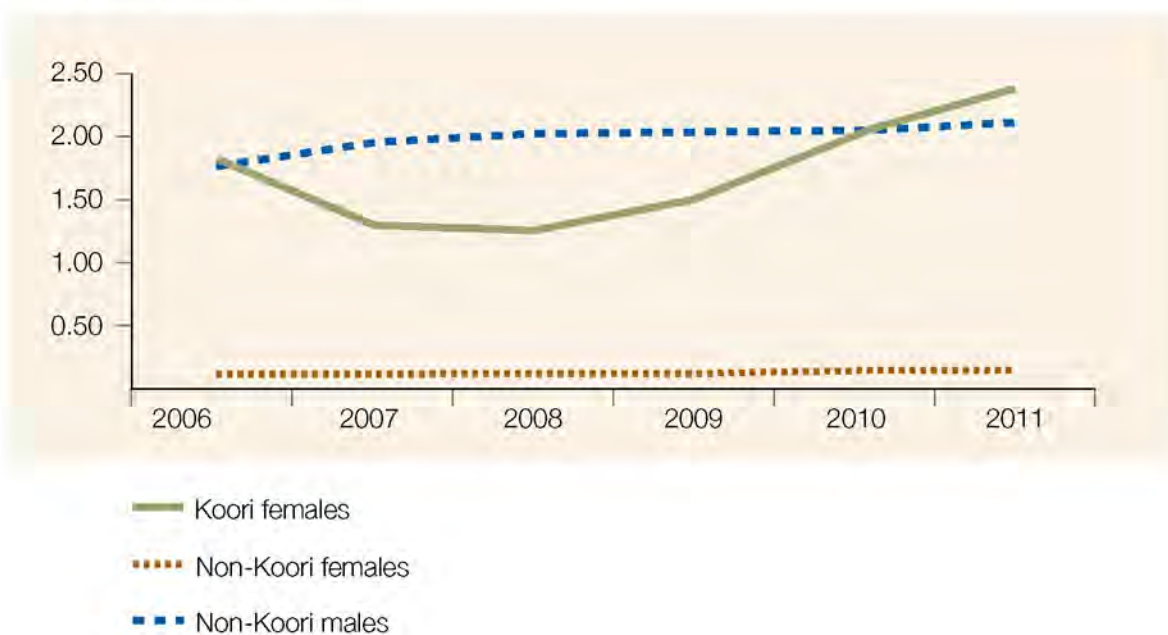
Comparison with other states and territories

The AJA2 evaluation compared Victoria with other states. It found that Victoria has maintained a relatively low rate of Koori over-representation in prisons over the last decade (only Tasmania and the Australian Capital Territory have a lower rate). It showed that while the Victorian rate increased slightly, the increase was much higher in other states such as South Australia, Western Australia and New South Wales over the same period. These states also had a much higher overall rate of over-representation.

Imprisonment of Koori women is increasing

Whilst the great majority of Koories in prison are male, the evaluation also found that the number of Koori women in prison was increasing. Figure 8 shows that by 2011 the rate of Koori women in prison (per 1,000 population) exceeded the rate of non-Koori men, highlighting a lack of diversion options for those women.

Figure 8: Individuals in prison per 1000 in the population in Victoria, daily average 2006-2011³



³ In order to show the scale of change the rate of Koori males in prison is not shown on the graph. Koori males were imprisoned at a rate of 12.9 per 1,000 in 2006, dropping slightly to 12.1 per 1,000 in 2011.

KOORI CONTACT WITH THE JUSTICE SYSTEM



*Koori Pride Festival
Photographer: Ilana Rose*

Policy context

The policy context is a linked set of state and national strategies that aim to Close the Gap in Aboriginal and non-Aboriginal outcomes. These frameworks and strategies form the basis of long-term generational change agendas that should maintain a consistent and sustainable approach over time.

Closing the Gap Statement of Intent

On 24 March 2011 the Premier signed the Closing the Gap Statement of Intent at Parliament House and recommitted the Victorian Government to the Closing the Gap agenda. In the Premier's outline of the government's approach to Aboriginal affairs, the commitments to closing the gap in health outcomes connected to the need to close the gap in a range of other areas, including justice, applying four guiding principles: accountability, aspirations, engagement and inclusiveness, and partnership building and a whole of community approach. These principles are closely aligned with the AJA principles, provided in Section 2 of this document.

Victorian Aboriginal Affairs Framework

Developed as part of the Premier's Closing the Gap commitments, the *Victorian Aboriginal Affairs Framework 2013-18* is the overarching Aboriginal policy framework for the Victorian Government. It supports coordinated whole-of-government action on many of the underlying issues disproportionately present by Koori communities (such as socioeconomic disadvantage, marginalisation and disengagement) which drive contact with the justice system.

The major goal of the framework is to improve whole-of-life outcomes for Aboriginal Victorians in partnership with the Aboriginal community. It supports and connects major government plans and agreements in Aboriginal affairs, and recognises that sustained improvement will occur by 2031.

The conditions in which Koori children and young people can thrive, gain employment and contribute to sound economic development, depend on safe and secure communities.

Victorian Aboriginal Affairs Framework Strategic action areas

Victorian Aboriginal Affairs Framework 2013-18 focuses on six Strategic Action Areas:

1. Maternal and early childhood health and development
2. Education and training
3. Economic participation
4. Health, housing and wellbeing
5. Safe families and communities and equitable justice outcomes
6. Engaged people and confident communities

The framework takes a holistic life course approach that recognises that positive experiences early in life influence a person's life outcomes leading to more economic independence and resilience. It also gives focus to reform priorities for improved government effort, particularly to supporting strengthening Aboriginal culture, building economic participation and prosperity and improving the delivery of services including services that support and protect vulnerable children and families.

The AJA3 directly contributes to Strategic Action Area 5 of the framework (Safe Families and Communities and Equitable Justice Outcomes) by reducing crime and violence.

AJA3 also has a critical role supporting action in the other Victorian Aboriginal Affairs Framework Strategic Action Areas to improve social outcomes for Aboriginal Victorians. This is because the conditions in which Koori children and young people can thrive, gain employment and contribute to sound economic development, depend on safe and secure communities.

Aboriginal Justice Target under the Victorian Aboriginal Affairs Framework

Generational targets have been set for improving Aboriginal justice outcomes under the Aboriginal Justice Agreement and the Victorian Aboriginal Affairs Framework. This is the first time an Australian jurisdiction has set a target for closing the gap in justice outcomes. *The Victorian Aboriginal Affairs Framework 2013-18* includes a commitment to close the gap in the number of Aboriginal people (youth and adult) under justice supervision by 2031⁴. Headline indicators and targets of relevance to the AJA3 are included as part of the partnership agreement in Part 3 of this document.

Progress against these key justice indicators and targets will be reported in the annual Victorian Government Aboriginal Affairs Report.

Mingu Gadhaba: Beginning Together the Department of Justice Koori Inclusion Action Plan

Mingu Gadhaba: Beginning Together, the Department of Justice's Koori Inclusion Action Plan, aims to improve access, participation and effectiveness of justice programs and services to Koories. Developed in accordance with the Victorian Government Aboriginal Inclusion Framework and containing 36 actions, *Mingu Gadhaba* frames the review and reform of current practices, to overcome systemic exclusion, and is an important component of the strategic actions around responsive and inclusive services in the AJA3.

⁴ Note: 'Close the gap' denotes there will be no gap by 2031.

The department recognises the importance of diversity in the workplace and the value that Koories bring to the Justice portfolio.

Koories are now represented in diverse roles, including management and direct service delivery, across metropolitan Melbourne and regional Victoria.

Victorian Public Sector Koori employment strategy *Karreeta Yirramboi* and the Department of Justice *Koori Employment Strategy 2011-15*

The Department of Justice *Koori Employment Strategy 2011-15* complements the *Victorian Public Sector Aboriginal Employment and Career Development Action Plan 2010-15: Karreeta Yirramboi*. The Victorian Aboriginal Affairs Framework has set a one per cent Aboriginal employment target for the Victorian Public Sector to be achieved by 2018.

The department recognises the importance of diversity in the workplace and the value that Koories bring to the Justice portfolio. Its comprehensive Koori employment strategy 2011-15 is a high-achieving component of the AJA's strategic actions around responsive and inclusive services, having met, and in some areas exceeded its targets in increasing Koori employment across all divisions and business units. Koories are now represented in diverse roles, including management and direct service delivery, across metropolitan Melbourne and regional Victoria. The department is committed to continuing to grow, develop and retain its Koori workforce.

Strong Culture, Strong Peoples, Strong Families: Towards a Safer Future for Indigenous Families and Communities

Strong Culture, Strong Peoples, Strong Families: Towards a Safer Future for Indigenous Families and Communities is a 10-year plan developed by the Victorian Indigenous Family Violence Partnership Forum to address family violence in the Koori community. While the office of Aboriginal Affairs Victoria provides the main policy support for the partnership forum, the Department of Justice shares responsibility with Victoria Police and the Department of Human Services for providing relevant and supportive services and responses.

There is cross-representation between the Aboriginal Justice Forum and the partnership forum. It is anticipated that the focus on reducing violence and victimisation under AJA3 will complement initiatives in the Indigenous family violence area by taking a broader approach. AJA3 priorities also include reducing conflict between families, lateral violence and Koori youth offending, and addressing the needs of Koori women in the justice system, particularly their history of trauma and victimisation.

National Indigenous Reform Agreement

The National Indigenous Reform Agreement agreed by the Council of Australian Governments is the lead national agreement supporting efforts to close the gap between Aboriginal and non-Aboriginal Australians within a decade. In 2008 the reform agenda established targets, which were reaffirmed in 2011, to close the gaps.

Safe Communities is one of seven critical building blocks which underpin the reform agreement for achieving the Closing the Gap targets, and outcomes pertinent to the AJA include:

- Indigenous children and families are safe and protected from violence and neglect in their homes and communities
- alcohol and other drug abuse among Indigenous people is overcome
- cycles of criminal behaviour and violence normalisation are broken.

Victorian and Commonwealth action to implement the reform agreement is outlined in an Overarching Bilateral Indigenous Plan signed with the Commonwealth in November 2010. The Victorian Aboriginal Affairs Framework underpins the state component, under which the AJA3 is listed as one of the key actions to support the Community Safety Building Block.

The National Indigenous Law and Justice Framework

Three national frameworks support the Community Safety Building Block: the National Indigenous Law and Justice Framework 2009-15, the National Framework for Protecting Australia's Children 2009-20 and the National Plan to Reduce Violence against Women and their Children 2010-22.

The National Indigenous Law and Justice Framework has the most relevance to the AJA. It was developed at a national level through the Standing Council on Law and Justice as a sustainable whole-of-government and community partnership approach to law and justice issues, with the aim of reducing the levels of disadvantage that are directly related to adverse contact with the justice system.

The justice framework articulates an agreed 'good practice' approach, based on available evidence that draws on existing State and Territory instruments such as Aboriginal and Torres Strait Islander justice agreements. A Good Practice Compendium, in which the AJA2 and a number of related initiatives are featured, accompanies the justice framework to help inform local, regional and state or territory justice responses.

Safe Communities is one of seven critical building blocks which underpin the reform agreement for achieving the Closing the Gap targets, and outcomes pertinent to the AJA.

Other policies and plans

The AJA3 is aligned with and supports a range of other departmental strategies and plans including:

- the **Koori Alcohol Action Plan 2010-20** and the **Koori Suicide Prevention and Response Action Plan 2010-15** (Department of Health)
- **Koolin Balit** – Victorian Government Strategic directions for Aboriginal Health 2012-22
- the Victorian Government Youth Statement: **Engage, Involve, Create 2012**
- **Services Connect** – the new integrated human services system, 2012
- **Victoria's Vulnerable Children Our Shared Responsibility Directions Paper** and Five Year Plan on Vulnerable Aboriginal children and families
- The Human Services **Aboriginal Strategic Framework 2013-2015**
- The 2011 **Victorian Government Aboriginal Inclusion Framework** (Department of Planning and Community Development)
- **Wannik** and **Wurreker** Koori education strategies and draft whole of life course Aboriginal Education Strategy
- the whole-of-government **Victorian Alcohol and Drug Strategy**.



Celebrating NAIDOC Week

Challenges and opportunities

A key strategic focus of the AJA has been to prevent young Koories from coming into negative contact with the justice system, or if already there, to divert them from more serious contact. The other key focus has been to reduce re-offending and recidivism by those already in contact with the justice system.

While the AJA2 evaluation indicates this approach is yielding results, other challenges for the AJA3 include addressing increasing demand for existing programs and services due to rapid population growth, increasing violence and victimisation and the more complex needs of offenders with mental health, alcohol and drug and housing issues, particularly Koori women.

Furthermore, changes to policy settings and sentencing reform within the justice system, greater policing effort and more attention to crimes where Koori over-representation is already high may have a disproportionate impact on Koori communities across the State.



Koori graduates of Frontline Youth funded initiative Share Your Story Part 2 who obtained a Certificate IV in Youth Work.

Photograph: Care of Swinburne University of Technology

A rapidly growing Koori population

Victoria's Koori population is young and growing. According to the Australian Bureau of Statistics, 47,327 Koories lived in Victoria in 2011⁵, and this is expected to rise over the next 20 years. The Koori population grew at a much higher rate than the non-Koori population in Victoria between 2006 and 2011 (29.2 per cent compared to 5.9 per cent).⁶ While much of this increase is due to many more people identifying as Aboriginal or Torres Strait Islander through formal channels such as the Census, it is also clear that the Koori population of Victoria also has a high 'natural increase' (based on the number of births and deaths) and a relatively young, and growing, population. Koori Victorians have a younger median age than non-Koories (22 and 37 years respectively at 2011), with 56.5 per cent of Koories under the age of 25 years, compared to 31.9 per cent of the non-Koori population (Figure 9).

Figure 9: Age distribution of Victorian population by Koori status



Source: Australian Bureau of Statistics, 2011 Census

These population pressures, combined with the increased risk for youth of adverse contact with the criminal justice system⁷ and the multiple disadvantage experienced by Koori youth, will increase the absolute numbers of young Koories coming into contact with police and other justice agencies.

AJA2 initiatives have had some success in increasing the proportion of young people diverted from further contact with the criminal justice system. It is important that AJA3 continue a developmental approach toward reducing risk factors and maximising protective factors to underpin youth-focused prevention and early intervention activities to respond effectively to population pressures.

⁵ Australian Demographic Statistics, Estimated Resident Population, Mar 2012, ABS (Cat. No 3101.0)

⁶ Australian Demographic Statistics, Estimated Resident Population, Mar 2012, ABS (Cat. No 3101.0)

⁷ Australian Temperament Project: Patterns and precursors of adolescent antisocial behaviour (first, second and third reports).

CHALLENGES AND OPPORTUNITIES

Other challenges for the AJA3 include addressing increasing demand for existing programs and services due to rapid population growth, increasing violence and victimisation and the more complex needs of offenders with mental health, alcohol and drug and housing issues, particularly Koori women.

It is also important to continue with a place-based approach where local Koori communities continue to develop solutions responsive to local needs including those of Koori youth. From this perspective it is important to note:

- There are particularly high Koori youth populations in Greater Shepparton, Mildura, Greater Geelong and Greater Bendigo, which are also the highest populations of Koories in total (Greater Shepparton, 2,082; Mildura, 1,836; Greater Geelong, 1,788; and Greater Bendigo, 1,442; followed by Casey, 1,402).
- The biggest growth in Koori population between 2006 and 2011 occurred in Wyndham, Greater Bendigo, Mildura, Greater Geelong and the Mornington Peninsula.

Policy and legislation changes

Given that socioeconomic disadvantage renders many Koories more vulnerable to contact with the criminal justice system, a number of key government priorities and reforms may have a disproportionate impact on the Koori community. These include increasing the number of police, the introduction of new alcohol-related offences and increased penalties, the abolition of suspended sentences and the introduction of statutory minimum sentences.

Continued progress may require strengthening a number of existing AJA2 initiatives which have shown capacity to mitigate unintended consequences which may accompany justice reforms, including:

- the Aboriginal Community Liaison Officer Program which works to improve local Koori community relations and assist increased numbers of police with cultural issues
- the Local Justice Worker Program and the Koori Offender Support and Mentoring Program, which have already proven effective in helping Koories to address fine payments, successfully complete community based orders, and reduce breach rates
- intensive bail support programs which assist Koories to meet bail conditions and stabilise them in the community.

Another important reform is the introduction of the single Community Corrections Order, which simplifies the community corrections system to a single order with multiple conditions. These may range from restrictions on movement to requirements to undertake offending behaviour programs. While increasing opportunities for rehabilitation, the multiple conditions may also carry an increased risk of non-compliance.

Equally, the single Community Corrections Order also has the potential to contribute to reducing Koori over-representation in prison through increasing judicial sentencing options and alternatives to prison. AJA3 initiatives that support Koori offenders' compliance with the Community Corrections Order conditions and increase opportunities for rehabilitation may increase judicial confidence in utilising this option.

The high proportion of Koori women on remand who subsequently do not get a custodial sentence is of particular concern, as is the finding that the rate of imprisonment per 1,000 Koori females now outstrips that of non-Koori males.

Underlying issues driving contact with the justice system

Underlying issues need to be addressed through the whole-of-government approach. Key drivers of contact with the justice system are located in the disadvantage experienced by Koori communities particularly in relation to education, housing and employment. This material disadvantage and marginalisation is compounded by the ongoing legacy of colonisation, dispossession and child removal practices such as psychological distress and social disorganisation, intergenerational trauma grief and loss. This is frequently associated with alcohol and drug abuse and violence which in turn undermines family stability and wellbeing leading to a self-perpetuating cycle of trauma, grief and loss and ongoing mental health issues for many vulnerable members of the Koori community.

Collaborating effectively across government

Coordinated action to address the drivers of contact with the justice system can be achieved through the *Victorian Aboriginal Affairs Framework 2013-18*. A key challenge for AJA3 will be for the Aboriginal Justice Forum, in collaboration with other agencies and through whole-of-government processes, to determine the most efficient and effective mechanisms for managing these intersections, to minimise gaps and overlaps.

An increasing demand for Koori women's diversion

The development of effective diversion options for Koori women remains one of the main unfinished tasks from AJA2 and a priority recommendation from its recent evaluation. The high proportion of Koori women on remand who subsequently do not get a custodial sentence is of particular concern, as is the finding that the rate of imprisonment per 1,000 Koori females now outstrips that of non-Koori males.

Offending at a level that leads to incarceration places individuals at much higher risk of subsequent incarceration. Not only does incarceration have a significant impact on individual Koori women, but it also has significant consequences for their communities, potentially exposing children to the risks of neglect, abuse, hunger and homelessness, and increasing their likelihood of adverse contact with the criminal justice system in future.

CHALLENGES AND OPPORTUNITIES

Poor outcomes in metropolitan regions

As detailed earlier in 'Koori contact with the justice system', the AJA2 evaluation highlighted the value of a place-based approach and also demonstrated the different effects across regions in relation to Koori over-representation in prison.

Improving justice outcomes in metropolitan regions will be a strategic focus of AJA3, which will seek to improve justice outcomes in the North and West Metropolitan regions, including examining the reasons why more Koories are going to prison in these locations.

Conflict, violence and victimisation

Violence is a significant area of concern in the Koori community. Koories experience disproportionately high rates of violence, both as victims and as perpetrators. Family, community and lateral forms of violence are interwoven, and women and children are disproportionately affected. Alcohol is a significant factor and needs to be a central focus of any activities aimed at reducing violence.

While recent efforts under AJA2 have sought to improve victim support services and address family violence, there is still much to do. Lateral violence has been identified by the Koori community as an area requiring more attention.

Justice agencies and Koori communities can work together to reduce conflict and violence through crime and violence prevention activities, dispute resolution processes to reduce unresolved conflict and also through programs to reduce recidivism by high-risk violent offenders.

Re-offending and recidivism

For Koories already in contact with the criminal justice system, more intensive interventions are required to reduce re-offending and recidivism. Support is also needed to rehabilitate offenders and assist them to reintegrate into their communities.

There is still a high level of 'churn' amongst offenders already in the justice system. Interventions must address the underlying drivers of offending behaviour and those factors that increase the risk of subsequent contact with the justice system. There is a clear need for an enhanced focus on rehabilitation, transition support and community reintegration. This is particularly the case for Koori women.

The transition from prison back into the community is the time of highest re-offending risk with the great majority of re-offending occurring within one year of release.

Effective transition into a stable productive life in the community is the key to reducing recidivism. Further work needs to be done to strengthen transition planning and support.

The AJA2 evaluation identified barriers to employment and housing as the two greatest risks to successful reintegration. The barriers to employment for exiting prisoners are serious and include their criminal record, lack of skills, lack of recent work experience and poor education. Compounded by a lack of stable housing, these two factors combine to quickly produce circumstances likely to lead to re-offending.

Lateral violence has been identified by the Koori community as an area requiring more attention.

Consistency of service availability and access across and within geographic areas

As part of a place-based approach, available resources for AJA2 initiatives were allocated to priority locations on the basis of population size and levels of contact with the criminal justice system. Improvements in tangible justice outcomes in Loddon Mallee and Gippsland regions indicate that while, in the main, this has been an effective use of limited resources, it has resulted in an uneven distribution of justice services across the State. While improving the depth and coverage of successful initiatives is ideal, this may take time and will need to be balanced against low demand for services in other locations.

Flexible approaches to service provision may be required to link Koories to services in remote areas through improved transport or mobile/outreach services such as the justice bus and circuit courts. In addition, initiatives such as the Koori Inclusion Action Plan should improve Koori access and participation in culturally-appropriate mainstream services.

A stronger emphasis on access and outreach can also be achieved by considering the needs of local Koori populations from the outset of project planning including actions to increase referrals from other services.

It is also important to consider the hours of operation of services when aiming to increase access and availability. Contact with the justice system can happen any time of the day or night and on any day of the week. Service responses tend to be provided during standard business hours (from 9am-5pm, Monday to Friday) and not necessarily during the periods they are most needed. Reviewing the hours of operation for many Koori justice-related services may be the key to improved uptake.



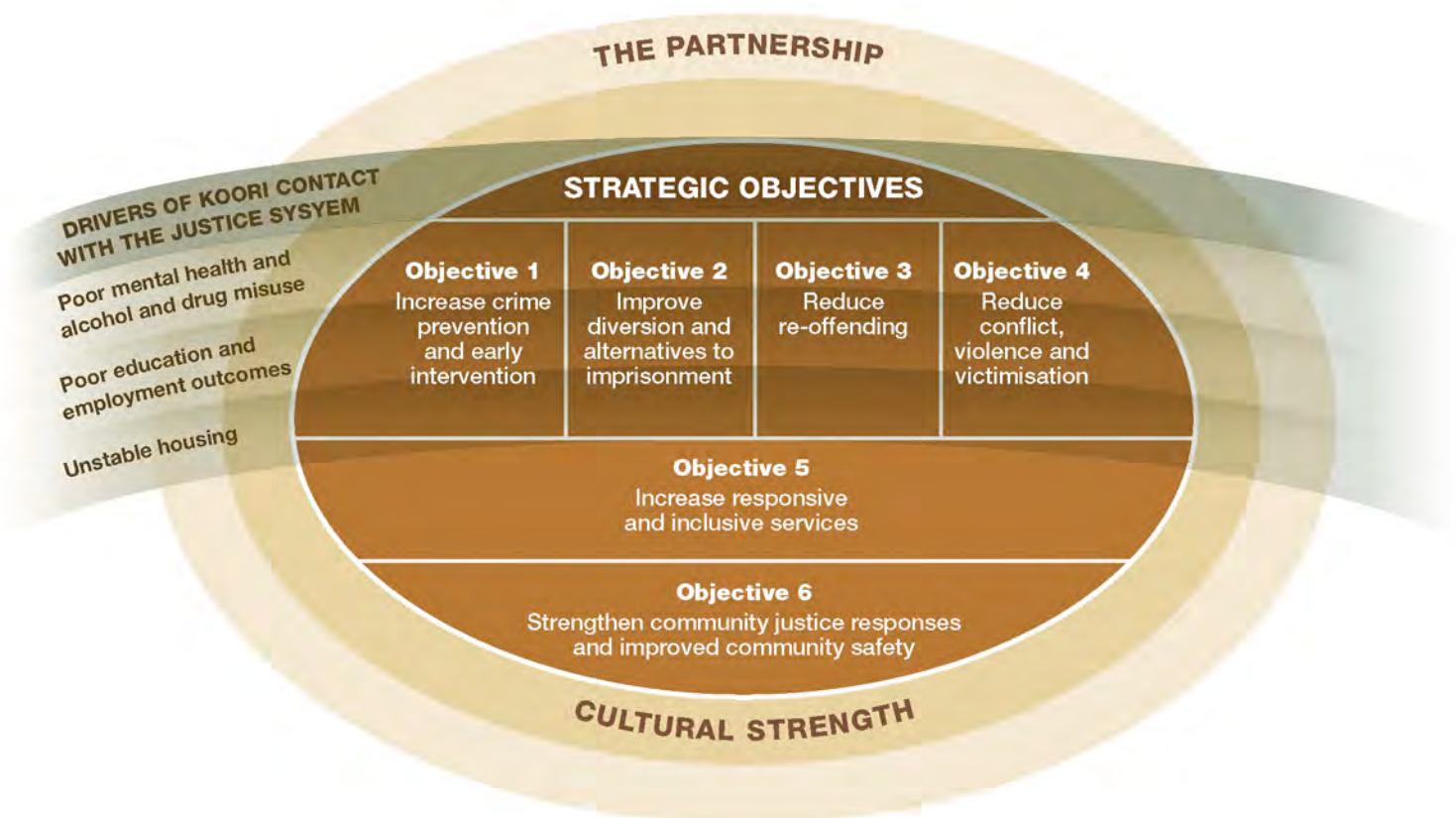
Loddon Mallee Regional Aboriginal Justice Advisory Committee Chairperson and Executive Officer.



*Protocols of country are more commonly embedded within core government business: a traditional smoking ceremony by Koori Elder to open a new justice building.
Photographer: Ilana Rose*

Part 2: The model and approach

The approach underpinning AJA3, represented in the model illustrated below, builds on and refines that taken in AJA2, while strengthening the core elements that have contributed to its success. Each part of the model is discussed below.



THE MODEL AND APPROACH



The AJA simply cannot exist without partnership, expressed at local, regional and state level.

The partnership

The partnership between the Victorian Government and Koori community is fundamentally about relationships and surrounds the model. The AJA simply cannot exist without it, expressed at local, regional and state level. These partnership structures have matured over the years, enabling increased collaboration through a positive spirit of confidence and trust. These partnership structures (described in detail in Part 3) will continue to oversee and monitor all elements of the AJA3.



Koori community members and government representatives sit and talk at the Community Forum, an important part of each Aboriginal Justice Forum.

Case Study: Koori outcomes a testament to strength of partnerships

Since 2000, the Aboriginal Justice Forum has met more than 30 times throughout Victoria, each time an opportunity to generate broad discussion between local Koori community members and Justice officials on the importance of community being proactive and closely involved in the delivery of justice for Koories.

“The community forum has been a strong feature of the Aboriginal Justice Forum since its establishment,” says Andrew Jackomos, Director of the Koori Justice Unit within the Department of Justice.

“Through the forum, the Regional Aboriginal Justice Advisory Committee brings community and senior government representatives together to respond to issues as they are identified, playing a big part in the successful development and delivery of a wide range of regional and local AJA initiatives. Community leaders are central to the partnership. No community, no agreement and no forum.”

Mr Jackomos says that the strong support for the Aboriginal Justice Forum from the Victorian Government is positive, particularly from Ministers with AJA responsibilities in their portfolios.

“As the peak body for the AJA, a highlight for the forum has been the attendance of Justice Ministers at various meetings and each time, their interest in participating as a guest speaker and also in sitting at the table and engaging in discussion with members,” he says.



Members of the Koori Caucus, a part of the Aboriginal Justice Forum.

“Having all the key players around the table, and committed to improving outcomes, is a powerful thing” AJF member.

THE MODEL AND APPROACH



Cultural strength, or 'being strong in culture', is recognised as an important protective factor that is closely linked to social, emotional and spiritual wellbeing.

Cultural strength

Cultural strength, or 'being strong in culture', is recognised as an important protective factor that is closely linked to social, emotional and spiritual wellbeing, and is the second theme surrounding the AJA model. Cultural strengthening activities reinforce a positive Koori identity, often by increasing connectedness to family, community and country, and building on existing strengths. Increasing resilience can buffer Koories from the high levels of environmental stress to which they are disproportionately exposed.

Carrying the theme of cultural strength over to all activities in AJA3 further lifts its contribution to improving Koori justice outcomes.

Expected benefits across the justice continuum include increased resilience of at-risk Koori youth and adults, the provision of a foundation which builds resilience, skills and participation, increased engagement of Koories in justice programs and services, increased effectiveness of those initiatives due to a greater sense of relevance and cultural responsiveness and the further development of a culturally-responsive service system.



*Koori Youth Will Shake Spears performing traditional song and dance.
Photographer: Bindi Cole*

Case study: Camp looks to inspire tomorrow's leaders

Young Koories from Mildura have embarked on their journey to becoming future community leaders.

In 2011, 15 Koori students aged 13–17 years from Mildura came together for a five day residential camp. Its aim was to improve the students' individual and group self-esteem and help them become a strong network of positive role models for their community, while connecting them more closely with their culture. Held at the YMCA camp in Anglesea, the event was an initiative of the Department of Justice led Mildura Community Partnership Project.

Program activities included high ropes courses, traditional games, canoeing, impromptu public speaking, and an Aboriginal art class delivered by Uncle Peter Peterson, a Barkindji cultural man from Mildura, who also shared his stories around the campfire at night. Students even met renowned Aboriginal surfer Steve Parker and world junior surfing champion Nikki van Dijk at the famous Rip Curl surf tournament at nearby Bells Beach.

Says Rose, a 16-year-old TAFE student who aspires to work in family services: “[The activities] were kind of pushing us to go further and further to achieve what we never thought we could achieve.”

Says Mason, a Year 10 student in a remote town located west of Mildura: “To be a leader you need a bit of everything. You need good confidence and self-esteem and you need to have knowledge of what you're leading, including knowing about culture.” Mason's goal is to study law at Deakin University.

Since the camp, participants have retained connections with one another through social media. They want to hold a Koori leadership forum in Mildura and have regular events, such as traditional games, and researching leaders that inspire them.



Young Koories participate in leadership activities

“To be a leader you need... good confidence and self-esteem and you need to have knowledge of what you're leading, including knowing about culture.” Koori youth.

“Our own culture is like water for the fish. We live and breathe through it.” Alf Bamblett Chair Victorian Aboriginal Justice Advisory Committee.

THE MODEL AND APPROACH

Strategic objectives

The AJA2 objectives have been retained and in some instances expanded to more fully address issues around violence, victimisation and community safety in AJA3. The first four objectives corresponding to stages along the justice continuum, supported and enabled by the last two objectives.



Community-based justice programs targeting Koori youth continue to promote safe and healthy communities, initiated by community organisations that play a leading role in their development and delivery.

Objective 1

Crime prevention and early intervention

This focuses on preventing Koori youth from initial contact with the criminal justice system, by working collaboratively with other government agencies to strengthen protective factors and reduce risk factors to keep Koori youth and families strong.

Case Study: Community-based youth programs making inroads to local justice outcomes

Community-based justice programs targeting Koori youth continue to promote safe and healthy communities, supported by funding through the Frontline Youth Initiatives grants program, in operation since 2005. Over 50 programs have been delivered across the State to date, initiated by community organisations that play a leading role in their development and delivery.

One of several grants programs established under the AJA, Frontline programs aim to prevent at-risk Koori youth from contact with the criminal justice system, through initiatives that encourage youth to build positive and healthy lives, through leadership, sport, arts, education, training and community development.

The Koori community is involved at all stages and on both sides of the funding process, from application, development and implementation, to policy development, approvals and monitoring. Program funding is provided over several years, coordinated through the Koori Justice Unit of the Department of Justice, to enable programs to become established and grow.

Through the Frontline funding her organisation secured in 2012, Jessie Lloyd, Chief Executive Officer of the Songlines Music Aboriginal Corporation looks forward to developing the next round of young people as potential new artists and sustaining the active and vibrant Koori arts scene in Melbourne.

“We’ve been running the Songlines Aboriginal Program for disadvantaged Koori kids since 2009 and with the latest round of Frontline funding, we have been able to focus on strengthening our youth program and invest time and energy to make sure it’s solid,” says Jessie.

“One of our major partners over the last two years has been the Victorian Aboriginal Child Care Agency, and together with some local schools, they have helped us source participants and develop long term, sustainable relationships.”



*Frontline Community grants program supporting youth initiatives.
Photographer: James Henry*

“Through music and dance we provide ways for Koori youth to connect to community, better understand their culture and develop their sense of identity.” Jessie Lloyd, CEO, Songlines Music Aboriginal Corporation.

THE MODEL AND APPROACH



The Victoria Police Aboriginal Liaison Officers Program and Aboriginal Community Liaison Officers Program have both thrived across the state, driving a wide range of positive initiatives to improve relations between the Koori community and the police.

Objective 2

Diversion and alternatives to imprisonment

This focuses on preventing Koories who have come into contact with police or courts from progressing further into the criminal justice system.

While considerable gains have been made over the past decade, the AJA2 evaluation identified three risk points where stronger responses are needed:

- services for alleged offenders prior to court
- bail support
- diversion options for Koori women.

AJA3 will maintain successful initiatives including the Victorian Aboriginal Legal Service and Victoria Police Koori Youth Cautioning Project, the Koori Intensive Bail Support Program and the Court Integrated Services Program, strengthening or expanding them where possible.

Koori women's diversion is a leading concern for the Koori community and will be explored in AJA3, as a priority recommendation from the AJA2 evaluation.

Case Study: Building understanding, trust and respect between communities and police

The appointment of a full-time Police Aboriginal Liaison Officer in Warrnambool has produced a 40 per cent decrease in Koori contacts with police between 2010 and 2011. Working in collaboration with the Barwon South West Regional Aboriginal Justice Advisory Committee and Local Aboriginal Justice Action Committee, the Aboriginal Community Liaison Officer and local Aboriginal organisations, the establishment of the role has enabled a range of local issues driving high levels of police contact to be addressed.

The Victoria Police Aboriginal Liaison Officers Program and Aboriginal Community Liaison Officers Program have both thrived across the state, with 100 Police Aboriginal Liaison Officers in operation and nine Aboriginal Community Liaison Officer roles strategically placed in high-contact locations.

Both programs drive a wide range of positive initiatives to improve relations between the Koori community and the police, and are essential to the effectiveness of the Koori Youth Cautioning Program, the Victoria Police Family Violence Protocols and other diversion programs developed under the AJA.



Police Aboriginal Liaison officers and Aboriginal Community Liaison officers work with Koori communities.

THE MODEL AND APPROACH

Case Study: Koori courts a model for inclusion and responsiveness

Victoria's Koori court network, first established in Shepparton in 2002, has grown to comprise nine adult Koori courts, five Children's Koori courts and a County Koori Court by the end of 2012. It is one of the strongest examples of how an inclusive and responsive justice service can successfully operate within the context of the wider justice system.

In its first three years of operation, the Swan Hill Koori Court became the first Victorian court to include traditional language and Cultural Statements in its proceedings. Koori Court and Respected Persons (an integral part of the court process for all Koori courts) have introduced the Wamba Wamba language to open and close each court session and present Cultural Statements to defendants about how their actions relate to important cultural principles and how they must change.

The expansion of the Children's Koori Court to sit at locations in Melbourne, Mildura, Warrnambool, Bairnsdale and Latrobe Valley has the potential to continue across the State under the AJA3, following discussions with local communities. An independent evaluation of the Children's Koori Court in 2009 also showed strong community support, with high attendance levels by young people accompanied by family members.

Victoria's first County Koori Court sat for the first time in Morwell in 2008 and the establishment of partnerships and links with local community organisations, mainstream service providers and justice agencies to support defendants, beyond the court, in addressing offending behaviours is one of the key successes. The voluntary program at nearby Wulgunggo Ngalu Learning Place, for offenders on community-based orders, is an important sentencing option.

Discussions within the AJA3 context are underway for a similar court in Melbourne in 2013.



Elders and Respected Persons play in integral role in the success of the Koori Courts

"In the Children's Koori Court, the young ones don't sit behind a bench with their heads down ... they know they have to be prepared to open up and talk, in front of their parents, community and Elders."
Aunty Pam Pedersen, Melbourne Koori Court Elder.



*Opening of the Melbourne Children's Koori Court.
Photographer: Ilana Rose*

THE MODEL AND APPROACH



AJA3 will build on the work undertaken already to reduce re-offending rates of Koories involved in the criminal justice system.

Objective 3

Reduce re-offending

This focuses on preventing Koories already in the correctional system from re-offending. Moderate and high-risk offenders need the greatest attention under the AJA, as they commit the bulk of the crime, return back into the justice system at the highest rates and causing the greatest share of harm to the community.

AJA3 will build on the work undertaken already to reduce re-offending rates of Koories involved in the criminal justice system, and increase its focus in three strategic areas including:

- services to support Koori offenders' *compliance* with the conditions of their Community Orders
- *rehabilitation* programs in prison and in the community for moderate-risk and high-risk Koori offenders, especially in the areas of violence intervention and alcohol and drug misuse
- *transition* and post-release support for moderate-risk and high-risk Koori offenders, especially to help address barriers in relation to housing and employment.

Case Study: Local Justice Workers

The Local Justice Worker Program was established under AJA2 in 10 locations to assist Koori offenders with meeting the conditions of their community based orders and fulfilling their obligations to Infringement Management and Enforcement Services. Breach rates have reduced and successful order completions have increased in those locations.

In 2011, sentence reforms and the introduction of the single Community Correction Order have increased the number and stringency of conditions for Koori offenders in some cases. In response, Corrections Victoria has contributed funds enabling an expansion of the Local Justice Worker Program under AJA3, to increase the amount of support available.



Local Justice Workers and Koori Offender Support and Mentoring Program workers come together to network and share ideas.

AJA3 will build on the work undertaken already to reduce re-offending rates of Koories involved in the criminal justice system through a range of activities.

THE MODEL AND APPROACH

Case study: Weeroona Cemetery and community work, a labour of love

Corrections Victoria has recorded an increase in the successful order completion rate for Koories since introducing Koori-specific community work sites such as Weeroona Cemetery in Greenvale, north of Melbourne.

The Weeroona Cemetery, established after lobbying by a number of prominent Aboriginal Elders, is an affordable and culturally appropriate resting place for community members living away from or disconnected from their traditional lands and family.

In a joint venture between Community Correctional Services, Kangan Institute and the Koori community, a sustainable work program based on the cemetery grounds was developed for Koories on community orders in the local area. The benefits of the project are twofold, with workers providing assistance in controlling vegetation and working the land, whilst gaining cultural knowledge and formal qualifications in Conservation and Land Management.

Work for prison industry has also been identified under the project, with workers at the Metropolitan Remand Centre Industries Unit providing security gates, a flagpole and a trailer for the cemetery, which is now growing in use by the Koori community as a valuable, safe place for group gatherings and the sharing of cultural knowledge and history.



Weeroona Cemetery Project partnership between Koori Community and Corrections Victoria

“We are seeing Corrections working with the community and individuals. As a result, people are completing their orders and not having to return to the system.” RAJAC Chair.

THE MODEL AND APPROACH

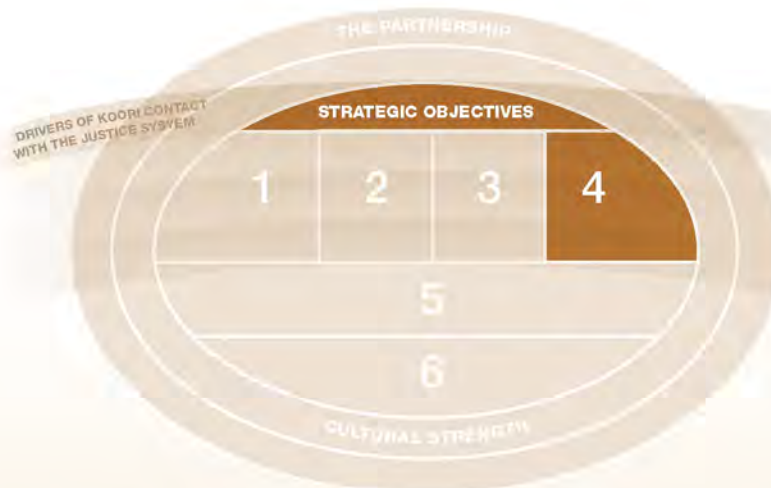


Kommel Koori Gathering Place: an old scout hall renovated for use as a community centre by participants in the Koori Offender Support and Mentoring Program in Morwell.



Wulgunggo Ngalu Learning Place, a statewide residential alternative for Koori men on Community Orders, won an international Corrections and Prisons Association Award for innovative practice in community corrections.

THE MODEL AND APPROACH



Funding through grant programs provides opportunities for Koori community organisations to develop effective local responses to violence, identified as a driver of youth disengagement and crime.

Objective 4

Reduce conflict, violence and victimisation

This has an expanded focus in AJA3 to include reducing victimisation as well as reducing conflict and violence. Despite improvements in Koori access to victim services over the course of the AJA, high levels of violence and conflict within Koori communities have continued to drive up victimisation rates.

By expanding this objective, AJA3 is able to more effectively interrupt intergenerational patterns of victimisation by more directly addressing influences in Koori communities that drive this behaviour, such as inter-family conflicts and lateral violence.



Koori Elders discussing important community issues at an Aboriginal Justice Forum.

Case Study: Strengthening communities and families to reduce conflict, violence and victimisation

As part of the Victorian Government's Reducing Violence against Women and their Children Grants Program, a \$2.4 million Koori Community Safety Grants Program is supporting several intensive community-based projects that aim to address the high level of violence in Koori communities.

The Koori Community Safety Grants Program, an initiative of the Community Crime Prevention Program, provides opportunities for Koori community organisations to develop effective local responses to violence, identified as a driver of youth disengagement and crime. This program supports initiatives that seek to prevent violence before it occurs, or intervene early in situations where the risk of violence is significant.

"The grants program provides a valuable opportunity across both metropolitan and regional Victoria to support local initiatives that acknowledge the unique origins of dysfunction in Koori communities as well as addressing the strong link between alcohol, drug abuse and violence," says Andrew Jackomos, Director Koori Justice Unit.

"This program will enable the community to respond to the many forms of family and lateral violence being experienced by Koories, through a range of activities including men's and women's groups, family days, community camps, education workshops and media campaigns. Through the program there is also significant work going into increasing the skills of community workers to extend these positive activities beyond the life of the individual projects."

The Koori Community Safety Grants Program complements existing AJA community grant programs, by promoting a sustained approach to violence prevention and reduction.

Funding over a longer period will also enable data collection and evaluation on medium-term impacts and outcomes.



Recipients of Koori Community Safety Grants

THE MODEL AND APPROACH



A more culturally-inclusive justice system is gathering momentum, in which responsiveness to Koori issues is embedded in all policies and operations, and Koori culture is acknowledged and celebrated as an important contributor to improved outcomes across the justice system.

Objectives 5

Responsive and inclusive services

This focuses on maximising Koori inclusion and employment opportunities in Victoria's justice system, at every point along the justice continuum.

The AJA2 evaluation identified responsive and inclusive services as the strongest performing objective, with particularly impressive Koori employment outcomes. A more culturally-inclusive justice system is gathering momentum, in which responsiveness to Koori issues is embedded in all policies and operations, and Koori culture is acknowledged and celebrated as an important contributor to improved outcomes across the justice system.

This positive momentum will continue in AJA3, through the implementation of the Department of Justice *Koori Employment Strategy 2011-15*, and *Mingu Gadhaba*, the Koori Inclusion Action Plan.

Case Study: The Koori Employment Strategy is ensuring the Koori presence in Justice goes from strength to strength

There were just four known Koories working in the department when the AJA was first signed in 2000.

A decade on, well over 100 Koories are working across the Justice portfolio in diverse roles including management, policy development, projects, administration, and direct service delivery across Melbourne and regional Victoria.

A new Koori Employment Team has been established within the department's People and Culture branch to deliver the department's Koori Employment Strategy, developed as a response to the *Victorian Aboriginal Public Sector Employment and Career Development Action Plan 2010–2015: Karreeta Yirramboi*.

The Koori Employment Strategy has a range of initiatives to uphold Justice as an employer of choice, including actively promoting employment and training opportunities, supporting career pathways, focusing on staff retention, and developing a Koori friendly workplace.

Employment opportunities and pathways established under the Koori Recruitment and Career Development Strategy include an Indigenous Cadetship Support Program, a Koori Tertiary Scholarship Program and a five per cent target for Koori trainees across the department under the Victoria Works for Young People scheme. Various staff support networks are also in place, including a Koori Staff Network, Koori Youth Network and Regional Koori Staff Networks.

The Koori Employment Team acknowledges the importance of growing and strengthening the department's Koori Employment Strategy, aspiring to more regional employment opportunities and more Koories working in non-Koori roles and in both senior management and the executive.



*Department of Justice Koori Youth Network.
Photographer: James Henry*

“You just see more Koori faces these days working in justice. It means cultural safety”. Koori community member.

THE MODEL AND APPROACH

Case Study: Embedding Koori inclusion into core business

During NAIDOC Week 2012, the Department of Justice launched *Mingu Gadhaba: Beginning Together*, Koori Inclusion Action Plan, after months of extensive consultation with a variety of staff across all divisions and regions of the organisation.

The first such initiative for the department, the plan is one of several across Victorian Government developed in response to a directive issued in 2011 with the aim of improving the responsiveness of government programs and services to the Koori community.

Mingu Gadhaba is a thematic summary of Koori inclusion activities across the department, containing 35 actions, with progress against these reported through the organisational Annual Report and the Victorian Aboriginal Affairs Framework annual reporting process.

“The development of *Mingu Gadhaba* through the Koori Inclusion Action Plan project has been an excellent opportunity to showcase the work already undertaken in the department, particularly in relation to the AJA and the *Koori Employment Strategy*,” says Andrew Jackomos, Director of the Koori Justice Unit.

“It will build a departmental workplace culture which recognises inclusion and reconciliation as a shared responsibility. The vision is that over time, no matter which services you are accessing in which region, community members will be able to access a respectful and responsive service.”

As *Mingu Gadhaba* is being implemented, its development model and knowledge is being shared with statutory entities within the Justice Portfolio to support them in the development of their own Aboriginal inclusion plans.



'Hunting Kangaroos' artwork by Bradley Brown featured in *Mingu Gadhaba*

“In the journey towards genuine reconciliation... Koori communities need to have ownership for all relevant policies and programs, as well as adequate support and resources”. Royal Commission Review.



Koories in senior leadership roles are influencing policies and service delivery



Being strong in culture is part of the AJA.

THE MODEL AND APPROACH



Improving community safety is an important component – and outcome – of a place-based approach.

Objectives 6

Strengthen community justice responses and increase community safety

Despite the positive outcomes across the justice system, rates of offending, violence and victimisation in the Koori community have continued to rise. A more intensive and targeted approach to community safety is required across the system, with particular attention to the development of strategies that respond to issues at the local level. So this objective has been expanded to focus on increasing community safety in AJA3.

It will build on the achievements so far, including establishment of the Local Aboriginal Justice Action Committee network, enabling more detailed local responses to justice issues by strengthening local community organisations and supporting joint initiatives developed through the Regional Aboriginal Justice Advisory Committee regional justice plans, as well as intensive place-based responses at Lake Tyers and Mildura.

Place-based approaches

The AJA2 evaluation indicated that while Koori over-representation in imprisonment has decreased substantially in some areas, it increased by almost 30 per cent in the North Metropolitan region between 2006 and 2011. AJA3 will therefore implement a place-based approach that strengthens and mobilises resources in the North Metropolitan region. The North and West Metropolitan Regional Aboriginal Justice Advisory Committees will play a pivotal role in ensuring community and government partners work closely together to identify and respond to local issues that are driving this high imprisonment rate. Improving community safety will be an important component – and outcome – of this place-based approach.

Case Study: Regional and local partnerships vital to achieving AJA objectives

The Regional Aboriginal Justice Advisory Committee network was the first initiative established under the AJA in 2000. Each committee works with the Koori communities and justice organisations across its respective region to achieve the AJA objectives, and plays a representative role within the Aboriginal Justice Forum.

Each committee has a full-time Executive Officer based in the region, who manages daily activities and planning and works closely with the Chair, who is a respected community member. The original network of six committees in 2001 was expanded to nine committees by mid-2009 to reflect the needs of a growing Koori community.

Deputy Director of the Koori Justice Unit, Antoinette Gentile says the Regional Aboriginal Justice Advisory Committees are a crucial part of the partnership between the Victorian Government and Koori community, delivering initiatives on the ground.

“The network has been vital to encourage real participation and ownership of initiatives in the Koori community rather than being assigned merely a consultative role,” she says.

In 2006, a Local Aboriginal Justice Action Committee network was created, taking the work of the AJA to a local level, making it easier for community members to have a say on local issues. The local committees are represented on the regional committees and thereby represented at the Aboriginal Justice Forum.



North Metropolitan Regional Aboriginal Justice Advisory Committee Executive Officer and Chairperson

“The Northern suburbs of Melbourne provide a gathering place for Aboriginal community members from all over Australia, with so much historical relevance. We need to support our community based organisations to provide for a safe environment and strong families to build our communities of the future”. Troy Austin, Northern Metropolitan RAJAC Executive Officer.

THE MODEL AND APPROACH

Whole-of-government issues and intersection points

The final elements of the AJA model are the underlying drivers of Koori criminal justice contact that are a whole-of-government responsibility. AJA3 identifies these as strategic intersection points where the Department of Justice can work collaboratively with other departments and agencies when addressing the justice components of these issues.





The need to link strategies that address alcohol and drug misuse to the goal of reducing re-offending for Aboriginal people was identified by the Royal Commission into Aboriginal Deaths in Custody more than 20 years ago.

Poor mental health and alcohol and drug misuse

Persons from all population groups in the criminal justice system experience greatly elevated rates of mental illness, substance misuse, anxiety and depression, with prevalence rates approximately triple those of the general population. The mental health status of the Aboriginal prison population is even poorer, with substance abuse disorders the most prevalent. The need to link strategies that address alcohol and drug misuse to the goal of reducing re-offending for Aboriginal people was identified by the Royal Commission into Aboriginal Deaths in Custody more than 20 years ago, and has featured prominently in national and state level policy frameworks in the justice and health areas since then.

AJA3 will support collaborative work between the Department of Health and relevant government agencies and Aboriginal community organisations at strategic points within the justice system. Responses will be consistent with the social and emotional wellbeing model of mental health. Particularly important intersection points include:

- effective responses to public intoxication (links to objective 2)
- mental health services, including alcohol and drug services, to Koori men and women in prison and during transition back to community (links to objective 3).

Koori Mental Health and Cognitive Function Study

This study, undertaken by Monash University with support from the Victorian Aboriginal Community Controlled Health Organisation, is an initiative due for completion in early 2013. Preliminary results have established that very high numbers of Koori men and women in Victoria's prisons meet the criteria for a past or present substance abuse disorder, most of whom also had a co-existing mental disorder such as depression or anxiety. Their social and emotional wellbeing was also compromised in areas including connectedness to family and culture. Rates of mental illness were higher for Koori women than for men. A second phase of the project, in progress as at late 2012, is developing recommendations for service delivery to Koories in prison and during transition back to their communities.

THE MODEL AND APPROACH



Having a poor education and being unemployed are both drivers of criminal justice contact, representing important issues in the justice area.

Poor education and employment outcomes

In Victoria, the gap in education and employment outcomes between Koori and non-Koori young people continues to be a major concern⁸. The disparity is even greater for Koories involved in the criminal justice system. Since having a poor education and being unemployed are both drivers of criminal justice contact, these represent important issues in the justice area.

AJA3 will promote and strengthen joint work by the Department of Justice and Department of Education and Early Childhood Development, other relevant government agencies and Aboriginal community organisations. Two strategic intersection points along the justice continuum are of particular importance:

- *the re-engagement of Koori youth at risk with school*, vocational options or other learning environments to reduce risk of entry to the justice system through the Early School Leaver and Youth Employment Programs (previously described – refer to objective 1)
- *the improvement of employment prospects for Koories who are leaving prison* in response to the disproportionately high barriers to employment they experience. This will be achieved through the implementation of Corrections Victoria's Koori Education, Training and Employment Strategy 2011-2013.

⁸ According to the Overcoming Indigenous Disadvantage Report 2009, Victorian Koori 19 year olds attained a Year 12 certificate or equivalent at half the rate of non-Koories (37.1 per cent of compared to 76.2 per cent). Similarly, the unemployment rate of Koories aged 15-24 in Victoria is 2.5 times higher than for non-Koories (24.7 per cent, compared to 10.8 per cent), and this gap has actually increased over the past five years.



A shortage of private housing on the general market has greater impact on Koories due to their relatively higher levels of socioeconomic disadvantage.

Supported accommodation options are very limited. As a result, Koori offenders often move from one unstable living situation to another, which can result in an increase risk of re-offending and compromise community safety.

Unstable housing

While a shortage of private housing on the general market is a concern for all Victorians, it has greater impact on Koories due to their relatively higher levels of socioeconomic disadvantage. The major issue for the justice system is the housing needs of Koori men and women transitioning from prison back to their communities. Existing transitional houses are oversubscribed, and there is little movement through them due to the shortage of affordable housing on the rental market. Supported accommodation options are very limited. As a result, Koori offenders often move from one unstable living situation to another, which can result in an increase risk of re-offending and compromise community safety. These issues are especially acute for Koori women leaving prison who cannot regain access to their children without safe, stable housing.

Part 3: The Agreement

Partnership agreement

The Victorian Aboriginal Justice Agreement is a formal agreement between the Victorian Government and Koori Community for working together to improve justice outcomes for the Koori community. Phase 3 (AJA3) continues the practice commenced with the first phase launched in 2000 and recommitment to a second phase in 2006.

The AJA3 presents a shared vision and agreed priorities for action within the government and community sectors. It also provides accountability by identifying a set of measurable outcomes and processes for transparent decision-making. The continuity of direction, effort and commitment afforded by the AJA has been identified as critical to achieving real outcomes and has a renewed commitment to action for 2013-18.

The framework and action plan with strategies and initiatives will be implemented by:

- lead business units or agencies, through Koori Action Plans developed in partnership with Koori Reference Groups
- Regional Aboriginal Justice Advisory Committees, through regional justice plans.

These plans will be embedded in the core business plans for agencies who are signatories to the AJA3, forming the basis for coordination of action across agencies and portfolios at state-wide and regional levels.

1. Vision and aim

The **vision** articulated by the Koori Caucus and Aboriginal Justice Forum to guide the AJA is for:

A Koori community, as part of the broader Victorian community, living free from racism and discrimination, enjoying the same access to human, civil and legal rights, and experiencing the same justice outcomes through a justice system free of inequalities.

In working towards this vision, the **aim** is to:

Minimise Koori over-representation in the criminal justice system by improving accessibility, utilisation and efficacy of justice-related programs and services in partnership with the Koori community.

It is recognised and understood that achieving this aim will take generational change, the commitment to which is also articulated in the *Victorian Aboriginal Affairs Framework 2013-18* which includes the headline target of closing the gap in the rate of Indigenous and non-Indigenous people under adult and youth justice supervision by 2031.

2. Strategic focus of AJA3

In line with the Aboriginal Justice Forum's priorities, Victorian Government's justice policies and the Council of Australian Governments' Closing the Gap Building Block on Community Safety, the AJA3 has an increased focus on improving the safety of Koori families and communities through:

- reducing conflict, violence and victimisation and improving support for victims
- preventing and reducing the further progression of young Koories into the criminal justice system
- reducing re-offending at all points of the justice continuum
- maximising Koori women's diversion
- addressing issues which drive contact with the justice system such as alcohol and drugs, unstable housing and unemployment in collaboration with other agencies and through whole-of-government processes
- continuing and strengthening the Koori community-government partnership in addressing Koori justice
- building and restoring cultural strength within the Koori community as a foundation for lasting change, and
- improving justice outcomes in the metropolitan regions, particularly in the north and west.

3. Principles

To achieve this aim, it is agreed that all activities and negotiations will progress consistent with the principles outlined below. The AJA principles are the foundation of the partnership between the government and Koori community. In working towards the successful implementation of AJA3, the signatories commit to:

1. **Acknowledge diversity and the strength of connection by Koories to culture family and country** and respect the essential functions that culture and healthy and nurturing families perform in improving justice outcomes.
2. **Acknowledge the impact of dispossession** of traditional lands, languages and cultures, as well as past policies including the separation of children from families, continues to affect Koori communities today. It contributes to Koori over-representation in the justice system, as victims of crime and on the social and economic position of the Koori community.
3. **Respect and honour the strength and resilience of Koori families** and communities, and commit to building upon this as a foundation for successful justice outcomes.
4. **Agree that Koories are entitled to equitable justice outcomes**, enjoying the same rights as other Victorians, living in a safe, harmonious and nurturing environment, free from racism and discrimination.
5. **Be honest, transparent and accountable** in all facets of the AJA and its implementation, as it is essential to the maintenance of partnerships and achievement of outcomes.
6. **Ensure that arrest and imprisonment are sanctions of last resort**, while maintaining and strengthening their commitment to the other key principles and the recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody.
7. **Strengthen community justice responses** by supporting the right of Koori communities to participate as equal partners in the development, delivery and evaluation of all justice-related policies and programs specifically impacting the Koori community.
8. **Support partnerships built on genuine engagement and inclusion** of Koori communities across Victoria.
9. **Coordinate a whole-of-government approach** to actively and vigorously progress the aims and objectives of the AJA at all levels.
10. **Strive for best-practice** Koori justice initiatives that include:
 - the provision of adequate and sustainable resources, delivery of effective management and governance mechanisms and implementation of capacity building initiatives in both the community and in the justice system
 - the employment, nurturing and retention of Koori staff
 - increasing the level of understanding that non-Koori staff have about the Victorian Koori society, culture and history
 - providing holistic program development and service delivery processes with culturally-appropriate content
 - service development and delivery that is respectful of Koori status, gender and age.
11. **Ensure that services meet the needs of Koories** by adhering to the Victorian Government's set of Key Access Criteria outlined in the *Victorian Aboriginal Affairs Framework 2013-18* (see Appendix 2).

Charter of Human Rights and Responsibilities Act 2006

The operation of the AJA is consistent with and seeks to further the rights set out in the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter Act). The Charter Act recognises that human rights have a special importance for the Aboriginal people of Victoria, as descendants of Australia's first people and seeks to promote the distinct rights of Aboriginal persons as set out in s. 19(2) including the right to:

- enjoy identity and culture
- maintain and use language
- maintain kinship ties
- maintain a distinctive spiritual, material and economic relationship with the land and waters and other resources with which there is a connection under traditional laws and customs.

Victorian Aboriginal Affairs Framework 2013-18

In addition, the AJA is consistent with the four guiding principles underpinning a strengthened Victorian Aboriginal Affairs Framework and the Victorian approach to Closing the Gap, being:

- Aspirations for the future – every Victorian should have the opportunity to reach their potential.
- Accountability – accountability rests with all of us – both government and funded organisations must be accountable for delivering services that meet the needs of communities.
- Engagement and inclusiveness – partnerships built on genuine engagement with Aboriginal people across Victoria.
- Partnership – a whole of community approach – harnessing the resources and commitment of all sections of the community.

4. Objectives

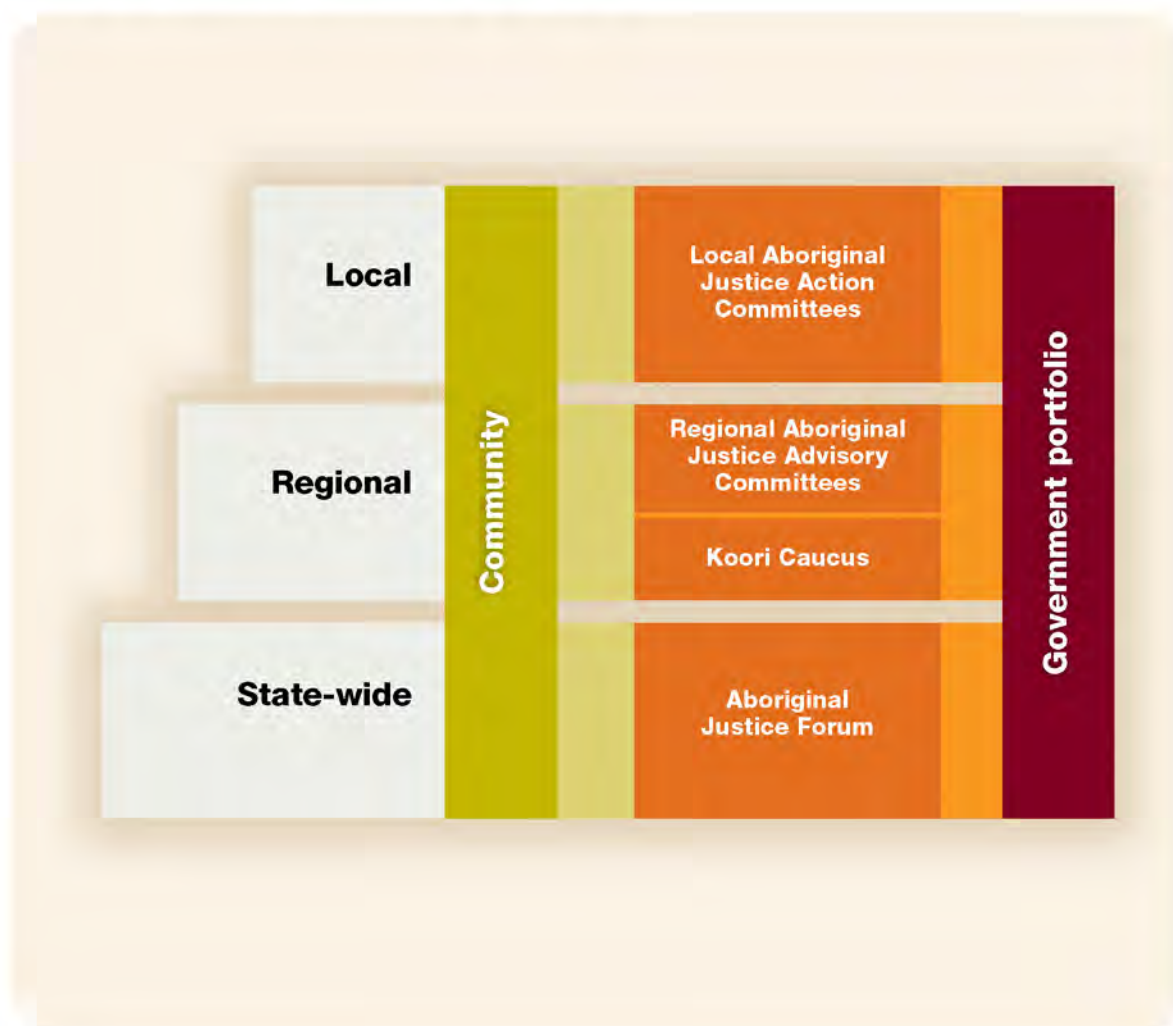
The AJA3 will address these challenges through pursuing a set of strategic objectives that operate at key points within the justice system:

1. Crime prevention and early intervention	Reduce the number of Koori youth coming into contact with the criminal justice system by promoting protective factors, including cultural identity and strength, and reducing risk factors for offending behaviour.
2. Diversion and strengthen alternatives to imprisonment	Increase the rate at which justice agencies are successful in diverting Koori offenders, particularly Koori women, from further contact with the justice system and strengthen community-based alternatives to imprisonment.
3. Reduce re-offending	Reduce the rate at which Koories re-offend by changing environmental and behavioural factors that contribute to offending.
4. Reduce conflict, violence and victimisation	Reduce the adverse, and often intergenerational, impacts of violence and victimisation on Koori communities, families and individuals, particularly women.
5. Responsive and inclusive services	Make mainstream and positive justice-related services more responsive and inclusive of the needs of Koories.
6. Strengthen community justice responses and increase community safety	Build capacity in and enable Koori communities to improve local justice outcomes and increase community safety, through place-based approaches to crime and violence.

5. Partnership structures

The partnership structures for the AJA are illustrated in Figure 10. They bring together community and government stakeholders across local, regional and state-wide levels.

Figure 10: Partnership framework for the AJA



6. Roles and responsibilities

Strengthening of the partnerships established through the AJA will continue to drive improved justice and safety outcomes through collaboration.

Victorian Government

In implementing the AJA3, the Victorian Government (primarily through the Department of Justice and Department of Human Services portfolios) will:

- adhere to the principles of the AJA and the *Victorian Aboriginal Affairs Framework 2013-18* guiding principles
- work with the Koori community as equal partners to develop, implement and evaluate AJA initiatives
- establish accountability through measurement against benchmarks, performance indicators, targets and timelines for all AJA initiatives
- utilise the Victorian Aboriginal Affairs Framework structures and processes to progress action on issues that drive contact with the justice system such as unstable housing, unemployment, mental health and alcohol and drug use
- improve whole-of-government coordination of Koori justice programs
- actively promote Koori-related justice programs using a range of communication strategies
- regularly provide data and related information to the Koori Justice Unit and the Aboriginal Justice Forum on Koori contact with the justice system.
- commit to and incorporate the AJA3 and Regional Aboriginal Justice Advisory Committee and Local Aboriginal Justice Action Committee plans in their strategic and business plans
- include the successful implementation of AJA3 initiatives in performance plans of Executive Officers within AJA-related business units, agencies and regional offices
- maximise Koori membership on justice-related boards, committees and tribunals that make decisions impacting on the Koori community
- commit to appropriate levels of senior representation on the Aboriginal Justice Forum and the Regional Aboriginal Justice Agreement Committee and Local Aboriginal Justice Action Committee networks
- provide high quality services for Koories that are consistent with the key access criteria for effective service design outlined in the Victorian Aboriginal Affairs Framework
- support strong Koori organisations through building service and workforce capacity to partner with justice agencies in the provision of justice-related services and programs.

Aboriginal Justice Forum

The Aboriginal Justice Forum will continue to bring together the most senior representatives of the Koori community and the Justice, Human Services, Health and Education government portfolios as the peak coordinating body responsible for overseeing the development, implementation and direction of the AJA. A strong and enduring partnership has been built between justice agencies and the Koori community, most powerfully symbolised by the Aboriginal Justice Forum, which has been highly successful in improving Koori justice outcomes.

The Aboriginal Justice Forum demonstrates significant transparency, levels of accountability, ability to drive implementation, collaborative action and the high level of commitment from members to work toward the aims and objectives of the AJA.

The Aboriginal Justice Forum meets a minimum of three times per year to promote accountability, support community participation and engagement and provide momentum to progress major policies and initiatives. These meetings are held over two days, alternating between metropolitan and regional locations and include open community forums.

The Aboriginal Justice Forum will:

- promote and coordinate the AJA principles and initiatives in the Koori community and across the justice system
- promote discussion and awareness of Koori justice issues and the identification or development of solutions to address improved justice outcomes for the Koori community
- promote increased positive participation of the Koori community in the justice system and AJA
- promote greater accountability and transparency of the justice system in its relationship with the Koori community
- promote innovative and best practice approaches to the design, development, implementation and evaluation of AJA3 initiatives and other justice-related programs and services that impact on the Koori community
- report to the Victorian Government on justice issues impacting on the Koori community
- monitor, review and report on the implementation of AJA-related initiatives and other justice-related initiatives that impact on the Koori community
- monitor, analyse and report on data describing Koori contact with the justice system
- promote cross-sectoral linkages and partnerships with other Koori based structures in government and the community to tackle Koori disadvantage and over-representation.

PARTNERSHIP AGREEMENT

Membership

Membership of the Aboriginal Justice Forum is drawn from the most senior representatives of the Koori community, Victorian justice system and related government departments:

Co-Chairpersons

Secretary, Department of Justice

Chairperson of the Regional Aboriginal Justice Advisory Committee for the region in which the forum will be hosted

Community

Chairperson, the Victorian Aboriginal Justice Advisory Committee

Chairperson, Barwon South West Regional Aboriginal Justice Advisory Committee

Chairperson, East Metropolitan Regional Aboriginal Justice Advisory Committee

Chairperson, Gippsland Regional Aboriginal Justice Advisory Committee

Chairperson, Grampians Regional Aboriginal Justice Advisory Committee

Chairperson, Hume Regional Aboriginal Justice Advisory Committee

Chairperson, Loddon Mallee Regional Aboriginal Justice Advisory Committee

Chairperson, North Metropolitan Regional Aboriginal Justice Advisory Committee

Chairperson, South Metropolitan Regional Aboriginal Justice Advisory Committee

Chairperson, West Metropolitan Regional Aboriginal Justice Advisory Committee

CEO, Victorian Aboriginal Legal Service

Chairperson, Victorian Aboriginal Community Justice Panel Program

CEO, Victorian Aboriginal Family Violence Prevention and Legal Service

CEO, Victorian Aboriginal Community Controlled Health Organisation

Chairperson, Victorian Aboriginal Education Association Incorporated

Nominated Representative, Indigenous Family Violence Partnership Forum

State Coordinator, Koori Youth Council

Government

Chief Commissioner, Victoria Police

Commissioner, Corrections Victoria, Department of Justice

Commissioner, Victorian Equal Opportunity and Human Rights Commission

Director, Aboriginal Health, Department of Health

Executive Director, Mental Health, Drugs and Regions, Department of Health

Director, Aboriginal Outcomes Branch, Department of Human Services

Director/Sheriff, Infringement Management and Enforcement Services, Department of Justice

Director, Koori Justice Unit, Department of Justice

Director, Justice Health, Department of Justice

Director, Victims Support Agency, Department of Justice

Director, Koori Education Strategy Unit, Department of Education and Early Childhood Development

Assistant Director, Youth Justice and Disability Forensic Unit, Department of Human Services.

Executive Director, Office of Aboriginal Affairs Victoria, Department of Planning and Community Development

Director, Strategic Policy and Coordination, Office of Aboriginal Affairs Victoria, Department of Planning and Community Development

Executive Director, Community Operations and Strategy, Department of Justice

Regional Director (nominated representative), Department of Justice

State Manager, Victorian Indigenous Coordination Centre, Commonwealth Department of Families, Housing, Community Services and Indigenous Affairs

Courts

The President of the Children's Court

Chief Magistrate

Chief Judge County Court

Observers

Regional Directors, Department of Justice

Chief Executive Officer, Magistrates Court

Chief Executive Officer, County Court

Chief Executive Officer, Children's Court

Ethical Standards Department, Victoria Police

Regional Aboriginal Justice Advisory Committee Executive Officers

Secretariat

Koori Justice Unit, Department of Justice

PARTNERSHIP AGREEMENT

Koori Caucus

The Koori Caucus comprises the Koori community members of the Aboriginal Justice Forum. They meet prior to each forum:

- on a day approximately six weeks out for agenda setting and consideration of minutes and actions arising from the previous forum, as well as discussing key issues of interest or concern
- on the day immediately before, to consider the agenda and share views on relevant issues.

A key feature of the Koori Caucus is that it provides an opportunity for members to discuss issues, share ideas and experiences, problem solve and develop a common view of key issues, prior to reporting to the Aboriginal Justice Forum.

Regional Aboriginal Justice Advisory Committee network

The Regional Aboriginal Justice Advisory Committees are instrumental in developing and maintaining the strong partnerships between Koori communities and justice agencies that are crucial to delivering the strategy in the regions.

There are nine advisory committees in total, with four in metropolitan Melbourne (South, East, North and West Metropolitan) and five in regional Victoria (Barwon South West, Gippsland, Grampians, Hume and Loddon Mallee. Each is serviced by a full-time Executive Officer located in a Department of Justice regional office and who supports the Chairperson as well as managing the day-to-day committee activities and planning requirements. An important role for each Regional Aboriginal Justice Advisory Committee and its Executive Officer is to grow the strong relationship and participation by Koori communities in their region and to build a strong partnership with relevant government agencies and other bodies.

The Department of Justice Regional Directors are the most senior government members of the advisory committees and are responsible for operational support including the development and implementation of Regional Aboriginal Justice Advisory Committee Justice Plans that align with each phase of the AJA.

The role of the Regional Aboriginal Justice Advisory Committees has grown with each iteration of their regional justice plan as new activities, programs and initiatives have been developed and in AJA3, will continue to include:

- advocating for and promoting improved justice outcomes and AJA-related initiatives to both Koori communities and government agencies
- participating in and providing advice to the Aboriginal Justice Forum, the Koori Caucus and other related forums
- developing and implementing regional justice plans that address the AJA objectives, including regional level targets, performance measures and monitoring progress against these on a regular basis
- promoting AJA grant opportunities and assisting with the monitoring and support of grant projects
- in partnership, promoting and participating in cross-agency and cross-sectoral forums, plans and initiatives to address drivers of contact with the justice system
- working with other regional Koori advocacy groups
- maximising community participation and involvement through community forums prior to advisory committee meetings, and through maximising participation in existing forums (Local Indigenous Networks, Local Aboriginal Education Consultative Groups, Indigenous Family Violence Regional Action Groups) or other innovative approaches to understand and respond to community justice-related concerns throughout the region
- monitoring and commenting on Koori contact with the justice system at a regional/state-wide level
- promoting and nurturing the Local Aboriginal Justice Action Committee network and providing advocacy for it at the regional level
- maintaining good governance and operating according to the Regional Aboriginal Justice Advisory Committee Framework of Operations.

Membership

The core membership for each Regional Aboriginal Justice Advisory Committee should comprise a range of senior Koori community and regional government representatives including:

Community

A member from each of the Local Aboriginal Justice Action Committees in the region (where established)

A representative from the Koori Youth Council

A Victorian Aboriginal Legal Service representative

An Aboriginal Family Violence Prevention and Legal Service representative (where available)

A representative from each of the Aboriginal Community Justice Panels in the region

A representative from community based organisations with justice-related programs

A representative from each of the Indigenous Family Violence Regional Action Groups

A Local Aboriginal Education Consultative Group representative

A Koori Official Visitor (where available)

A Koori Bail Justice (where available)

An Elder or Respected Person from each of the Koori Courts in the region

At the discretion of the advisory committee, include other community representatives such as Local Justice Workers, Koori Offender Support and Mentoring Program Coordinator and Koori Youth Justice Workers.

Government

Regional Director, Department of Justice

Regional Director, Department of Human Services

Regional Director, Department of Health

Regional Director, Department of Education and Early Childhood Development

Local Government representative

Magistrate or Registrar

Community Correctional Services Location Manager

Sheriff's Operations Regional Manager

Victim Services Manager

Superintendent (Divisional Commander) or above, Victoria Police

Aboriginal Community Liaison Officer, Victoria Police (where available)

General Manager of prison (where located)

Koori Court Officer

Secretariat

Executive Officer, Regional Aboriginal Justice Advisory Committee

PARTNERSHIP AGREEMENT

Local Aboriginal Justice Action Committee network

A network of 11 Local Aboriginal Justice Action Committees has been established in locations across Victoria experiencing poor justice outcomes (Bairnsdale, Bendigo, Geelong, Glenelg, Heywood, Horsham, Mildura, Morwell, Robinvale, Swan Hill and Wodonga). They function as localised problem-solving mechanisms bringing together local Koori community members, justice agency and judicial representatives to develop and guide local responses to justice and safety issues.

In the AJA3, the action committees will continue to:

- identify and address justice issues that contribute to poor outcomes for the local Koori community. This will be done through the development and implementation of local justice plans/community safety plans
- advocate, monitor and comment on Koori contact with the justice system at the local level
- promote justice-related initiatives to Koori communities and government agencies
- promote Koori participation in the design, development, implementation and evaluation of local justice initiatives
- participate in and provide advice to the Regional Aboriginal Justice Advisory Committee network and therefore to the Aboriginal Justice Forum, Koori Caucus and related forums
- develop, promote and participate in relevant and local cross-agency and cross sectoral forums and initiatives
- support the development of local alcohol accords, Koori community police family violence protocols, youth cautioning initiatives, education/youth justice school reengagement activities as determined by local priority and need.

Membership

The core membership for each Local Aboriginal Justice Action Committee should comprise a range of Koori community and local government representatives including:

Community

- A Koori Youth Council representative
- A Victorian Aboriginal Legal Service representative
- A local Aboriginal Community Justice Panel representative
- A representative from local community based organisations with justice-related programs
- A representative from the Indigenous Family Violence Regional Action Group
- A local Koori Official Visitor (where available)
- A local Bail Justice (where available)
- An Elder or Respected person from the local Koori Courts (where available).
- A Local Aboriginal Justice Worker (where available)
- A Koori Youth Justice Worker
- A Koori Offender Support and Mentoring Program Coordinator (where available)
- An Aboriginal Family Violence Prevention and Legal Service representative, Family Violence protocol (where available)
- Aboriginal Community Controlled Health Organisation Drug and Alcohol Worker (where available)
- At the discretion of the action committee, include other community representatives where available on an occasional or regular basis such as Closing the Gap committee, Local Indigenous Networks coordinator or representative, Koori Engagement Support Officers/Local Aboriginal Education Consultative Group.

Government

- Department of Justice Regional Manager
- Youth Justice Unit Manager
- Local Government representative
- Magistrate or Registrar
- Senior Community Corrections representative
- Senior Infringement Management and Enforcement Services representative
- Officer in Charge, Victoria Police
- Aboriginal Community Liaison Officer, Victoria Police
- Senior Victims Services representative
- Department of Health Manager - mental health/alcohol and drugs

Secretariat

- Project Officer, Local Aboriginal Justice Action Committee (where established) or
- Executive Officer, Regional Aboriginal Justice Advisory Committee

PARTNERSHIP AGREEMENT

Koori Justice Unit

The core role of the Koori Justice Unit within the Department of Justice is to develop and support improved and equitable justice outcomes for the Koori community. For AJA3, the unit will:

- act on behalf of the Aboriginal Justice Forum to coordinate the delivery of the AJA and related programs
- provide advice and executive support services to the forum and the Regional Aboriginal Justice Advisory Committee and Local Aboriginal Justice Action Committee networks
- provide advice to Ministers and Executives on policy and program matters affecting Koori communities
- maintain a data base detailing Koori contact with the criminal justice system
- coordinate and monitor the annual AJA budget allocation
- coordinate the AJA contribution to the Victorian Government annual Aboriginal Affairs report
- coordinate, implement and support related grants and relevant community programs
- develop and implement a robust monitoring and evaluation framework
- provide information to Koori community and government stakeholders about progress and activities
- support and monitor the Regional Aboriginal Justice Advisory Committees and Department of Justice regional offices in the delivery of AJA commitments.

Department of Justice regional operations

Regional operations and offices play an important role in supporting Regional Aboriginal Justice Advisory Committees in the development and implementation of regional justice plans and other initiatives under the AJA.

Strong coordination at the regional level can maximise the effectiveness of strategies designed to improve outcomes for local Koori communities. Action to address drivers of contact with the justice system can also be targeted through regional management forums, cross-agency and cross-sectoral forums. The implementation of plans and programs can also be compared across regions to identify and resolve gaps, overlaps or initiatives requiring further coordination and provide an opportunity to agree on how these can be addressed.

For the AJA3, Department of Justice regional operations and offices will:

- support the partnership principles, mechanisms and processes
- ensure there is high-level departmental representation at Regional Aboriginal Justice Advisory Committee meetings, thereby supporting the operations of both this and the Local Aboriginal Justice Action Committee networks
- support the development, implementation and monitoring of Regional Aboriginal Justice Advisory Committee Regional Justice Plans
- provide administrative and management support to the Regional Aboriginal Justice Advisory Committee Executive Officer and any other AJA project staff
- nurture and support the Local Aboriginal Justice Advisory Committee (where established) and the development of local community safety plans
- support the development of local alcohol accords, Koori family violence police protocols, youth cautioning initiatives and education/youth justice school re-engagement activities as determined by local priority and need
- facilitate whole-of-government action through targeted coordination of government services that relate to the Regional Aboriginal Justice Advisory Committee regional justice plans
- ensure all Department of Justice programs and services are accessible and inclusive of the needs of the Koori community, which is the focus of the department's Koori Inclusion Action Plan, *Mingu Gadhaba: Beginning Together*
- shape action on drivers of contact with the criminal justice system in cross-agency, cross-sectoral and regional management forums
- report on progress in implementing AJA initiatives and Koori Inclusion Action Plan activities
- assist in the collection of, and access to regional data on Koori justice outcomes.

7. Monitoring and measuring success

The partners commit to developing a monitoring and evaluation framework for AJA3, promoting transparency, accountability and demonstrated value for money through comprehensive audit and evaluation components.

Development of the framework up-front ensures clarity about what will be measured and how, including detailed responsibilities and timelines for reporting, monitoring and evaluating programs and initiatives, as well as the overall strategy.

Outputs from the framework will support the ongoing implementation of initiatives and programs. They will also inform future investments in justice responses, enabling better outcomes and decisions based on a strong and objective evidence base, in line with the Victorian Government's commitment to accountability and monitoring and measuring success under the *Victorian Aboriginal Affairs Framework 2013-18*.

Content and structure of the monitoring and evaluation framework

The framework development will be overseen by the Aboriginal Justice Forum and will provide a concrete overview of the key monitoring, evaluation and reporting activities that will occur over the course of the AJA3.

It will indicate the timing of activities, ownership, responsibility and key decision-making points, as well as describing the tools and methods to be used in the monitoring, evaluation and reporting of AJA3.

The framework will reflect the core principles and components of the partnership agreement and include:

- a **Theory of Change** which will articulate how programs and initiatives undertaken contribute to the key outcomes being sought under the AJA
- **principles** which will apply to all work coming out of it
- **indicators** which will measure progress against objectives, as well as targets (where applicable), data required, collection methods and responsibility for collection
- standard **outputs, outcomes and measures** which are to be collected for individual initiatives and will constitute a minimum data set, relevant to strategic indicators
- documented **processes** and useful **templates** and **tools** to report implementation, outputs, outcomes and budget of initiatives to the Aboriginal Justice Forum
- **evaluation standards** which include agreed principles, approaches, methodologies and key evaluation questions which must be applied consistently across all initiatives
- an **evaluation plan** which outlines when key evaluation activities are to take place, including program and initiative level evaluations, as well as the strategy as a whole
- a **data improvement strategy**, which addresses critical gaps in data collection, including those identified in the AJA2 evaluation.

The reporting activity associated with the framework will also inform and guide performance management of other strategic frameworks including the *Victorian Aboriginal Affairs Framework 2013-18*, the *Council of Australian Governments Close the Gap* national partnerships, the *Overarching Bilateral Indigenous Plan* and the *Victorian Indigenous Family Violence Ten Year Plan*.

Victorian Aboriginal Affairs Framework headline indicators and targets

The AJA3 directly contributes to the following headline indicators and targets in the Victorian Aboriginal Affairs Framework:

Headline indicator	Target
Reduce the over-representation of Aboriginal people (youth and adult) under justice supervision	<ul style="list-style-type: none"> • By 2031, close the gap in the rate of Aboriginal and non-Aboriginal people under youth justice supervision. • By 2031, close the gap in the rate of Aboriginal and non-Aboriginal people under adult justice supervision.
Reduce the proportion of Aboriginal people who return to prison within two years of release.	<ul style="list-style-type: none"> • By 2031, close the gap in the proportion of Aboriginal and non-Aboriginal prisoners returning to prison within two years of release.

Progress towards achieving these targets will be reported each year through the annual Victorian Aboriginal Affairs Report, which will draw from a selection of AJA3 performance indicators, ensuring that monitoring and reporting processes are aligned.

PARTNERSHIP AGREEMENT

AJA3 performance indicators

In order to measure progress towards the aims and strategic focus, a draft set of indicators has been developed to measure progress over the life of AJA3. These also act as intermediate indicators of progress towards the Victorian Aboriginal Affairs Framework inter-generational targets. The indicators relate to each objective set out in Part 3 of this document and will be developed in the monitoring and evaluation framework.

Objective 1: Crime prevention and early intervention**What are we trying to achieve?**

Reduce the number of Koori youth involved in criminal activities by promoting protective factors, including cultural identity and strength, and reducing risk factors for offending.

How will this be measured?

Example indicators:

- number of times Koori youth are processed by police (e.g. expressed as a comparison rate Koori/non-Koori) **(existing)**
- number of time Koori adults are processed by police (e.g. expressed as a comparison rate Koori/non-Koori) **(proposed)**.

Objective 2: Diversion and strengthen alternatives to imprisonment**What are we trying to achieve?**

Increase the rate at which justice agencies are successful in diverting Koori offenders from further contact with the criminal justice system, and strengthen community-based alternatives to imprisonment.

How will this be measured?

Example indicators:

- proportion of Koori youth cautioned by Police **(existing)**
- proportion of Koories (adult and youth, male and female) remanded in custody **(existing)**
- proportion of Koories (adult) receiving a prison sentence compared with those receiving a community correction order **(existing)**
- proportion of Koori youth sentenced to youth detention compared with those sentenced to community supervision **(existing)**
- proportion of Koori (youth and adults) successfully completing a community correction order **(proposed)**.

Objective 3: Reduce re-offending**What are we trying to achieve?**

Reduce the rate at which Koories re-offend by changing environmental and behavioural factors that contribute to offending.

How will this be measured?

Example indicators:

- the proportion of Koori adults who return to prison under sentence within two years of release **(existing)**
- the proportion of Koori youth who return to youth detention within two years of release **(proposed)**
- the proportion of Koories (adults and youth) who re-offend during 12 month period **(proposed)**.

Objective 4: Reduce conflict, violence and victimisation

What are we trying to achieve?

Reduce the adverse, and often intergenerational, impacts of violence and victimisation on Koori communities, families and individuals.

How will this be measured?

Example indicators:

- rate of reporting (family incidence reporting) of Indigenous family violence to police
- number of Koories on intervention orders (**existing – not reported**)
- number of Koories convicted for violent offences against the person (**existing**)
- number of Koories who are victims of crime (by offence category) (**existing**).

Objective 5: Responsive and inclusive services

What are we trying to achieve?

Make mainstream and positive justice-related services more responsive and inclusive of the needs of Koories.

How will this be measured?

Example indicators:

- rate of Koori access to justice services (e.g. Dispute Settlement Centre of Victoria, Victims Services, and Courts Integrated Service Program) (**proposed – Justice Koori Inclusion Action Plan**)
- rate of participation of Koori prisoners in education, training, general programs and work programs (**proposed – Justice Koori Inclusion Action Plan**)
- level of uptake of Koori cultural awareness programs across the justice system (**proposed – Justice Koori Inclusion Action Plan**)
- number/proportion of Koories accessing positive justice-related services (**existing – upgraded with Justice Koori Inclusion Action Plan**)
- proportion of Koories working within the justice system (**existing**).

Objective 6: Strengthen community justice responses and increase community safety

What are we trying to achieve?

Build capacity in and enable Koori communities to improve local justice outcomes and increase community safety through place-based approaches to crime and violence.

How will this be measured?

Example indicators:

- number of Koori volunteers involved in Justice programs
- number of community-initiated and implemented Justice programs
- number of Koori organisations delivering Justice programs.

PARTNERSHIP AGREEMENT

The following new measures and indicators are proposed to specifically to the new strategic focuses of AJA3:

Key strategic focus area: Women's diversion

What are we trying to achieve?

Increase the rate at which justice agencies are successful in diverting Koori women offenders from further contact with the criminal justice system and strengthen community-based alternatives to imprisonment for Koori women offenders.

How will this be measured?

Example indicators:

- proportion of Koori women (adult and youth) remanded in custody (**proposed**)
- proportion of Koori women (adult) receiving a prison sentence compared with those receiving a community correction order (**proposed**)
- proportion of Koori young women sentenced to youth detention compared with those sentenced to community supervision (**proposed**)
- proportion of Koori women (adult and youth) successfully completing a community correction orders (**proposed**).

Key strategic focus area: Koori community-government partnerships

What are we trying to achieve?

Build capacity in and continue to strengthen the Koori community and government partnership in to address Koori justice issues.

How will this be measured?

Example indicators:

- the strength and success of the Koori community-government partnership (e.g. degree of satisfaction with AJA structures, annual assessment of health of partnership etc.)

Key strategic focus area: Cultural strengthening

What are we trying to achieve?

Building and restoring cultural strength within the Koori community as a foundation for lasting change.

How will this be measured?

Example indicators:

- the success and prevalence of cultural strengthening initiatives (e.g. number of activities/initiatives/programs incorporating Koori specific cultural elements, levels of cultural engagement and transmission of culture, levels of participation and the number of new participants in activities and programs).

The Aboriginal Justice Forum Message Stick

A message stick, made by renowned Koori artist and Elder Uncle Albert Mullet, was introduced into the Aboriginal Justice Forum proceedings in 2010. It symbolises the important role of the Koori Co-Chair in the Aboriginal Justice Forum, and honours the work of these Elders and leaders in their communities.

Message sticks were used by many Koori peoples in Victoria and throughout Australia when communicating across different language groups. A message stick would be passed between leaders along with supporting verbal messages, and each leader would add their own before passing the message stick on.

In this way, the message stick became a record of decision making and agreement, and a symbol of the ties between all Koori people.

As a part of Aboriginal Justice Forum proceedings, the Co-Chair of the local Regional Aboriginal Justice Advisory Committee hosting the Forum engraves a message or a symbol on the message stick to represent their community or the goals of their region under the partnership. They then pass it on to the host and co-chair of the next Forum. The passing of the message stick reinforces the importance of the Co-Chair role, and the continuity of culture in contemporary Koori life.

The message stick symbolises the strength of the AJA, and provides an evolving history of the Forum's pathway throughout Victoria.



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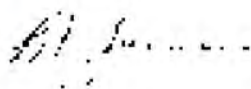
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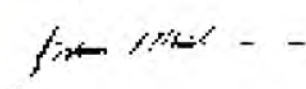
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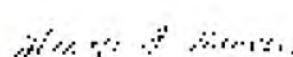
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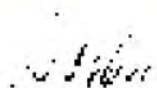
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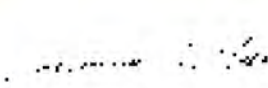
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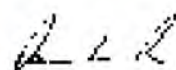
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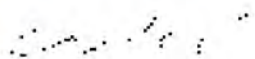
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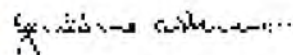
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Part 4: The action plan

The implementation of the AJA3 identified in the following action plan has a two-stage process, where most actions are considered immediate and can be implemented in the first two years. A number of 'future actions' have been identified, which refer to subsequent activities to be implemented over the remaining years.



*Young Koori women participate in the Koori Pride Festival, as part of an AJA supported initiative run by Songlines Music Aboriginal Corporation.
Photographer: James Henry*

Objective 1: Crime prevention and early intervention

Preventing crime and intervening early have been major focus areas for the AJA over the past decade. AJA3 maintains this forward momentum, with an emphasis on keeping Koori youth and families strong.

Objective 1 continues to focus on reducing exposure to risk factors for crime. This includes helping maintain families and communities that are free of substance misuse and enjoying a good standard of mental health and social and emotional wellbeing. Strengthening young Koories' connections to family, school, community and culture will also continue as important protective factors against crime.

Improved service coordination for at-risk Koori youth and families across the justice, welfare, health and education sectors is also a priority. Closer collaboration between frontline workers is promoted across these areas, supported by integrated cross-sectoral approaches to prevention and early intervention. This is expected to improve service effectiveness and efficiency, in turn increasing the capacity of the government and the Victorian Koori community to maintain the gains already achieved, and meet the increasing demands of a rapidly growing Koori youth population.

Strategies

- 1.1 Reduce risk factors associated with youth offending and increase protective factors.
- 1.2 Minimise the circumstances in which Koories are at risk of negative contact with police.
- 1.3 Increase opportunities for the ongoing involvement of Elders in AJA initiatives.

OBJECTIVE 1: CRIME PREVENTION AND EARLY INTERVENTION

1.1 Reduce risk factors associated with youth offending and increase protective factors				
	Activity	Details	Agency <i>*Lead agency in italics</i>	
1.1.1	Support families to manage youth at risk	1.1.1.a	Ensure culturally-responsive parenting and support programs are made available to Koori families of youth at risk of offending, and Koori youth at risk who themselves are parents.	<i>Department of Human Services</i> Department of Education and Early Childhood Development
		1.1.1.b	Strengthen referral processes between the Justice agencies and workers who identify youth at risk (e.g. Youth Justice Workers, police) and the providers of these services (government and community organisations).	
1.1.2:	Provide coordinated multi-agency responses to reduce progression from child protection to youth justice and adult justice systems	1.1.2.a	<p><i>Services Connect will be the Victorian Government's integrated client service system for assisting vulnerable and disadvantaged individuals and families. The system will connect people with the right support to address their needs, building their capabilities to improve their lives and overcome disadvantage.</i></p> <p><i>Services Connect currently includes all services delivered by Department of Human Services and will also include mental health and drug and alcohol services provided by Department of Health.</i></p> <p>Department of Human Services will ensure the Services Connect model is responsive to the needs of disadvantaged and vulnerable Koori youth and their families, by:</p> <ul style="list-style-type: none"> • exploring opportunities for collaborating with other government agencies at the local level where we know our Koori clients are accessing other services. This could take the form of a single case plan or more joined-up case planning • strengthening internal communication within and between government agencies • keeping the Aboriginal Justice Forum informed of the development and implementation of the Services Connect approach, and relevant outcomes for services provided by Department of Health. 	<i>Department of Human Services</i>
		1.1.2.b	Identify risk factors for Koori youth involved in multiple systems, and strategies that may reduce such involvement.	

OBJECTIVE 1: CRIME PREVENTION AND EARLY INTERVENTION

1.1.3	Improve education and employment outcomes for at risk youth	1.1.3a	Ensure the Koori Youth Justice Program has a strong focus on enabling young Aboriginal people to remain engaged or be re-engaged with appropriate education, training and employment opportunities. Activities in this area will include maintaining the Koori Early School Leaver and Youth Employment Programs and expanding these functions where possible.	<i>Department of Human Services</i> <i>Department of Education and Early Childhood Development</i>
		1.1.3.b	Establish linkages and networks between Koori Youth Justice workers (and other relevant justice workers), Koori Engagement Support Officers and Koori Transition Officers, to: <ul style="list-style-type: none"> • connect Youth Justice Workers with the whole of the Wannik Strategy including Victorian Aboriginal Education Association Incorporated, the Koori Education workforce, and the wide range of Aboriginal education and vocational programs • reconnect at-risk Koori youth with school, flexible learning options, vocational training or employment pathways • increase access to mentors in professional, para-professional and trades areas who can support Koori students to realise their educational and career development aspirations. 	
		1.1.3.c	Undertake joint data collection between Department of Education and Early Childhood Development and Department of Justice (Koori Justice Unit) to identify priority locations for school re-engagement initiatives.	<i>Department of Education and Early Childhood Development</i> & <i>Department of Justice (Koori Justice Unit)</i>

OBJECTIVE 1: CRIME PREVENTION AND EARLY INTERVENTION

	Activity		Details	Agency <i>*Lead agency in italics</i>
1.1.4	Increase activity-based protective factors	1.1.4.a	<p><i>The Frontline Youth Initiatives Community Grants Program enables community organisations to implement projects that provide Koori children and youth with healthy and pro-social activities that reduce the likelihood of future negative contact with the justice system.</i></p> <p>Strengthen the Frontline Youth Initiatives Grants Program by:</p> <ul style="list-style-type: none"> • extending the duration and amount of Frontline funding • increasing Koori youth involvement in either project selection and monitoring or in the design, development and delivery of programs e.g. through participation of the Koori Youth Council and continuing Koori youth representation on Regional Aboriginal Justice Advisory Committees. 	<i>Department of Justice (Koori Justice Unit)</i>
1.1.4.b		<p><i>The Community Initiatives Program community grants program enables community organisations to implement pilot projects or research which provide community-based responses to justice issues.</i></p> <p>Maintain the Community Initiatives Program community grants program.</p>		
1.1.4.c		<p>Improve project development and support activities to the Frontline and Community Initiatives Program community grant programs, including: streamlining the grants application process; enhancing monitoring and evaluation activities; reducing the administrative burden on community organisations; and strengthening relationships with potential funding partners.</p>		
1.1.4.d		<p>Future action: Support the increased depth and coverage of prevention and early intervention activities to ensure responsiveness and equitable access across communities.</p>		

OBJECTIVE 1: CRIME PREVENTION AND EARLY INTERVENTION

1.1.5	<p>Increase opportunities for positive community-based activities between Koori youth, communities and police</p>	<p>1.1.5.a</p> <p><i>The Warrnambool Turnaround Project is an example of how activities and initiatives can be developed to bring police and Koori community members together in a positive way.</i></p> <p><i>A full-time Police Aboriginal Liaison Officer was engaged in Warrnambool from 2006, and has worked closely with the Local Aboriginal Justice Action Committee, Regional Aboriginal Justice Advisory Committee, local Koori community organisations and Victoria Police, to coordinate sporting events, cultural camps, cultural training, flag-raising and cultural awareness activities with the local Koori community and the police. Local youth mentoring programs and youth employment initiatives have also been actively supported.</i></p> <p><i>A 44 per cent reduction in Koori representation in police contacts has occurred between 2006 and 2011.</i></p> <p>Maintain, where possible, initiatives that promote the building of trust between Koori youth, communities and police. Enable these initiatives to include youth who are doing well and youth at risk with evaluation built in.</p>	Victoria Police
1.1.6	<p>Reduce risk factors for Koori youth contact with the justice system, including drug and alcohol use and mental health concerns</p>	<p>1.1.6a</p> <p><i>Research has identified strong links between alcohol and drug use, mental health concerns and youth involvement in the criminal justice system. Risk factors for alcohol and drug misuse by young people include boredom, disengagement and family or community attitudes that condone substance misuse.</i></p> <p>Ensure Koori Youth Justice Workers, Koori Engagement Support Officers and Koori Transition Officers identify the needs of Koori youth who are diverted from the justice system and link them with appropriate services to meet their needs. This will include collaborative work to identify any alcohol or other drug or mental health issues that may be impeding engagement in school or vocational training [links to 1.1.3] and strengthening early identification and appropriate referral of Koori youth with mental health issues and/or alcohol/drug issues.</p>	<p><i>Department of Human Services</i></p> <p><i>&</i></p> <p><i>Department of Education and Early Childhood Development</i></p> <p><i>&</i></p> <p><i>Department of Health</i></p>

OBJECTIVE 1: CRIME PREVENTION AND EARLY INTERVENTION

Activity		Details	Agency <i>*Lead agency in italics</i>
Reduce risk factors for Koori youth contact with the justice system, including drug and alcohol use and mental health concerns	1.1.6.b	<p>Develop community education and community strengthening strategies in local communities to tackle under-age drinking and address family and community attitudes as a risk factor, as part of the Whole-of-government Alcohol and Other Drug Strategy 2012-20 and:</p> <ul style="list-style-type: none"> • provide community education about the harms of binge drinking, e.g. peer education program 'Young Fellas Helping Young Fellas' (funded through Community Initiative Program initiatives) • challenge drinking culture by promoting and supporting alcohol-free community and sporting events • strengthen capacity of families to prevent/delay young people's access to alcohol and the age they initiate drinking (18 years) – e.g. as part of parenting and family support programs [links to 1.1.1] • educate adults about how to drink responsibly, including through relevant justice-related programs and services • support community education programs, improved services and cultural strengthening activities as outlined in the Koolin Balit: Aboriginal Health Plan. 	
	1.1.6.c	<p>Address boredom and disengagement as a risk factor [links to 1.1.3 and 1.1.4]: Implement the Frontline and CIP initiatives and the youth education and employment strategies (above) in ways that strengthen resilience and reduce access to risk factors including alcohol and drug misuse and offending.</p>	<i>Department of Justice (Koori Justice Unit)</i>
	1.1.6.d	<p>Consolidate the Koori Youth Justice Program to ensure that all available capacity is utilised to divert young Koori people or assist in reducing the likelihood of return to the youth justice system, and that youth Justice staff are supporting young Koori people to achieve positive outcomes.</p>	<i>Department of Human Services</i>

OBJECTIVE 1: CRIME PREVENTION AND EARLY INTERVENTION

1.1.7	Increase Koori youth access to mainstream opportunities	1.1.7.a	Consistent with the <i>Victorian Government's Youth Statement: Engage, Involve, Create, 2012</i> , strengthen mainstream youth service capacity to provide culturally-appropriate programs and services, by improving their coordination and linkages with Koori organisations. Priorities include sport, recreation, performing arts and employment services.	Department of Human Services
1.1.8	Address Koori-specific risk and protection factors	1.1.8.a	<p><i>Research has identified cultural strength as a Koori-specific protective factor and racism and discrimination as Koori-specific risk factors.</i></p> <p>Strengthen cultural identity and connection to culture of Koori youth at risk by:</p> <ul style="list-style-type: none"> ensuring cultural strengthening activities are integrated into all existing programs and activities for Koori youth ensuring Koori youth workers engage in cultural strengthening activities with youth at risk, including through song, dance, art, on-country learning, rites of passage establishing Yarning Circles in local communities, bringing together Koori Elders and youth to foster transmission of culture [links to Strategy 1.3]. 	<p>Department of Planning and Community Development (Office of Aboriginal Affairs Victoria)</p> <p>Department of Justice (Koori Justice Unit)</p>
		1.1.8.b	Increase opportunities for positive Koori youth engagement with the justice system, including participation in the Regional Aboriginal Justice Advisory Committee and Local Aboriginal Justice Action Committee network, Koori Job Fairs, Koori Youth Networks and the Koori Youth Council.	Department of Justice (Koori Justice Unit)

OBJECTIVE 1: CRIME PREVENTION AND EARLY INTERVENTION

	Activity		Details	Agency <i>*Lead agency in italics</i>
1.1.9	Increase capacity of community service providers and government departments to respond to the rapid population growth of the Koori youth population	1.1.9a	<p><i>Consistent with the Victorian Government's Youth Statement: Engage, Involve, Create (2012), it will be important to ensure service planning by mainstream and Koori community youth agencies takes into account the disproportionately rapid population growth of the Koori youth cohort.</i></p> <p>Hold a Koori Youth Roundtable in 2013 involving youth, Koori community and government representatives, which identifies youth at risk, and develops integrated cross-sectoral strategies for prevention and early intervention.</p>	<p><i>Department of Human Services</i></p> <p>Department of Education and Early Childhood Development</p>
		1.1.9b	Develop age-appropriate and culturally responsive service delivery models such as wraparound services, to meet the needs of Koori youth, families and communities. The focus needs to be on outcomes rather than activities or processes.	
		1.1.9c	Future action: Following the Koori Youth Roundtable, support the development of an integrated whole-of-government Koori Youth Plan. Include consideration of service mapping and a clearinghouse approach to funding and services.	<p><i>Department of Education and Early Childhood Development</i></p> <p>Department of Human Services</p> <p>Department of Planning and Community Development (Office of Aboriginal Affairs Victoria)</p>

OBJECTIVE 1: CRIME PREVENTION AND EARLY INTERVENTION

1.2 Minimise the circumstances in which Koories are at risk of negative contact with police				
1.2.1	Reduce Koories' negative contact with police arising from alcohol misuse	1.2.1.a	Continue to support diversion models as alternatives to imprisonment for Aboriginal people who come into contact with police for public intoxication, or are at risk of such.	Department of Justice (Koori Justice Unit) Department of Health
1.2.2	Reduce the number of alcohol-related arrests	1.2.2.a	Aim to develop and enhance local strategies, agreements and protocols to reduce alcohol-related incidents leading to arrest or negative contact with police with a focus on custody as the option of last resort, including: <ul style="list-style-type: none"> • utilising Regional Aboriginal Justice Advisory Committees or other appropriate local networks as the mechanism, to minimise the risk of Koories being disproportionately impacted through lawful interventions • engaging current human rights standards that inform culturally-responsive interaction with police. 	Victoria Police Department of Health Department of Justice (Koori Justice Unit)
		1.2.2.b	Report to Aboriginal Justice Forum on the number of Koories in police custody including for public drunkenness and behavioural offences.	Victoria Police
1.2.3	Support community policing approaches	1.2.3.a	Maintain local community policing approaches that support crime prevention initiatives and link victims with support services.	Victoria Police

1.3 Increase opportunities for the ongoing involvement of Elders in AJA initiatives				
1.3.1	Support the involvement of Koori community leaders in the development and delivery of AJA activities	1.3.1.a	Assist Koori community Elders and community leaders to promote messages that encourage resilience and discourage risk on matters including alcohol and drug misuse, community safety and lateral violence, through "Yarnin' with Elders" workshops, Koori Courts, cultural wraparound approaches with Koori offenders, and other AJA initiatives across the justice continuum.	Department of Justice (Courts and Tribunals Service, Koori Justice Unit)
			Include appropriate training and support for Elders in working with young people and offenders.	Department of Human Services (Youth Justice) Department of Justice (Koori Justice Unit)

OBJECTIVE 2: DIVERSION AND STRENGTHEN ALTERNATIVES TO IMPRISONMENT

Objective 2: Diversion and strengthen alternatives to imprisonment

Providing diversion and alternatives to imprisonment is crucial to the effective reduction of Koori over-representation in Victoria's criminal justice system. Over the past decade the AJA has focused strongly on creating and strengthening diversion options at key risk points within the justice system in an effort to halt the progression of Koories into the criminal justice system. Considerable attention has been directed to the diversion of Koori youth.

Objective 2 of the AJA3 further strengthens successful diversion initiatives. These include Koori youth cautioning to reduce arrest rates at the point of police contact, bail alternatives to reduce the number of Koori youth and adults remanded into custody, Koori Court services and residential alternatives such as Wulgunggo Ngalu Learning Place.

AJA3 continues to strengthen the Koori diversion workforce that includes Aboriginal Community Liaison Officers, Local Justice Workers, Koori Court Officers and Elders, who deliver and support these diversionary initiatives in partnership with justice agencies.

In AJA3, Objective 2 prioritises effective diversionary alternatives for Koori women and for Koories at risk of entering the criminal justice system due to alcohol or drug abuse. By increasing the focus on these important areas, the AJA demonstrates responsiveness to emerging issues and further strengthens the capacity of the government and the Koori community to reduce the progression of Koories into the criminal justice system.

Strategies

Increase the rate at which:

- 2.1 Koori youth are diverted from the youth justice system.
- 2.2 Koories are diverted from further contact with Victoria Police.
- 2.3 The court system diverts Koories from further contact with the criminal justice system.
- 2.4 Koories are diverted from further contact with the correctional system.
- 2.5 Infringement Management and Enforcement Services diverts Koories from further contact with the criminal justice system.

OBJECTIVE 2: DIVERSION AND STRENGTHEN ALTERNATIVES TO IMPRISONMENT

2.1 Increase the rate at which Koori youth are diverted from the youth justice system				
	Activity	Details	Agency <small>*Lead agency in italics</small>	
2.1.1	Reduce the numbers of Koori youth on remand	2.1.1.a	<p>Increase Koori youth access to bail by:</p> <ul style="list-style-type: none"> identifying and monitoring barriers to timely bail opportunities for young Koories, including monitoring the duration of detention reviewing the operational effectiveness of existing bail support programs aimed at keeping young Koories out of custody, including the Koori Youth Intensive Bail Support Program. Revise program/s as required to reduce the number of young Koories being detained ensuring Youth Justice Program Workers liaise with the Parkville Youth Justice Precinct Bail Coordinator to facilitate timely access to bail opportunities ensuring appropriate access to legal representation and advocacy at arrest and court. 	<i>Department of Human Services (Youth Justice)</i>
		2.1.1.b	Consider internal resourcing capacity to increase access to bail and bail support services by young Koori people across Victoria by expanding the coverage of programs such as Koori Intensive Bail Support.	
		2.1.1.c	Future action: Explore the feasibility of family decision-making processes as a component of bail planning, to minimise duration of remand in custody wherever possible and appropriate.	
		2.1.1.d	Future action: Explore ways to increase access to bail support options of young Aboriginal people for the Children's Court.	

OBJECTIVE 2: DIVERSION AND STRENGTHEN ALTERNATIVES TO IMPRISONMENT

2.2 Increase the rate at which Koories are diverted from further contact with Victoria Police			
	Activity	Details	Agency <i>*Lead agency in italics</i>
2.2.1	Provide a systematic, integrated inter-agency response to early youth contact with the justice system ("all doors are the right door")	2.2.1.a <ul style="list-style-type: none"> • Use existing interagency bodies at the local level and in priority locations, such as the Youth Support Service Reference Groups or the Youth Partnerships reference groups to ensure young Koori people are accessing services on first contact with police. • Consider including Department of Education and Early Childhood Development, Victorian Aboriginal Legal Service and Courts representatives to attend the Reference Group meetings to improve collaboration and coordination for at-risk children and young people upon first police contact. • Develop a common referral pathway for all three agencies that links at-risk youth to services that address the underlying issues (e.g. family or parenting difficulties, alcohol or other drug use, school disengagement). • Ensure that early intervention programs appropriately respond to young Koori people (for example, the Youth Support Service). 	<i>Department of Human Services</i> (Youth Justice) Victoria Police
2.2.2	Continue to increase the proportion of Koories who are cautioned when processed by police, and ensure the cautioning process includes referral to appropriate services that address factors driving the problem behaviour	2.2.2.a <p>Victoria Police will work in partnership with the Victorian Aboriginal Legal Service to:</p> <ul style="list-style-type: none"> • continue the development of the Koori Youth Cautioning Program operating at local sites • strengthen cautioning responses in the North Metropolitan region • facilitate appropriate training of police at those local sites when required • raise awareness of the cautioning program among local Koori communities and service providers • develop strong local referral partnerships with services that can address the problem behaviour • build reporting and monitoring capacity at the local level to generate state-wide data (with regard cautioning criteria) that will inform both the Aboriginal Justice Forum and Victoria Police of cautioning rates for Indigenous people relative to the general population • develop other strategies that promote police understanding of the strategic importance of the cautioning and diversion initiatives. 	<i>Victorian Aboriginal Legal Service</i> & <i>Victoria Police</i>

OBJECTIVE 2: DIVERSION AND STRENGTHEN ALTERNATIVES TO IMPRISONMENT

2.2.3	Continue to improve the relationship between the police and the Koori community	<p>2.2.3.a Strengthen the role of Aboriginal Community Liaison Officers and Police Aboriginal Liaison Officers by:</p> <ul style="list-style-type: none"> • improving the service delivery model for both programs including: <ul style="list-style-type: none"> • building collaborative support between Aboriginal Community Liaison Officers, Police Aboriginal Liaison Officers and Regional Aboriginal Justice Advisory Committee/Local Aboriginal Justice Action Committee • developing linkages between Aboriginal Community Liaison Officers and the Koori Staff Network in Department of Justice to build collegial support and problem solving capabilities • conducting quarterly state-wide Aboriginal Community Liaison Officer meetings. • enhancing the cultural competency of Police Aboriginal Liaison Officers through locally developed and delivered cultural awareness training. <p>2.2.3.b Explore local police capacity to increase the number of Aboriginal Community Liaison Officers, where the need is identified.</p> <p>2.2.3.c Explore local police capacity to increase the numbers of Police Aboriginal Liaison Officers across the State.</p> <p>Consider the appointment of additional or full-time Police Aboriginal Liaison Officers in locations with significant Koori populations.</p> <p>2.2.3.d Enhance the service delivery model for Aboriginal Community Liaison Officers and Police Aboriginal Liaison Officers to drive and support local initiatives in partnership with the Koori community and community agencies focussed on high risk issues such as alcohol and family violence.</p> <p>2.2.3.e Improve formal links between Aboriginal Community Liaison Officers/Police Aboriginal Liaison Officers and Aboriginal Community Justice Panels, Victorian Aboriginal Legal Service, Aboriginal Justice Workers, Koori Youth Justice Workers and other community agencies [links to Activity 2.2.1].</p>	<i>Victoria Police</i>
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OBJECTIVE 2: DIVERSION AND STRENGTHEN ALTERNATIVES TO IMPRISONMENT

Activity		Details	Agency
	(continued) Continue to improve the relationship between the police and the Koori community	<p>2.2.3.f Ensure ongoing development in cultural awareness and competency for all members of the Victoria Police workforce, as part of their formal training.</p> <p>Develop a framework to ensure appropriate development and delivery of cultural awareness training at the local level in partnership with the local Koori community.</p> <p>2.2.3.g In partnership with local Koori community stakeholders, install flags, paintings and other symbols of local Koori culture to promote police stations as culturally inclusive places.</p> <p>2.2.3.h Future action: Explore options to further expand, enhance and promote the Aboriginal Community Liaison Officers and Police Aboriginal Liaison Officer Programs, and other initiatives that facilitate partnership between Victoria Police and the Koori community.</p>	*Lead agency in italics
2.2.4	Increase the rate at which Koories are diverted from police custody	2.2.4.a Investigate initiatives that enable Koori workers (e.g. Koori Drug Diversion Workers, Youth Justice Workers) to divert Koories into early intervention services at the point of police contact.	<i>Department of Health</i> Department of Human Services Department of Justice Victoria Police

OBJECTIVE 2: DIVERSION AND STRENGTHEN ALTERNATIVES TO IMPRISONMENT

2.2.5	Improve service responses for intoxicated persons who come into contact with the justice system	2.2.5.a	Undertake a needs analysis for an after-hours response to intoxicated persons, to inform service model developments.	<i>Department of Health</i> Victoria Police Department of Justice
		2.2.5.b	In 2013, convene a Roundtable between the Aboriginal Justice Forum, Aboriginal health services and alcohol and drug services to develop responses to public intoxication arising from binge drinking and chronic use of alcohol [links to 2.2.4.a above]: <ul style="list-style-type: none"> develop policy and service linkages between Koori Alcohol and Drug service networks and Aboriginal Community Controlled Health Organisations at local, regional and state-wide levels, to promote coordinated and informed responses explore options for local service models to respond after-hours to the needs of intoxicated people, including service brokerage models offering appropriate medical support and a 'safe' place for a defined period. 	<i>Department of Justice (Koori Justice Unit)</i> & <i>Department of Health</i>
2.2.6	Continue to increase the proportion of Koories bailed from police custody	2.2.6.a	Ensure Koories have the same access to bail from Police custody as non-Koories, by encouraging Koories to take up Bail Justice roles, and maintaining Victorian Aboriginal Legal Service's support. Ensure cultural competency training for Bail Justices.	<i>Department of Justice (Bail Justice Program)</i> Victorian Aboriginal Legal Service
		2.2.6.b	Future action: Increase the number of Bail Justices in high-contact areas.	
		2.2.6.c	Support the Aboriginal Community Justice Panel Program, and investigate opportunities for further strengthening.	<i>Victorian Aboriginal Legal Service</i> & <i>Victoria Police</i> Department of Justice (Courts and Tribunal Services, Koori Justice Unit)

OBJECTIVE 2: DIVERSION AND STRENGTHEN ALTERNATIVES TO IMPRISONMENT

2.3	Increase the rate at which the court system diverts Koories from further contact with the criminal justice system		
	Activity	Details	Agency <i>*Lead agency in italics</i>
2.3.1	Reduce the number of Koori adults on remand	2.3.1.a Explore the feasibility of the Koori Offender Support and Mentoring Program working with Koories on bail.	<i>Department of Justice</i> (Koori Justice Unit)
		2.3.1.b Explore factors contributing to remand, particularly in relation to Koori women, including health and family concerns, identifying housing needs, providing supported accommodation options for Koori people seeking bail.	<i>Department of Justice</i> (Corrections Victoria, Courts and Tribunal Service) Department of Human Services
		2.3.1.c Utilise Koori Liaison Officers to ensure access and uptake by Koories of Courts Integrated Service Program, and strengthen linkages between the program and Koori Courts at La Trobe Valley.	<i>Department of Justice</i> (Courts and Tribunal Service)
		2.3.1.d Ensure Courts Integrated Service Program brokerage models connect Koories on bail to services that address underlying drivers of offending, including alcohol and drug abuse and mental health concerns, including services delivered through Aboriginal community controlled organisations.	Department of Human Services
		2.3.1.e Monitor and regularly report to the Aboriginal Justice Forum the numbers of Koories accessing bail, complying with bail conditions and the numbers remanded into custody.	
		2.3.1.f Future action: Support the provision of culturally relevant bail support initiatives at all court locations with significant Koori population, and maximise Koori community engagement in these.	

OBJECTIVE 2: DIVERSION AND STRENGTHEN ALTERNATIVES TO IMPRISONMENT

2.3.2	Implement initiatives that divert Koori women from prison, and reduce numbers on remand	2.3.2.a	Koori Justice Unit will support an Aboriginal Justice Forum working group involving Koori Justice Unit, Corrections Victoria, Courts, Department of Human Services, Department of Health and Victoria Police and members of the Koori community to develop a community based diversion initiative for Koori women, and the supporting business case.	<i>Department of Justice</i>
		2.3.2.b	Undertake a research project that documents the experiences of Koori women within the justice system, particularly their experience of custody, and provides evidence to support the implementation of diversionary programs for Koori women.	<i>Victorian Equal Opportunity and Human Rights Commission</i>
		2.3.2.c	Future action: Based on the development of a viable Koori Women's diversion model, determine the most effective approach to implementation.	<i>Department of Justice (Koori Justice Unit)</i>
2.3.3	Continue to strengthen community based alternatives to imprisonment	2.3.3.a	Continue the Local Justice Worker Program supporting Koories on Community Corrections Orders through Corrections Victoria. The Koori Justice Unit will take the lead in Department of Justice to monitor and evaluate the Local Justice Worker Program's effectiveness and explore options for expansion.	<i>Department of Justice (Koori Justice Unit, Corrections Victoria, Infringement Management and Enforcement Services)</i>
		2.3.3.b	Future action: Explore the feasibility of alternatives to imprisonment that combine bail support, court advocacy and post-sentence intensive case management support for Koories who receive Community Orders.	<i>Department of Justice (Courts and Tribunal Service, Corrections Victoria)</i>
2.3.4	Continue to improve Koories' access to mainstream court diversion and support programs and decision-making courts	2.3.4.a	Continue to develop and implement strategies to increase Koori offenders' participation in mainstream court diversion and support programs, including Courts Integrated Service Program. Possible options include: <ul style="list-style-type: none"> developing actions under the Koori Inclusion Action Plans [Activity 5.1.1] to increase the responsiveness of mainstream court diversion and support and decision making courts ensuring cultural competency training of court personnel providing support to the Courts Integrated Service Program Koori Liaison Officers, including regular video conferencing. 	<i>Department of Justice (Courts and Tribunal Services)</i>

OBJECTIVE 2: DIVERSION AND STRENGTHEN ALTERNATIVES TO IMPRISONMENT

	Activity	Details	Agency <i>*Lead agency in italics</i>	
2.3.5	Continue to enhance and expand the Koori Court network	2.3.5.a	Progressively implement the Koori Courts Strategic Directions recommendations in line with priorities identified by the Aboriginal Justice Forum including: <ul style="list-style-type: none"> expanding the Koori Children's Court to existing Magistrates' Koori Court locations, including at La Trobe Valley, Warrnambool, Swan Hill and Bairnsdale considering the introduction of circuit courts, sitting days or lists in locations whose populations do not support a permanent Koori Court. 	<i>Department of Justice (Courts and Tribunal Services)</i>
		2.3.5.b	Continue the Morwell County Koori Court, and investigate adaptation of the model to new sites, including metropolitan Melbourne.	<i>Department of Justice (Courts and Tribunal Services)</i>
		2.3.5.c	Future action: Explore options for expanding the depth and coverage of court-related services that have demonstrated responsiveness to the needs of Koories.	
		2.3.5.d	<i>The Victoria's Vulnerable Children - Our Shared Responsibility Directions Paper is committed to the development of a more child friendly legal system, including a funded position in the 2011-12 budget for a Koori convenor.</i> In line with the commitment in <i>Victoria's Vulnerable Children - Our Shared Responsibility Directions Paper</i> , continue to support and develop the Koori Family Support Program (in the Family Division of the mainstream Children's Court). This program will provide Koori families with information, advocacy, legal representation and case management.	<i>Department of Human Services</i> & <i>Department of Justice (Courts and Tribunal Services)</i>
2.3.6	Investigate the impact of sentencing practices	2.3.6.a	Complete the second stage of the Sentencing Advisory Council research project on sentencing outcomes for Koories. This will compare sentencing outcomes for Koori and non-Koories in the Magistrates' and higher courts, taking into account current and prior offending. Ensure the Project is guided by a Reference Group with significant Koori representation.	<i>Department of Justice (Courts and Tribunal Services)</i>
		2.3.6.b	Seek Koori community membership on the Sentencing Advisory Council.	

OBJECTIVE 2: DIVERSION AND STRENGTHEN ALTERNATIVES TO IMPRISONMENT

2.4	Increase the rate at which Koories are diverted from further contact with the correctional system		
2.4.1	Assist Koori offenders to meet the conditions of their Community Corrections Orders	<p>2.4.1.a Expand Community Corrections based delivery of culturally specific programs, consistent with the identified needs of Koori offenders. These enhancements are provided through the Sentencing Reform Implementation Project.</p> <p>2.4.1.b <i>Corrections Victoria is developing a cultural wraparound model to build its capacity to deliver offending behaviour programs to Koori offenders, including parolees, in Community Corrections settings. The model consists of a pathway between culturally-specific programs and mainstream therapeutic and skills-based programs, the recruitment of specialist staff to support the delivery of programs to Koories and the development of program guidelines to inform culturally-appropriate delivery.</i></p> <p>Implement Correction Victoria's cultural wrap around model to deliver offending behaviour programs to Koori offenders on community corrections orders through providing specialised cultural support.</p> <p>2.4.1.c Strengthen the capacity of the Koori Offender Support and Mentoring Program to support Koori offenders to meet the conditions of their Community Corrections Orders, through staff training and stronger linkages with Indigenous Leading Community Corrections Officers and community support services.</p> <p>2.4.1.d Continue to deliver the Koori Youth Justice Program.</p>	<p><i>Department of Justice (Corrections Victoria)</i></p> <p><i>Department of Justice (Corrections Victoria, Justice Health)</i></p> <p><i>Department of Justice (Corrections Victoria, Koori Justice Unit)</i></p> <p><i>Department of Human Services (Youth Justice)</i></p>

OBJECTIVE 2: DIVERSION AND STRENGTHEN ALTERNATIVES TO IMPRISONMENT

	Activity	Details	Agency <i>*Lead agency in italics</i>
2.4.2	Maintain and strengthen the diversion program for Koori men at the Wulgunggo Ngalu Learning Place	<p>2.4.2.a <i>Wulgunggo Ngalu Learning Place is a culturally-appropriate 18-bed residential alternative for Koori men on Community Based Orders who would otherwise be at risk of imprisonment.</i></p> <p><i>Based in Gippsland, it became fully operational in May 2008.</i></p> <p><i>The facility aims to increase order completion rates, reduce re-offending risk and contribute to reducing Aboriginal over-representation in the Victorian criminal justice system. In 2012 Wulgunggo Ngalu received an injection of new funding under the Community Corrections Order Sentence Reforms and strategies for further strengthening the existing model are being explored.</i></p> <p>Expand Community Corrections based delivery of culturally specific programs at Wulgunggo Ngalu Learning Place, consistent with the identified needs of Koori offenders.</p> <p>2.4.2.b Explore options for strengthening Wulgunggo Ngalu's program effectiveness and maximising utilisation</p> <p>2.4.2.c Continue to maintain Wulgunggo Ngalu's alignment with evidence-informed approaches to Aboriginal residential diversion.</p>	<i>Department of Justice (Corrections Victoria)</i>

OBJECTIVE 2: DIVERSION AND STRENGTHEN ALTERNATIVES TO IMPRISONMENT

2.5	Increase the rate at which Infringement Management and Enforcement Services diverts Koories from further contact with the criminal justice system		
2.5.1	Continue to enhance the effectiveness of the Infringements Act and coordinate interagency fines systems	<p>2.5.1a <i>Under AJA2, a partnership was developed with Koori communities, the Local Justice Workers, and the Sherriff's Office to prevent excessive contact with the Justice system due to unpaid fines. New police powers to issue on the spot fines for antisocial behaviour and alcohol misuse makes it even more important for Sheriffs to maintain and improve their responsiveness to Koori needs, to prevent fines leading to increased levels of financial hardship and escalated involvement in the justice system.</i></p> <p>Refresh the Infringement Management and Enforcement Services Koori Strategy with a focus on Sheriffs and Infringement Court activities, including:</p> <ul style="list-style-type: none"> • continuing to increase program hours at key locations where possible • quantifying the contribution of the Loddon Mallee Sheriff Aboriginal Liaison Officer role • continuing to utilise Local Justice Workers to assist Koori offenders with managing fines and outstanding warrants • providing Infringements Court staff with Cultural Awareness Training • promoting the Infringements Court as a culturally safe place for Koori people to visit and work, including reviewing Infringement Court correspondence to ensure it is Koori-friendly. 	Department of Justice (Infringement Management and Enforcement Services)
		<p>2.5.1b Future action: Consider options to expand services that have demonstrated positive diversionary outcomes for Koories in relation to Infringement Management and Enforcement Services.</p>	