



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.

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A Partnership between the Victorian Government
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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.

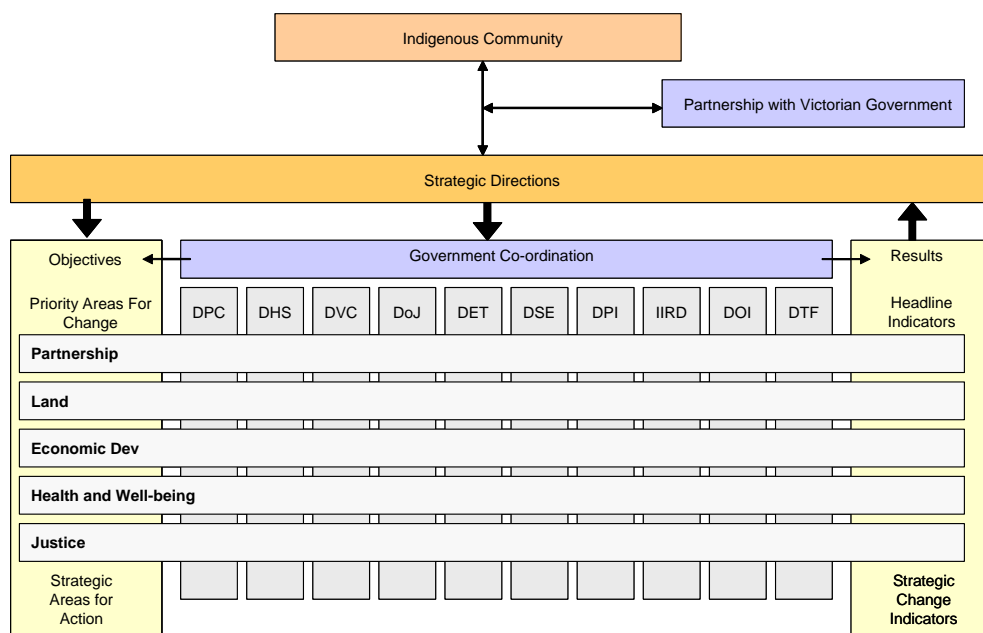
The Implementation Review contained 164 recommendations toward increasing safety in custody and reducing Koori over-representation in Victoria's criminal justice system. One of these was that Government and the Koori community should redevelop the AJA. When responding to the Implementation Review, Government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

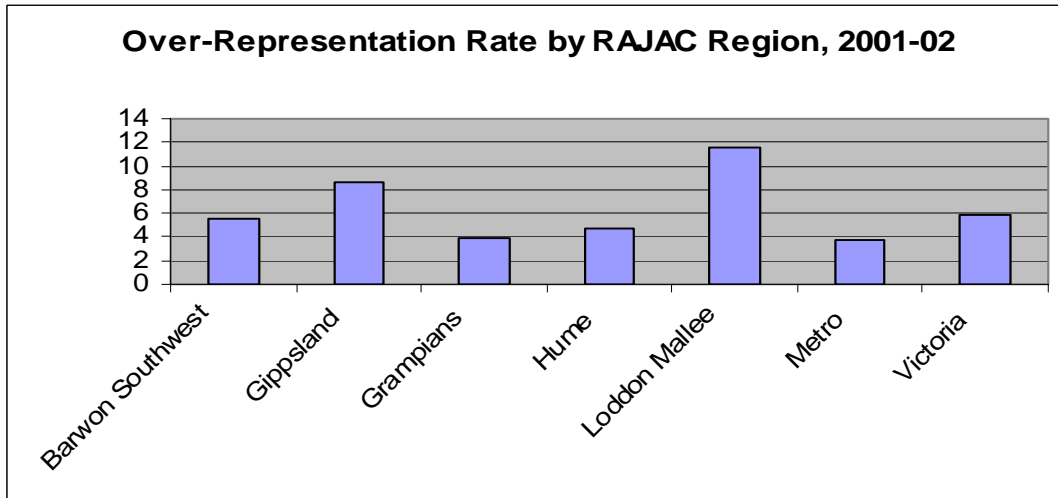
The continued development of the RAJAC and Local Aboriginal Justice Action Committees (LAJAC) will increase the local responsiveness and support community crime prevention strategies.

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

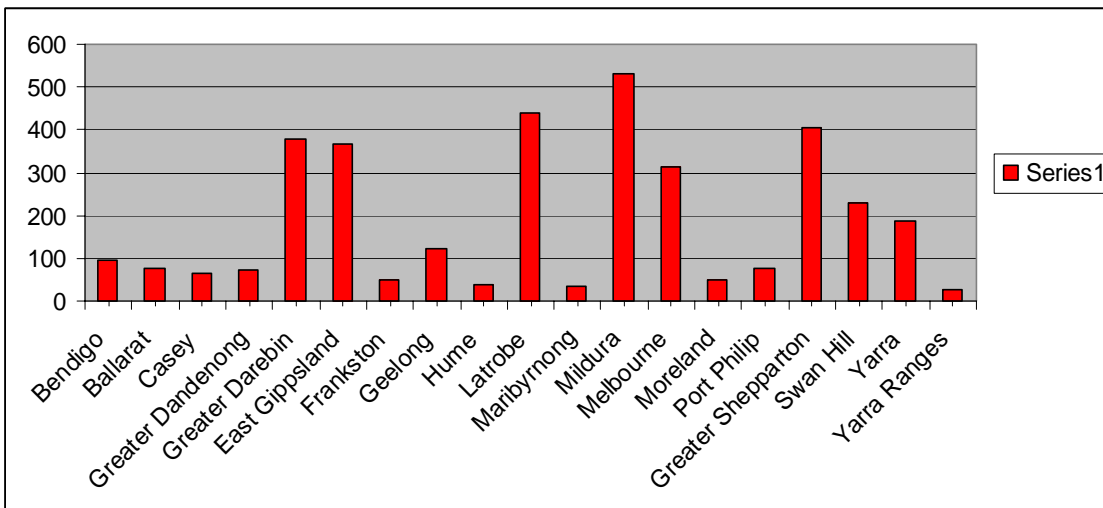


Source: Relative rates of over-representation by RAJAC region, 2001/02, based on rates of police contact for Koories and the general Victorian population.

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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