

WIRKARA KULPA

Aboriginal Youth Justice Strategy

2022–2032



Front cover art

The artwork on the front cover was created by young Aboriginal artist, Kiewa Tya Austin-Rioli, a proud Gunditjmara and Tiwi Islander woman, as part of a project to create the visual narrative for future state of Aboriginal Youth Justice. It is one of a set of three visual pieces which are reproduced in full in this document, along with Kiewa's description of the creative process and what each piece represents (see The Way Forward; pages 26-33).

Advice to our readers

To our Aboriginal readers, we advise that this document may include photos, quotations and/or names of people who have passed.

Aboriginal and Torres Strait Islander peoples living in Victoria and involved in the justice sector have diverse cultures. The term 'Aboriginal' is used when referring to Aboriginal and Torres Strait Islander people across Australia. When referring to the Aboriginal and Torres Strait Islander people of Victoria, the term 'Aboriginal' is used. Other terms such as 'Koori', 'Koorie' and 'Indigenous' are retained in the names of programs, initiatives, publication titles and in reference to published data.

The term Aboriginal children and young people is used to refer to Aboriginal and Torres Strait Islander children currently from or residing in Victoria.

The word family has many different meanings. Use of the words 'family' and 'families' is all encompassing and acknowledges the variety of relationships and structures that can make up a family unit, including family-like or care relationships and extended kinship structures.



WIRKARA KULPA

(Alongside, next to talking/speaking)

– a language name in Barkindji/Paakantyi

“We wanted to talk about the young people talking and walking alongside one another and talking at the same time to Elders. Because that’s the only way they will be able to listen and listen to Elders; by walking alongside each other and talking together.”

- Uncle Ivan Johnson and Uncle Peter Peterson

This name was chosen by Aboriginal children and young people currently in the youth justice system. A range of language names were contributed by Traditional Owners and Custodians from across Victoria in response to requests from the Aboriginal Justice Caucus.

We offer our sincere thanks to Uncle Ivan Johnson and Uncle Peter Peterson who provided a selection of language names in Barkindji/Paakantyi language. One of which, Wirkara Kulpa, was chosen by Aboriginal children and young people as the language name for this Strategy.

ACKNOWLEDGEMENT

The Victorian Government and the Department of Justice and Community Safety acknowledges Aboriginal and Torres Strait Islander people as the First Peoples and Traditional Owners and Custodians of the land and waterways upon which our lives depend.

We acknowledge and pay our respects to ancestors of this country, Elders, knowledge holders and leaders – past, present, and emerging. We extend that respect to all Aboriginal and Torres Strait Islander peoples. We recognise that Aboriginal and Torres Strait Islander communities are steeped in culture and lore having existed within Australia continuously for some 65,000 years.

We acknowledge the ongoing leadership of Aboriginal communities across Victoria in striving to build on these strengths to address inequalities and improve Aboriginal justice outcomes.

We acknowledge those who have, and continue to, work tirelessly to improve Aboriginal justice outcomes, and say our thanks to the many Aboriginal people that have helped to shape this Strategy – we have achieved a lot, but there is still so much to do. We also acknowledge the contribution of non-Aboriginal people to its development.

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A MESSAGE TO ABORIGINAL CHILDREN AND YOUNG PEOPLE

YOU CARRY THE STRENGTH
AND LEGACY OF YOUR OLD PEOPLE

IT'S THROUGH THEIR STRENGTH
LOVE AND RESILIENCE
WE PUSH THROUGH

LOOK AFTER YOURSELF
LOOK AFTER YOUR SPIRIT
AND KNOW YOU ARE LOVED.

- Koorie Youth Council

MINISTER'S FOREWORD

First and foremost, I would like to acknowledge the Aboriginal Justice Caucus and all the Aboriginal children and young people who have shaped the way forward by developing Wirikara Kulpa, the first Victorian Aboriginal Youth Justice Strategy. I thank you for your passion, strength, courage and hard work.

Wirikara Kulpa is about making sure Aboriginal children and young people live culturally rich lives with family and community away from the justice system. Every single Aboriginal child and young person has an abundance of strength and knowledge that deserves to be heard and supported. Improving the youth justice system and services so they always build on children and young peoples' strengths and listens to their voices, lies at the heart of this document.

The Commission for Children and Young Peoples' Inquiry, *Our Youth, Our Way* has provided the Victorian Government with a roadmap for substantial reform to the youth justice system to overcome systemic inequalities and over-representation. Fifty-six recommendations from the Inquiry are included in this Strategy. As we continue these reforms the Victorian Government is committed to the Treaty process and participating in the Yoorrook Justice Commission. Taking action on recommendations from Yoorrook where they relate to government settings will strengthen the reforms in this Strategy.

As the Treaty progresses, this Strategy will ensure we can Close the Gap by 2031 in partnership with Aboriginal communities, moving towards an Aboriginal-led youth justice system.

Such a system will be based on self-determination and keeping children and young people strong in their family, community and culture. For example, throughout the life of this Strategy we will explore on-country alternatives to remand; deliver a new youth justice hub led by an Aboriginal organisation; progress the transfer of services to Aboriginal organisations through the new Youth Justice Act; and we will create a 'trusted worker' role so that Aboriginal children and young people do not walk alone. This will build on the launch of the specialist Aboriginal children's legal service Balit Ngulu and an expanded Community-Based Koori Youth Justice Worker Program in 2020.

Victoria has reduced the number of Aboriginal and Torres Strait Islander children and young people under youth justice supervision by 42 per cent over the last five years. We are ahead of the *Burra Lotjpa Dunguludja* (AJA4) target to reduce the number of Aboriginal 10 to 17-year-olds under youth justice supervision on an average day. Despite these improvements an unacceptable gap remains. Aboriginal children and young people are still approximately ten times more likely than non-Aboriginal children and young people to be involved with the youth justice system. This Strategy sets out what needs to change in the next ten years to close the gap.

We will collectively be held to account over the life of this Strategy by the Aboriginal Justice Caucus, Aboriginal community governance forums and by achieving the targets set out in the *Burra Lotjpa Dunguludja* (AJA4) to close the gap by 2031. I look forward to continuing to work with the Aboriginal Justice Caucus, Aboriginal Community Controlled Organisations, Aboriginal children, young people, families and communities in implementing this Strategy to improve outcomes, ensuring that involvement with the youth justice system is minimised wherever possible.

The Hon. Natalie Hutchins MP
Minister for Youth Justice



CO-CHAIR'S FOREWORD

Wirkara Kulpa, the Aboriginal Youth Justice Strategy is a first for Victoria and the nation. It has been developed in partnership with the Aboriginal Justice Caucus, the Aboriginal Youth Justice Strategy Steering Committee and the Department of Justice and Community Safety. As the Executive Officer and representative for the Koorie Youth Council and the co-chair of the Aboriginal Youth Justice Strategy Steering Committee, it has been our fortunate position to be able to advocate, guide and drive the ongoing dialogue that has shaped this unique strategy to be underpinned with actions, strategic drivers and principles that will lead to genuine outcomes for Aboriginal children and young people who are involved in youth justice and abroad.

As a member of the Aboriginal Justice Caucus, it is important that this strategy builds on the movement and foundations laid by the Aboriginal Justice Agreements, community-led reports and driven by Aboriginal community leadership in partnership with government. Caucus members have played a key role to ensure this strategy was built with young people and community by young people and community. I still clearly remember the first meeting Caucus and the department had around the strategy, in which Caucus strongly recommended a new direction that was underpinned by self-determination and genuine partnership. To the department's credit, I would like to acknowledge the steps the department has taken to work in genuine partnership with community and Caucus through the whole process of the development of this historic strategy.

This Strategy creates the framework for a new way in defining and leading supports for some of our communities most vulnerable members. As we know, for Aboriginal children and young people who come into contact with the justice system, systems and services that are meant to support them have been known to turn them away, inflict harm and push them further into the quicksand of the justice system.

I recognise the significant steps that this strategy represents in turning the tide of over-representation of Aboriginal children and young people in the youth justice system, but we must not rely on this strategy alone. The strategy presents the framework, but the action is in the responsibility of us all. It takes a community to raise a child and this strategy helps paint the picture to practice this. It starts with ensuring our systems and supports empower our children, young people and families to have a voice, to recognise Aboriginal cultural values and connection and ensure that our systems value the strengths of Aboriginal children and young people.

In 2018, KYC released the '*Ngaga-dji: hear me*' report calling on the Victorian Government to actively take steps towards change in the youth justice system and to truly hear the voices of Aboriginal children and young people. This included challenging and reframing the narratives negatively perpetuated about our children and young people who come into contact with the youth justice system. This report called upon systems to truly understand the unique role that culture, family, Elders and community play in the lives of our children and young people.

Prevention starts with community and ends with community. We must support and elevate community designed and led youth support systems that move away from punitive approaches to those which understand the holistic, collective and active work that prioritises and centres the importance of Aboriginal children and young people to be with their families and communities.

It is through this collective work that we can ensure we walk with our children and young people, as has been done in our communities for over 2,500 generations.

I want to acknowledge the role of all the children and young people who put their trust in us to create this strategy. As co-chair, know that we hear you and we will strive to support you always. I also want to thank every single supporter, organisation and/or individual, who has worked on this strategy, in particular the team at Aboriginal Youth Justice. Your collective work with Caucus and the community through the whole process has been great.

As highlighted in the Koorie Youth Council *Ngaga-dji report*, let's walk together with the leadership of Aboriginal communities to continue to break down discrimination and injustice to ensure that our children and young people grow up happy, healthy and strong in their culture and community.

Indi Clarke

Co-Chair Aboriginal Youth Justice Strategy Steering Committee
Aboriginal Justice Caucus member
and Executive Officer, Koorie Youth Council





OUR JOURNEY DEVELOPING WIRKARA KULPA

Wirkara Kulpa (the Strategy) is the first Aboriginal youth justice strategy in Victoria - it has been developed with the wellbeing of Aboriginal children and young people at its heart. It is a strategy written for and by Aboriginal children and young people and captures the aspirations and changes Aboriginal children and young people want to see in a culturally safe and responsive youth justice system. It is also a strategy that is focused on supporting Aboriginal children and young people so they remain outside the youth justice system and can live culturally rich lives.

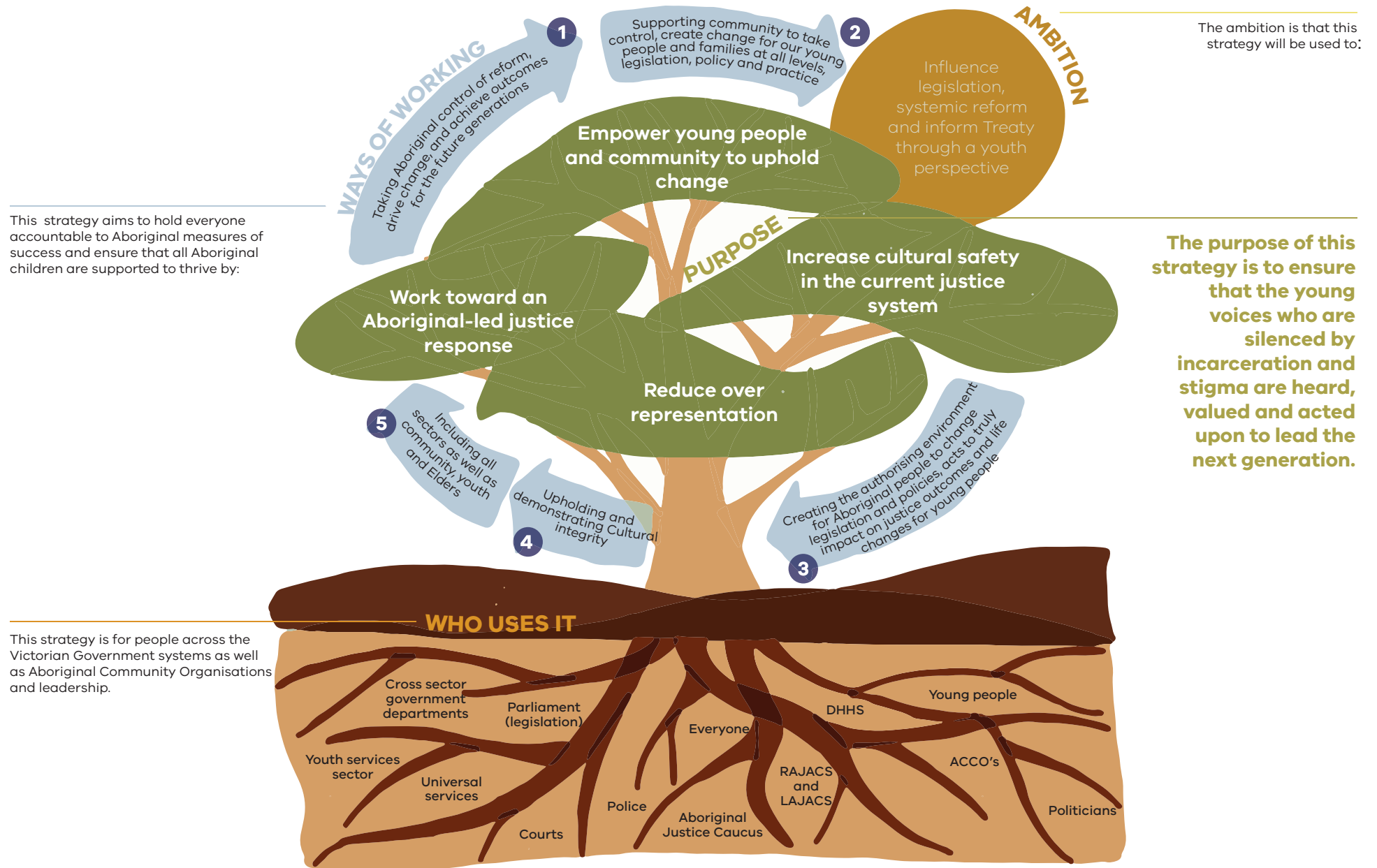
It has been led by the Aboriginal Justice Caucus, under the umbrella of the Aboriginal Justice Agreement, and is a key initiative of *Burra Lotjpa Dunguludja* (AJA4), and the *Youth Justice Strategic Plan 2020-2030*.

Like *Burra Lotjpa Dunguludja* (AJA4), the Strategy aims to further the principle of self-determination and is another important step towards meeting the joint Aboriginal community and Victorian Government commitment to improving justice outcomes for Aboriginal people and closing the gap in the rate of Aboriginal and non-Aboriginal people under Youth Justice supervision by 2031.

It has been developed in parallel with the Koori Youth Justice Taskforce and responds to 56 recommendations of the combined report from the Taskforce and the *Our Youth Our Way (2021)* Inquiry led by the Commissioner for Aboriginal Children and Young People.

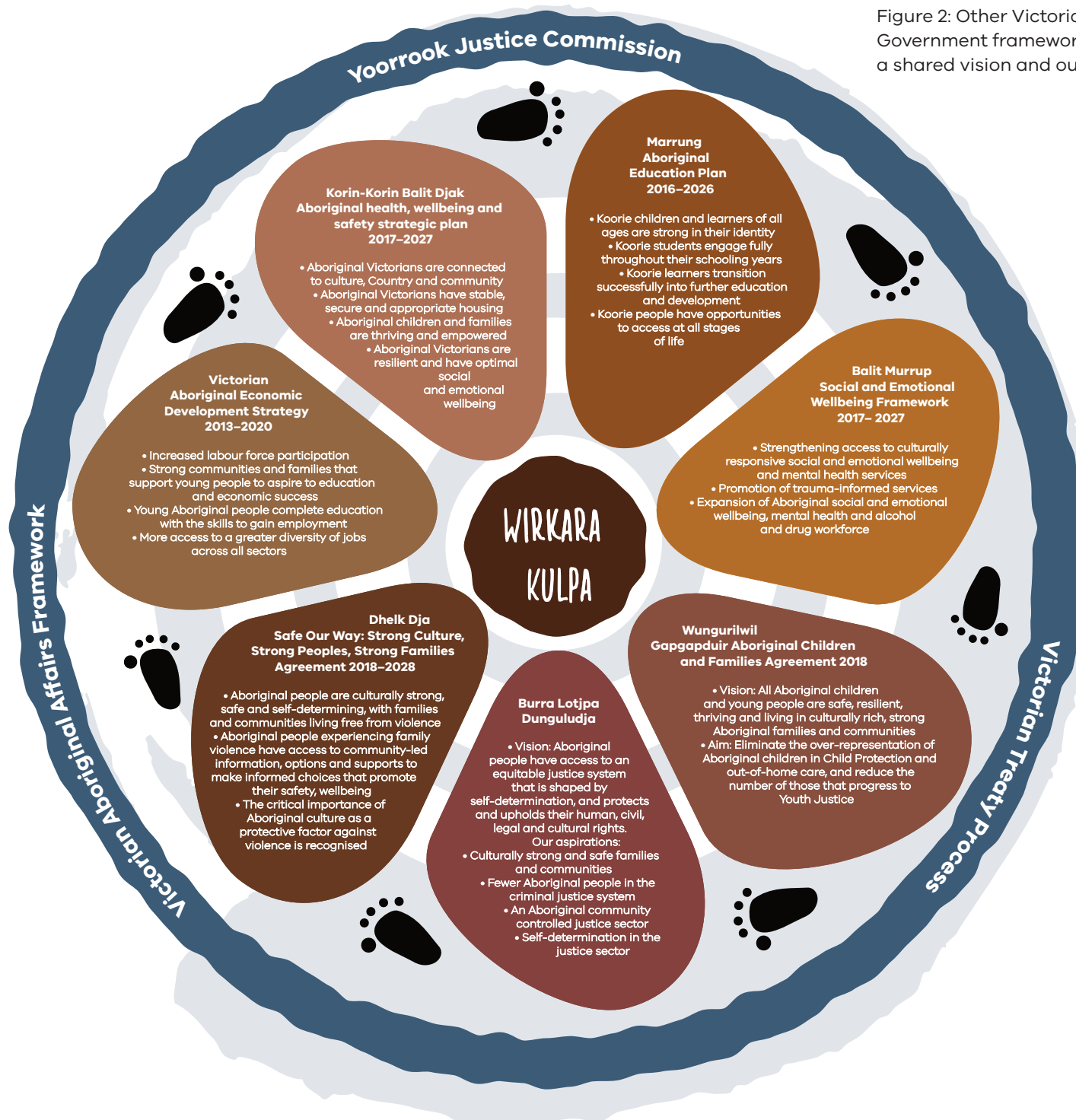
The Strategy was developed and led from the outset by the Aboriginal Justice Caucus. This process commenced with a planning workshop in 2018 where Caucus outlined their aspirations for, and approach to, creating Victoria's first Aboriginal youth justice strategy. Figure 1 is a visual representation of Caucus' plan developed on that day.

Figure 1: Our journey to develop the Aboriginal Youth Justice Strategy



Source: Weinstein, L (2018), *Outlook on an Aboriginal Youth Justice Strategy: outcomes and aspirations for a self-determined justice response*, The Australian Centre for Social Innovation (TACSI) prepared for the Aboriginal Justice Caucus and the Department of Justice and Community Safety.

Figure 2: Other Victorian Government frameworks with a shared vision and outcomes



This Strategy does not walk alone – it shares its vision with other strategies that have been developed in partnership between Aboriginal Victorians and the Victorian Government, for example *Wungurilwil Gaggapduir, Korin Korin Balit Djak, Murrung, Dhelk Dja* and *Ballit Murrup* (see Figure 2).

This Strategy also contributes to the *Partnership Agreement to Closing the Gap 2019-2029*. It covers commitments in the *Victorian Closing the Gap Implementation Plan* to achieve the national youth justice target.

The Strategy will continue to evolve in line with other significant Victorian reforms such as the Yoorrook Justice Commission, and the Victorian treaty process in line with the aspirations of the First Peoples' Assembly of Victoria.

It also has links to the Victorian Government's new *Crime Prevention Strategy* which partners with communities and key organisations to deliver innovative solutions that address the underlying causes of offending and improve community safety.

The importance of self-determination in developing this Strategy

As a fundamental right of 'peoples', self-determination is based on the notion of Aboriginal people having control over their own destiny including their social, economic, and cultural needs, and to have that right respected by others. The Victorian Government is committed to self-determination as the foundation for Aboriginal affairs and for better justice outcomes for Aboriginal people, including children and young people.

This includes the First Peoples' Assembly of Victoria that will be the voice of Aboriginal people in Victoria in the future treaty process. Across government, Aboriginal experiences and voices must be at the centre of decision-making to deliver better policies and programs that reflect community needs and aspirations. This commitment demonstrates the changing nature of the relationship between the Victorian Government and the Aboriginal community as it moves beyond partnership and towards true self-determination.

Self-determination and the justice system

There is a long history of seeking to further self-determination in Victoria's justice system. Aboriginal people's contact with the criminal justice system is well attributed to their disadvantaged and unequal position within the wider society, and the ongoing legacy of colonisation. The 1991 *Royal Commission into Aboriginal Deaths in Custody* recommended furthering self-determination and self-governance, as the key approaches to underpin efforts to reverse these impacts and to address over-representation.

The Aboriginal Justice Caucus is clear that, in the context of Victorian Government responses, self-determination **must be led by Aboriginal people**. On this basis, self-determination has been a key feature of every Aboriginal Justice Agreement since the first Agreement was signed in 2000 and has been taken to new levels by the Aboriginal Justice Caucus as the key policy focus of *Burra Lotjpa Dunguludja* (AJA4).

Embedding self-determination in the core business of justice agencies requires significant change. This process has commenced in *Burra Lotjpa Dunguludja* (AJA4).

Self-determination and Wirkara Kulpa

Aboriginal self-determination is the foundational principle that has shaped the development of Wirkara Kulpa. It joins *Burra Lotjpa Dunguludja* (AJA4) in its journey towards a goal of greater self-determination and a justice system that values and promotes Aboriginal involvement in designing, delivering and leading responses for Aboriginal children and young people:

Self-determination is doing business our way. Things work better if we implement community led solutions. If it's our vision we work towards, then our kids will grow up strong.²

Self-determination also requires an understanding of what the principle means for Aboriginal children and young people themselves. This Strategy aims to put them at the centre of decisions about themselves, and to empower and include their families in planning and decision-making processes at key points of contact with the youth justice system. This is how we can support Aboriginal children and young people to live culturally rich lives.

² Aboriginal Justice Caucus member, Self-determination and the Youth Justice System Workshop Series 2019



OUR GUIDING PRINCIPLES FOR DEVELOPING WIRKARA KULPA

This Strategy is accompanied by a set of guiding principles that has informed its development and will help to achieve our vision. These principles are underpinned by, and informed by self-determination and guide all the Strategy's actions.

These principles are centred around:

- amplifying **Aboriginal children and young people's voice and participation**
- **Aboriginal cultural values and connection**
- **valuing the strengths** of Aboriginal children and young people
- supporting **child and family centred** approaches
- embedding **trauma informed healing approaches**
- **promoting and protecting** Aboriginal children and young people's rights.

How we work together will be guided by the partnership principles and ways of working set out in *Burra Lotjpa Dunguludja (AJA4)* ([Appendix 1](#)).

Amplifying Aboriginal children and young people's voice and participation

From the start, the Aboriginal Justice Caucus has asserted the importance of amplifying the voice of Aboriginal children and young people involved with the youth justice system and ensuring their lived experience is reflected on every page – in their words, the Strategy must:

Ensure that the young voices who are silenced by incarceration and stigma are heard, valued and acted upon to lead the next generation.³

This also reflects the work of the Koorie Youth Council and their ground-breaking report *Ngaga-dji*. Aboriginal children and young people with lived experience of the youth justice system have been engaged in the Strategy's development, their experiences and needs have shaped its vision and actions.

Aboriginal cultural values and connection

Culture keeps me afloat, keeps me alive

- Ngaga-dji participant

Aboriginal cultural values and concepts of individual and collective wellbeing are key to this Strategy. Aboriginal people come from the oldest continuous culture in the world, unbroken for 65,000 years. As the Koorie Youth Council observed in *Ngaga-dji (hear me)*:

Strong connections with culture, family, Elders and communities are the foundations that enable Aboriginal children to live happy, healthy lives. By embedding the strengths of our culture, family, Elders and communities in solutions, we can address the disadvantage that leads many children into the quicksand of the justice system.⁴

Aboriginal children and young people who take pride in their culture, who are confident in their identity and connected to their families, communities and country are resilient and strong. Our work focuses on the vital role of connecting young people to country, culture, and community in addressing offending behaviour.

³ Weinstein, L (2018), *Outlook on an Aboriginal Youth Justice Strategy: outcomes and aspirations for a self-determined justice response*, The Australian Centre for Social Innovation (TACSI) prepared for the Aboriginal Justice Caucus and the Department of Justice and Community Safety.

⁴ Koorie Youth Council, 2018, *Ngaga-dji (Hear Me): young voices creating change for justice*. (p 42).



Valuing the strengths of Aboriginal children and young people

This institutional view sees kids as problems and issues, not as the future of our communities.

– Aboriginal Peak Body and Representative Group

This Strategy respects and values the strengths and resilience of Aboriginal children and young people. Fundamental to this is that Aboriginal children and young people are seen for who they are – future leaders - and beyond their offences. It works towards restoring the wellbeing of Aboriginal children and young people and their relationships with their families and communities, ensuring they have the knowledge, skills, and tools that they need to thrive, and that they are supported to take responsibility for their actions.

Supporting child and family centred approaches

My honest belief is, if we don't work with the family, we can't get to the young people.

– Aboriginal Community-based Service Provider

Families are at the heart of Aboriginal culture and communities. They are the foundation to a young person's sense of identity and social and emotional wellbeing, and the primary source of love, care, protection and belonging. Aboriginal children and young people with strong families will be strong in their identity, with the necessary supports to thrive.

This Strategy has a deliberate focus on supporting and empowering families to put in place interventions and supports needed to reduce offending and improve wellbeing. Families will be supported to walk alongside the Aboriginal children and young person through every stage of the justice process and be part of their healing journey.

Embedding trauma informed healing approaches

*The impact of the stolen generations is still there.
It's as relevant now as it was 30 or 40 years ago.*

- Aboriginal Community-based Service Provider

*To address their offending, we might have to first address their
victimization.*

- Aboriginal Community-based Service Provider

Furthering self-determination also requires addressing the legacy of colonisation including the impacts of intergenerational trauma which adversely impact the lives of Aboriginal children and young people and increases their vulnerability to justice system contact. The Strategy recognises the need for therapeutic trauma informed healing responses to address the many co-occurring issues that drive Aboriginal children and young people's contact with the youth justice system.

Promoting and protecting Aboriginal children and young people's rights

Racism. That's the elephant in the room. It's still there.

- Aboriginal Community-based Service Provider

Aboriginal children and young people are deeply affected by systemic racism, which impacts their interactions both inside and outside of the justice system. The persistent over-representation of Aboriginal children and young people in the youth justice system and the discrepancies in a wide array of justice and other social outcomes points to the continued effects of these system biases.

Some justice policies, legislation and practices have disproportionate and often unintended consequences for Aboriginal people and their families, deepening and further entrenching justice system involvement. This Strategy continues the work committed to in *Burra Lotjpa Dungaludja* (AJA4) to identify and respond to these system biases to address over-representation and ensure a fair and equitable justice system.



THE CURRENT YOUTH JUSTICE SYSTEM EXPERIENCE

Aboriginal children and young people in the youth justice system

The number and rate of Aboriginal children and young people aged 10-17 under Youth Justice supervision on an average day has shown strong signs of decreasing over recent years. Nevertheless, the over-representation of Aboriginal children and young people in Youth Justice remains high and more work is required to close the gap.

In 2020-21, there were 70 Aboriginal children and young people under Youth Justice supervision (aged 10-17) in Victoria on an average day, within this cohort, the majority (85 per cent) were under community-based supervision (on an average day) while 15 per cent were in Youth Justice custody (on an average day).⁵

⁵ *2020-21 Data has been sourced from the Youth Justice Client Relationship Information System (CRIS). This data is not published and may be subject to change.



Aboriginal children and young people are over-represented in Youth Justice

On an average day in 2019-20, Aboriginal children and young people aged 10-17 were:

10 TIMES MORE LIKELY

than their non-Aboriginal counterparts to be under **youth justice supervision.**

9 TIMES MORE LIKELY

than their non-Aboriginal counterparts to be in **youth justice detention.**

10 TIMES MORE LIKELY

than their non-Aboriginal counterparts to be under **youth justice community-based supervision.**

Source: AIHW (2021), *Youth Justice in Australia 2019-20*

But over-representation is reducing

From 2016-17 to 2019-20:

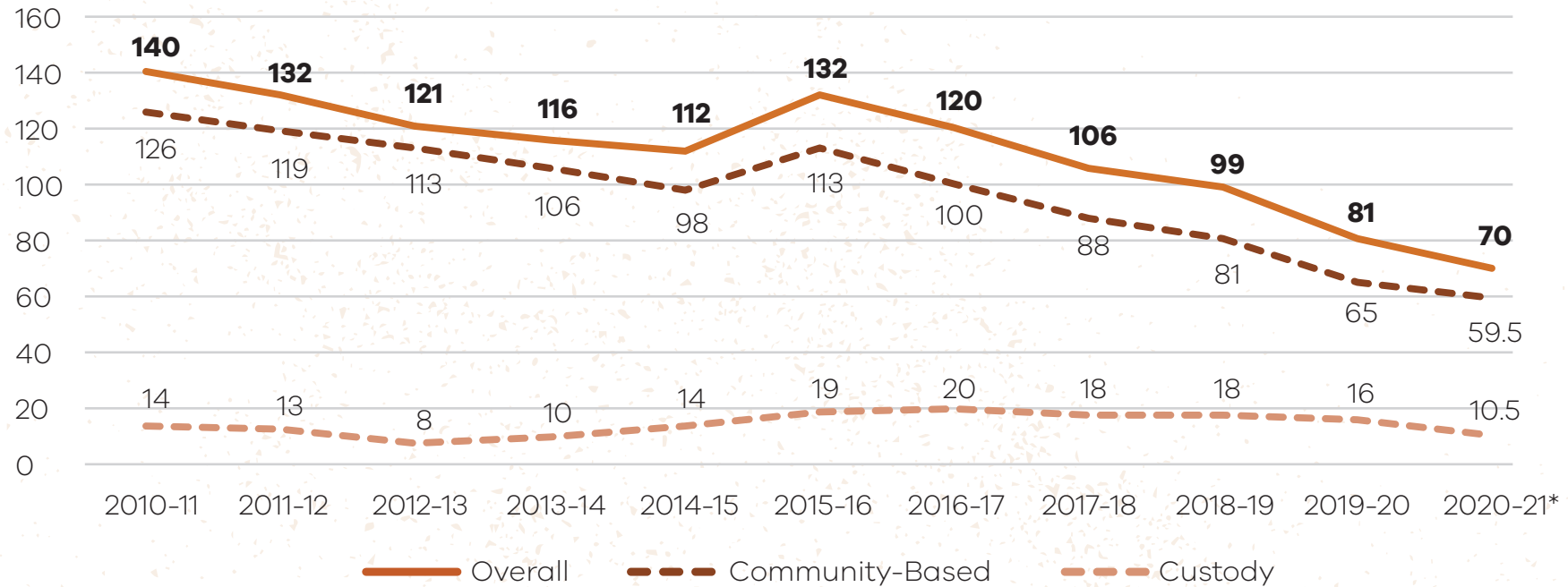
The rate of Aboriginal children and young people aged 10-17 being under youth justice supervision on an average day compared to their non-Aboriginal counterparts (rate of over-representation) **reduced by**

-28%

The rate per 1,000 population of Aboriginal children and young people aged 10-17 under youth justice supervision on an average day **reduced by**

-36%

Figure 3: The number of Aboriginal children and young people aged 10 to 17 under youth justice supervision on an average day



Source: (Historical tables 2010-11 to 2019-20): AIHW, (2021), *Youth Justice in Australia 2019-20*

* 2020-21 data has been sourced from the Youth Justice Client Relationship Information System (CRIS). This data is not published and may be subject to change.

Following the launch of *Burra Lotjpa Dungalja (AJA4)*, the number of Aboriginal children and young people aged 10 to 17 under youth justice supervision on an average day has reduced

From 2016-17 to 2020-21, there has been a:

-42%

reduction in the number of Aboriginal children and young people aged 10-17 under youth justice supervision on an average day

-41%

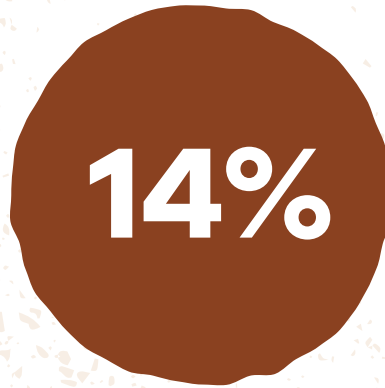
reduction in the number of Aboriginal children and young people aged 10-17 under youth justice community-based supervision on an average day

-48%

reduction in the number of Aboriginal children and young people aged 10-17 under youth justice detention on an average day

Who are the Aboriginal children and young people involved with Youth Justice?

The graphics here illustrate the cohort of children and young people under youth justice supervision. This outlines their ages, their genders, where they are based and talks about their needs. Youth Justice needs to work to identify and address the unique needs of each child and young person who is in contact with the system.



of all children and young people involved with Youth Justice in 2020-21 identified as Aboriginal



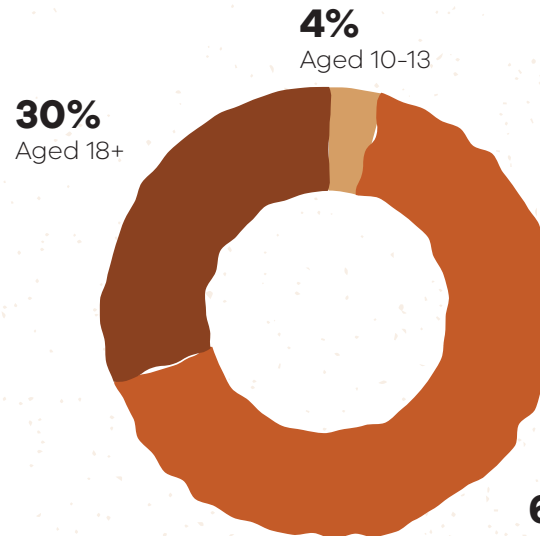
80%
Male



20%
Female



0%
Non-Binary



63%
Located in regional areas

Source: Youth Justice CRIS Data (2021)

Aboriginal children and young people in Youth Justice have complex needs that must be addressed

Amongst Aboriginal children and young people involved with Youth Justice as at 31 December 2019:

81%

were victims of abuse, trauma, or neglect

78%

had experienced family violence

94%

had a history of alcohol and/or drug misuse

72%

had been subject to a child protection report

55%

were not living with parents, relatives or kin

49%

presented with cognitive difficulties

66%

presented with mental health issues

18%

had a primary school level of education

65%

were not participating in education

Source: DJCS (2020) Annual Survey of Young People Involved in Youth Justice 2019.

“Kids are offending not because they’re very bad children, but because they come from complex backgrounds.”

- Aboriginal community member (Data Safari Project Interviewee)



Aboriginal children and young people's experience of the youth justice system

This Strategy has been developed as a direct response to what needs to change in the existing youth justice system.

The following section sets out what Aboriginal children and young people see as the key issues that need attention and focus.

The following are direct quotes from Aboriginal children and young people through the Data Safari Project, undertaken as part of the Strategy's development.



Source: Data Safari Outcomes Framework and Final Report, 2021, ThinkPlace, prepared for the Department of Justice and Community Safety, Victorian State Government.

"My old worker - he'd just listen. It was mad. He was like a brother boy."

"I want to return to Country because then I know who I am and the sense of realising that I'm not alone now...I'll be connected."

"I want to find out a lot more about where we're from - I want to know my relations."

I want to be connected to my culture and know where I am from

I need a worker who can understand me and will stick with me

I want parts of the system to talk to each other, so I don't have to repeat my story

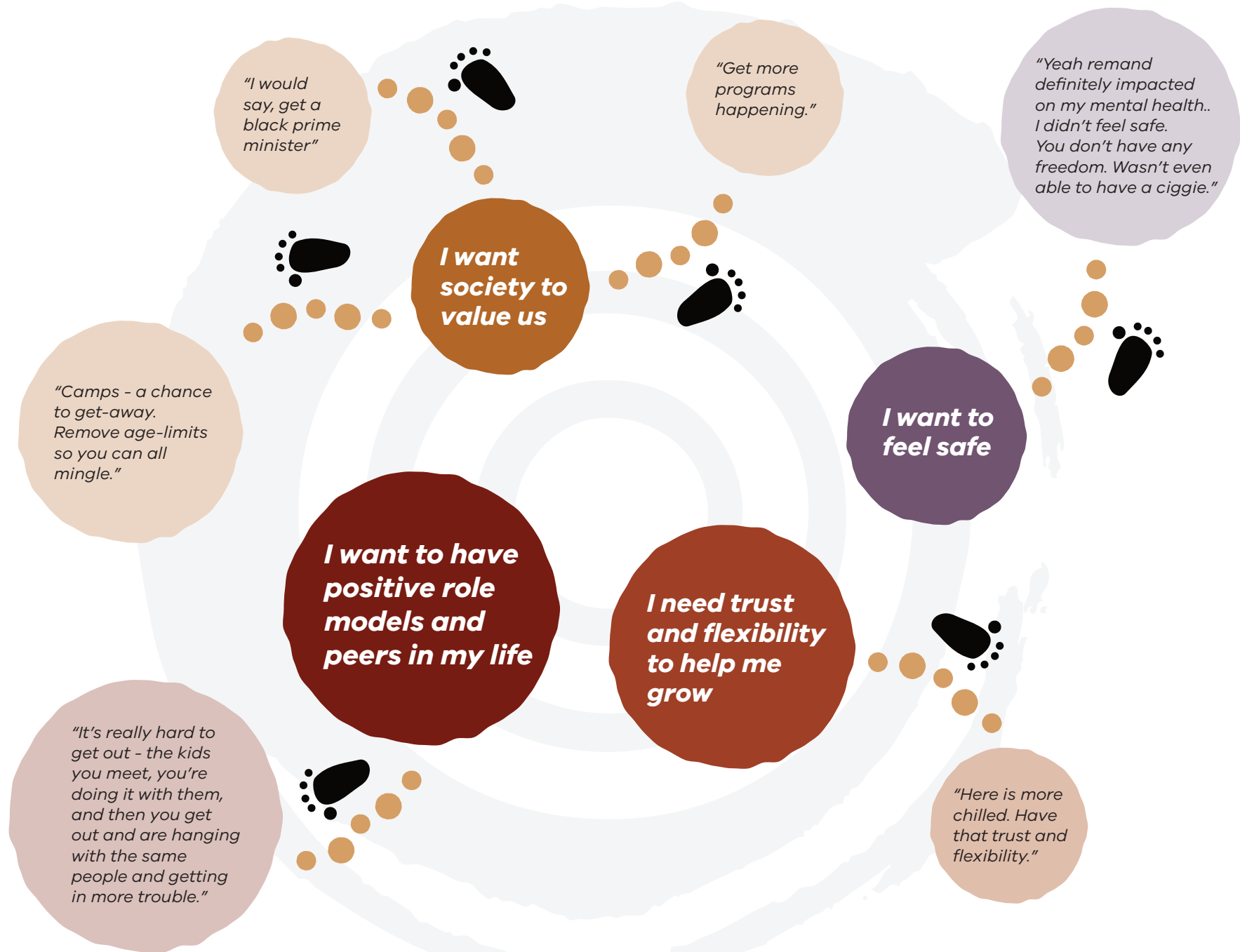
"I'd want more workers that understand what it's like to be Aboriginal, how to help us go through the journey, and know what's going on at home."

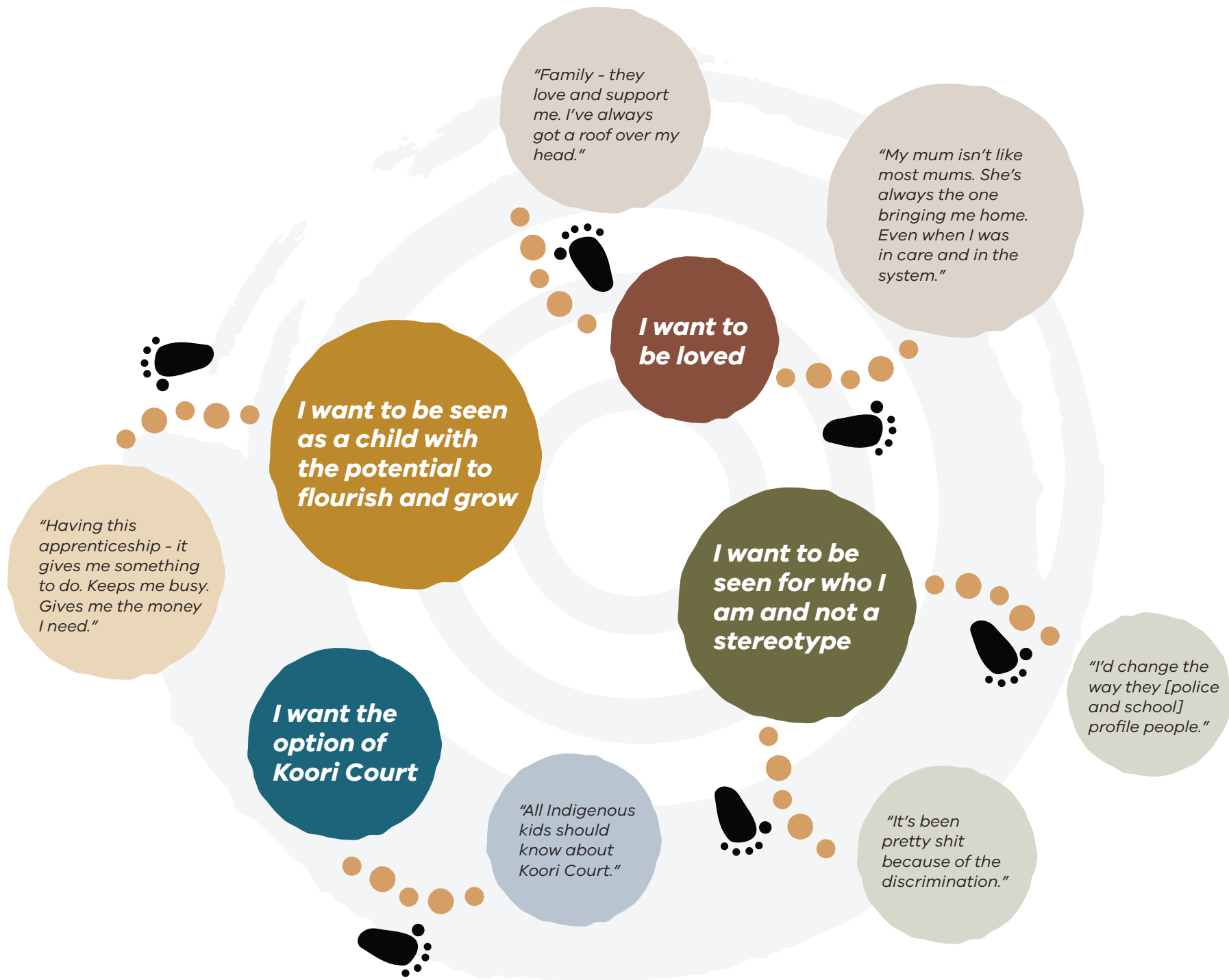
I want a broader range of options/jobs in community

"If you're not going to work with me I'm done repeating myself to you mob. I know what I want so I'm gonna go do that - At BWAYS [I] have only had 2 support workers so I didn't need to repeat myself."

"We need a broader range of job options out here."

Source: Data Safari Project





THE WAY FORWARD

Our vision

Our vision is that Aboriginal children and young people are not in the youth justice system. This is because they are strong in their culture, connected to families and communities, and living healthy, safe, resilient, thriving and culturally rich lives.



Creating a future narrative for Aboriginal Youth Justice: a visual representation

Our vision and approach
are best represented by the
following art work from
Kiewa Tya Austin-Rioli.

Kiewa Tya Austin-Rioli ***Sweet Water Art***

I am a proud Gunditjmarra and Tiwi Islander woman.

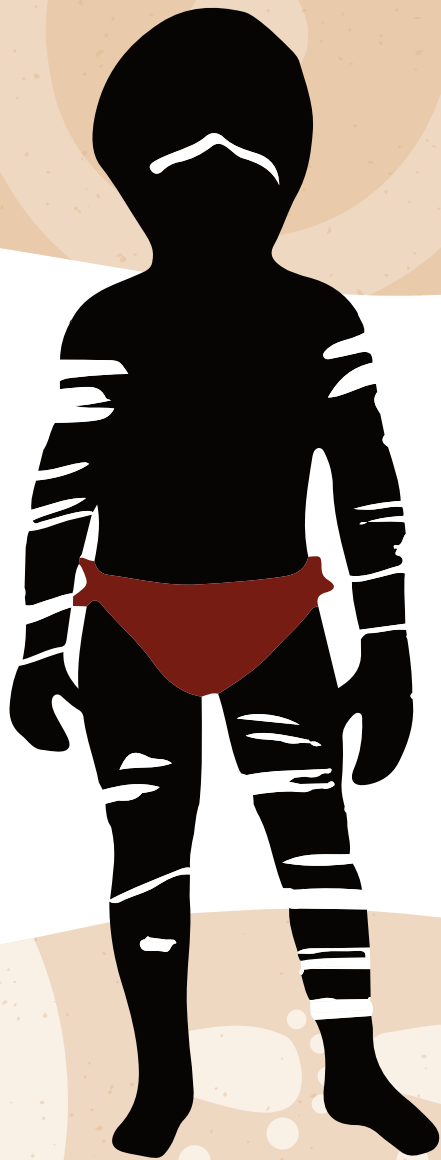
I have loved art since I was little and in the past year have been exploring the digital art space. I have always been able to take a story and turn it into art and that is exactly what I have done with the artworks for these art pieces.

After meetings with the Aboriginal Youth Justice team about what kind of story they wanted to present, I sat down for hours planning and designing a piece that I thought would represent all the messages they wanted to show. Through this process I was constantly reflecting back on my life and thinking about my family and friends that I have seen go through the justice system and what they experienced.

I wanted to highlight that their journey through all of this is not an easy one but there are a lot of support networks along the way that can help young people get out of the cycle and heal.

I also wanted to emphasise that there are layers of support for each person and although their support networks may be different there is always a network there for someone. Additionally, the colour palette is natural and promotes a sense of healing rather than being bold or colourful.





An Aboriginal young person stands on Country. They are surrounded by a support network, as represented by the four elements inside the circle. The symbols (clockwise from North) represent their family, their culture, their community, and the Justice system and all its connections. The supports do not function in isolation, nor does one outweigh another, but rather they intertwine and intermingle (represented by the cross-hatching) to provide whole, holistic support to a child as they grow.

This means that if a child comes into contact with the youth justice system, they are provided with support from the system, but this support works in conjunction and is balanced with support from the other entities. This support, provided by the four elements, protect and nurture a child (represented by the bold line and outer circle).

Handprints in the background highlight the support network's role in guiding, supporting and building strength in a child.

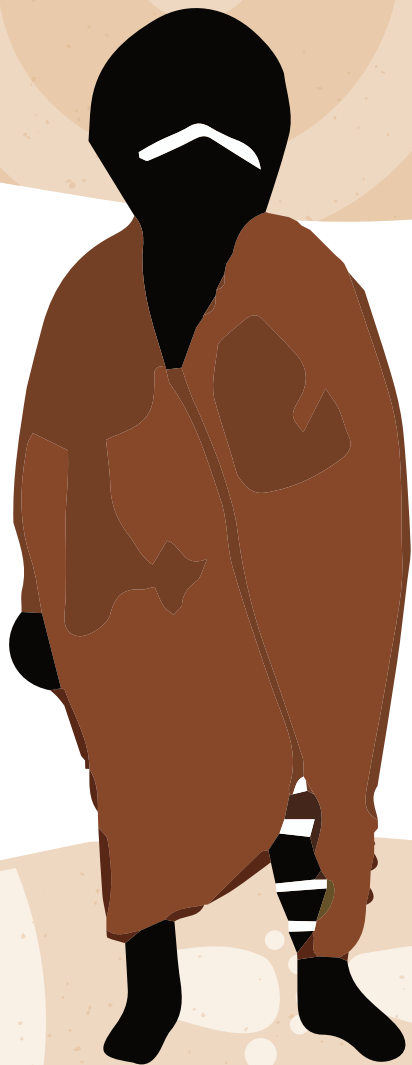




An Aboriginal young person in their circle of support is surrounded by an additional layer. The design inside the outer circle represents the different groups within community that can support a child. These groups can work together to support, protect, and empower a child to help them grow strong and flourish.

In the context of an Aboriginal-led youth justice system, they provide a child with what they need to heal, grow and learn, connect with others and find belonging, and to be strong in their culture and identity. These community groups may differ depending on the young person's journey and therefore they do not represent a singular entity.





An Aboriginal young person and their layers of support are shown in the centre of the artwork. Surrounding them is a series of connecting circles and lines that represent a young person's journey through the youth justice system. Each circle represents a different stage of their journey through the youth justice system. At each circle, a trail of footprints leads them back to their support network, representing the pathways and 'off-ramps' that the future system will provide for young people to be supported by their network. At each circle, or stage in the system, there are a number of people that support that young person.

As a young person gets further along in their journey, these pathways get longer, and the number of supports involved increase. This highlights the notion that the further along in the justice system a young person is, the harder it is and the longer it takes to get out and back to community. The lines that connect the stages of the system are jagged and represent the tough journey young people endure when they go through the system. The shields symbolise community protecting the young person from re-entering the youth justice system, while the gum leaves around the outside represent the healing process.



Our key domains (key priorities)

To achieve our vision, we will focus on five key priorities (domains) over the next ten years. These reflect critical areas in which outcomes need to be achieved for all children and young people. These key priorities (domains) are:

1. **Empowering Aboriginal children and young people, and families to uphold change**
2. **Protecting cultural rights and increasing connection to family, community, and culture**
3. **Diverting young people and addressing over-representation**
4. **Working towards Aboriginal-led justice responses**
5. **Creating a fair and equitable system for Aboriginal children and young people.**

Empowering Aboriginal children and young people, and families to uphold change

The first domain aims to amplify the voice of Aboriginal children and young people, their families and communities and increase their involvement in decision making at the individual and collective level, to improve individual outcomes as well as shaping the overall youth justice system. This will drive better outcomes at both the individual level as well as shape a system that is more responsive and effective.

Protecting cultural rights and increasing connection to family, community, and culture

The second domain recognises and embeds culture as the foundation for Aboriginal children and young people's wellbeing. Culture is both protective and a critical element in building successful interventions that allow children to thrive. The best outcomes can be achieved by children being connected with their community and strong in their culture.

Diverting young people and addressing over-representation

The key focus of this domain is preventing Aboriginal children and young people from entering the youth justice system, creating pathways out of it, and stopping their return. It focuses on understanding who Aboriginal children and young people are, their experience of the youth justice system and what they need. The central role that trauma and victimisation plays in driving contact is recognised and healing approaches are emphasised.

Working towards Aboriginal-led justice responses

Aboriginal children and young people do better with Aboriginal-led supports provided by Aboriginal organisations, and ideally in their local communities. The focus of this domain is recognising and strengthening the Aboriginal Community Controlled Organisation sector role in youth justice service provision as Aboriginal people understand the needs of their local communities. Aboriginal communities have expressed their desire for a greater role in the care and management of their children who are at risk of entering or under youth justice supervision.

Creating a fair and equitable system for Aboriginal children and young people

The fifth domain is Aboriginal children and young people having access to a fair and equitable youth justice system. This involves addressing the legacy of colonisation that has often had unintended consequences for Aboriginal children and young people and their families. Addressing racism and discrimination, unconscious bias and cultural ignorance is critical. Aboriginal families and communities must feel safe and protected when interacting with the youth justice system.

Our Goals

Our goals reflect what we want to achieve over the life of the Strategy. They are directly informed by what Aboriginal children and young people have said they want and need for the youth justice system to be more effective, and they match to the domains.

(See Figure 4).

Figure 4. What Aboriginal children and young people want and need



"First and foremost, I am treated like a child."



"My complex needs are understood, and my path is healing me, not harming me."



"I am supported to be strong in my Aboriginal identity and culture."



"I am always connected to family and community."



"I am seen as a future leader and my strengths are built upon."



"I have the right supports at the right time and I am never left to walk alone."

Our outcomes

Under each goal a set of outcomes have been developed that describe the impact this Strategy intends to have. This is to help us to ultimately measure success – see section *'How we will deliver this Strategy and monitor success'*.

The following summarises our domains (key priorities); our goals for children and young people and the outcomes we are aiming to achieve over the life of this Strategy.

DOMAIN 1

Empowering Aboriginal children and young people, and families to uphold change

GOAL

1.1 My voice is always heard, and my family and I are involved in decisions about me

OUTCOMES

1.1.1 Aboriginal children and young people and families are involved in planning and decision making at every stage

1.1.2 Aboriginal children and young people have greater roles in leadership, governance and decision making

GOAL

1.2 My strengths are recognised and built upon, and I am seen as a future leader

OUTCOMES

1.2.1 Aboriginal children and young people feel valued and respected

1.2.2 Aboriginal children and young people are provided with many opportunities to learn and grow

DOMAIN 2

Protecting cultural rights and increasing connection to family, community, and culture

GOAL

2.1 My cultural rights are upheld, and I am strong in my culture and identity

OUTCOMES

2.1.1 Aboriginal children and young people are more connected to culture, family and community

2.1.2 Programs, services, spaces and environments are culturally safe and responsive

GOAL

2.2 I am at all times connected to my family and community; they are an important part of me

OUTCOMES

2.2.1 Families are supported to address justice issues and minimise the effects of justice system involvement

DOMAIN 3

Diverting young people and addressing over-representation

GOAL

3.1 First and foremost, I am treated as a child with care and respect

OUTCOMES

3.1.1 The youth justice system is child and adolescent centred and age appropriate

GOAL

3.2 My first contact with the justice system is my last

OUTCOMES

3.2.1 Fewer Aboriginal children and young people become involved with the youth justice system, including from the child protection system

3.2.2 More Aboriginal children and young people are diverted from the youth justice system

3.2.3 Fewer Aboriginal children and young people are in the community-based youth justice system

3.2.4 Fewer Aboriginal children and young people enter custody

3.2.5 Fewer Aboriginal children and young people return to youth justice supervision

3.2.6 More Aboriginal young people have safe and stable living arrangements

GOAL

3.3 I am never left to walk alone; I am supported to heal

OUTCOMES

3.3.1 Aboriginal children and young people's risks and needs are addressed

3.3.2 Aboriginal children and young people access programs that are evidence based, culturally safe and responsive

3.3.3 More Aboriginal children and young people are provided with supported transition from custody into the community

DOMAIN 4

Working towards Aboriginal-led justice responses

GOAL

4.1 My community is involved in leading and building a culturally strong and safe youth justice system

OUTCOMES

4.1.1 Aboriginal organisations are supported and enabled to deliver youth justice programs and services

4.1.2 Aboriginal community-led youth justice services are accessed by Aboriginal children and young people and their families in their communities

DOMAIN 5

Creating a fair and equitable system for Aboriginal children and young people

GOAL

5.1 I will be treated fairly by a system that values diversity and inclusion

OUTCOMES

5.1.1 The youth justice workforce is culturally aware and responsive

5.1.2 The youth justice system is free from racism and discrimination, and values gender and sexual diversity

GOAL

5.2 I feel safe and confident accessing services provided by Youth Justice

OUTCOMES

5.2.1 The system is accountable to protecting the health, wellbeing, and rights of Aboriginal children and young people



Our actions

Our actions represent the most significant reforms, initiatives, and programs we will deliver over the life of this Strategy. The actions are how we will achieve our outcomes. They complement actions within *the Youth Justice Strategic Plan 2020-2030* and *Burra Lotjpa Dunguldja (AJA4)*.

Actions are outlined in the tables that follow:



DOMAIN 1

EMPOWERING ABORIGINAL CHILDREN AND YOUNG
PEOPLE, AND FAMILIES TO UPHOLD CHANGE

GOAL

1.1 My voice is always heard, and my family and I are involved in decisions about me

Outcomes

1.1.1 Aboriginal children and young people and families are involved in planning and decision making at every stage.

1.1.2 Aboriginal children and young people have greater roles in leadership, governance and decision making.

What it means for the young person

- My family and I are encouraged and supported to be involved in making plans and decisions.
- My family and I are empowered to effect change and hold people and systems accountable.
- I have trusted workers to support my family and I through processes when decisions are being made which affect me.
- I am supported to take responsibility for my actions and restore any harm in my community and family.

What we will do 2022-2032

- Include **families in planning and decision-making** at every stage of their involvement with the justice system, including by giving families clear information about what to expect from Youth Justice, and what is expected from them. Oversight this work through the case management review panels.
- Deliver a **'trusted worker'** approach that identifies a trusted worker for every Aboriginal child and young person in Youth Justice so that they have a key role in youth justice case management and decision making.
- Build the **capacity for staff, including those in Aboriginal Community Controlled Organisations, to act as 'trusted workers'** through training. Support their role through the case management review panels.
- Improve Aboriginal children and young people's **participation in Youth Justice processes**, including in policy, practice and program design and implementation. We will do this by:
 - funding the Koorie Youth Council to develop a model for Aboriginal children and young people's voice and participation in Youth Justice.
 - developing Aboriginal youth participation principles and implementing a training program for staff.
 - supporting engagement in existing youth leadership forums such as Koorie Youth Council, the Parkville Youth Leadership Council, and other regional forums.
- Explore options to **introduce new Aboriginal family group conferencing and more restorative approaches** as part of the new Youth Justice Act.

GOAL

1.2 My strengths are recognised and built upon, and I am seen as a future leader

Outcomes

1.2.1 Aboriginal children and young people feel valued and respected.

1.2.2 Aboriginal children and young people are provided with many opportunities to learn and grow.

What it means for the young person

- I am empowered to identify and build upon my strengths.
- My time involved with Youth Justice programs and services will help me to gain the skillsets, knowledge, and supports I need to thrive.
- I am seen as a future leader and can meet my cultural obligations and responsibilities.

What we will do 2022-2032

- Provide more **strengths-based mentoring programs** for Aboriginal children and young people in custody and community through Aboriginal organisations and Elders.
- Engage Aboriginal leaders, Aboriginal community organisations and businesses to deliver **leadership development opportunities** for Aboriginal children and young people in community and in custody.
- **Boost educational opportunities and focus on engaging Aboriginal children and young people in education** jointly with the Department of Education and Training by:
 - expanding educational and cultural support in custody through a **secure internet platform**.
 - embedding **Aboriginal Leaders within the Parkville College** staffing profile to support young people in custody, to learn about country and history, achieve academic milestones and create more culturally sensitive classrooms.
 - supporting **entry and transition from custody** through Parkville College Transitions Team and Youth Justice Education Pathway Coordinators.
- Support Aboriginal children and young people to **remain connected to education and training pathways** when appearing before the Children's Courts through the Education Justice Initiative.
- Improve **vocational learning support and living skills** to Aboriginal children and young people to increase their employment prospects, including through **introducing on country work arrangements in partnership with Traditional Owners**.
- Support Aboriginal children and young people's **participation in the custodial Sports Academy** and help them participate in community support post release to harness their talents and strengths.
- Create an **evidence base** about best practice including about **strengths-based, and family-based models of support and care** and create opportunities for ACCOs to share this practice.
- **Review and refresh Youth Justice training programs** to reflect strengths-based approaches and integrate Aboriginal cultural rights and culturally appropriate practices into all aspects of Youth Justice induction and refresher training.



DOMAIN 2

PROTECTING CULTURAL RIGHTS AND INCREASING
CONNECTION TO FAMILY, COMMUNITY, AND CULTURE

GOAL

2.1 My cultural rights are upheld, and I am strong in my culture and identity

Outcomes

2.1.1 Aboriginal children and young people are more connected to culture, family and community.

2.1.2 Programs, services, spaces, and environments are culturally safe and responsive.

What it means for the young person

- I can learn about my culture from my Elders, family, and community so I can be strong in my identity and connected to my community. This helps me to heal and grow.
- My cultural identity is recognised, enhanced, and supported throughout my contact with the youth justice system.
- I feel safe and assured that my contact with the youth justice system is culturally safe.
- I can see my culture portrayed in a positive way throughout my contact with the youth justice system.

What we will do 2022-2032

- Integrate **cultural support planning processes within case management** so that:
 - every Aboriginal child and young person has a cultural support plan that strengthens their cultural identity and identifies support that best meet their cultural needs, and consider legislative options to require plans.
 - families and/or trusted workers are meaningfully involved in the development of the plan with the young person.
 - plans can be shared across relevant agencies with the young person's consent.
- Deliver a **single cultural plan that can be shared** by all agencies working with Aboriginal children and young people and ensure effective quality assurance and monitoring mechanisms are in place.
- Ensure all Aboriginal children and young people have access to an **Aboriginal Liaison Officer** to respond to their cultural needs and proactively support family visits and communication support.
- Establish **dedicated Aboriginal positions in the Classification and Placement Unit** to drive placement decisions for Aboriginal young people.
- **Provide access to cultural leave** so that Aboriginal children and young people can meet their cultural responsibilities and obligations.
- Support the work of the Children's Court of Victoria to:
 - **refresh the Children's Koori Court** and explore its further expansion in Victoria
 - explore **establishing a 'cross over list'** for Aboriginal young people involved in both the criminal and family divisions of the Court
 - embed **Aboriginal self-determination principles and strengthen cultural overlays in all court-based programs and services** including in the development of therapeutic justice and early intervention models in court contexts.
- Provide **dedicated spaces in Youth Justice custodial precincts** to respond to the cultural needs of Aboriginal children and young people, including in any future redesign of Youth Justice custodial precincts.
- Monitor cultural safety in **health care delivery** in Youth Justice to improve access to, and the quality of health care to Aboriginal young people.
- Improve access to **youth offending programs and make sure they are culturally appropriate and culturally competent.**
- Consider the provision of **Aboriginal specific youth behavioural change/healthy relationships programs**, that are culturally appropriate and delivered by Aboriginal Community Controlled Organisations.

GOAL

2.2 I am at all times connected to my family and community; they are an important part of me

Outcomes

2.2.1 Families are supported to address justice issues and minimise the effects of justice system involvement.

What it means for the young person

- The youth justice system understands that families are part of the solution and at the heart of Aboriginal culture and community and are the foundation to my sense of identity and wellbeing.
- My family and community is supported to walk alongside me and be part of my healing journey, because if my family is strong and safe, I am strong.
- I am always connected to my family, kin, and community. There is always someone who can protect and guide me, including if I am in custody.

What we will do 2022-2032

- Explore **on-country alternatives to remand and custody** to keep Aboriginal children and young people close to their families and communities.
- Keep families safely together by developing a new, Aboriginal led **culturally safe family therapeutic alternative to Multi-Systemic Therapy (MST)** and provide access to Aboriginal children and young people in Youth Justice who are also parents.
- Explore opportunities for an **Aboriginal led model of Aboriginal family intensive case management** and support for families involved in the youth justice system.
- **Provide more material and practical supports** for families through **brokerage funds**.
- Provide **more housing options** for Aboriginal children and young people that keep them connected to their family and community through the Kids Under Cover initiative.
- Leverage targeted funding packages to provide **needs-based supports for young people and their families**.



DOMAIN 3

DIVERTING YOUNG PEOPLE AND ADDRESSING
OVER-REPRESENTATION

GOAL

3.1 First and foremost, I am treated as a child with care and respect

Outcomes

3.1.1 The youth justice system is child and adolescent centred and age appropriate.

What it means for the young person

- My needs as a child are recognised and met with a healing approach.
- I am treated appropriately for my age and developmental needs as a child and young person.
- I am seen for who I am, and for my potential, not for my mistakes (offence or my order). My dreams, desires and strengths are recognised and promoted.

What we will do 2022-2032

- Continue to participate in the **national review of the age of criminal responsibility**, including investigating alternatives to custody for children aged 10-13 years.
- Fund and deliver **early intervention family service and specialist family practitioners** to support Aboriginal children and young people aged 10-13 years to stay in school and at home and actively engaged in their communities.
- **Train Youth Justice staff** to work effectively with Aboriginal children and young people, including through the practice framework for custodial staff.
- Implement the **Keeping Aboriginal children and young people aged 10-13 years out of the youth justice system project**.

GOAL

3.2 My first contact with the justice system is my last

Outcomes

- 3.2.1 Fewer Aboriginal children and young people become involved with the youth justice system, including from the child protection system.
- 3.2.2 More Aboriginal children and young people are diverted from the youth justice system.
- 3.2.3 Fewer Aboriginal children and young people are in the community-based youth justice system.
- 3.2.4 Fewer Aboriginal children and young people enter custody.
- 3.2.5 Fewer Aboriginal children and young people return to youth justice supervision.
- 3.2.6 More young people have safe and stable living arrangements.

What it means for the young person

- I am given pathways out at the earliest opportunity and more chances to succeed.
- Services and support are provided during the times of day I am most at risk
- People notice when I need help, and early. I am given sustained support from trusted workers to find my way back to family and community and repair any harm.
- Every effort is made to avoid custody even for short periods

What we will do 2022-2032

- Establish Balit Ngulu through the Victorian Aboriginal Legal Service to provide **culturally appropriate legal services** to Aboriginal children and young people.
- Increase **pre-charge diversion and cautioning opportunities** including by:
 - exploring options for **cautioning schemes** as part of the new Youth Justice Act to divert children away from the youth justice system.
 - supporting delivery of the government's new **Crime Prevention Strategy** to intervene early to help young people avoid offending and prevent contact with police, the courts and youth justice.
 - making the Victoria Police **Aboriginal Youth Cautioning Program** available in **more locations** across the state.
- **Improve after-hours services**, including through:
 - providing some afterhours support through the Community based Aboriginal Youth Justice Program.
 - access to bail to keep Aboriginal children and young people out of remand.
- **Increase participation** by Aboriginal children and young people in the **Children's Court Youth Diversion Service**.
- **Increase police referrals to Aboriginal services**, such as the Aboriginal Youth Support Service, when Aboriginal children and young people come in contact with the police.
- **Support Aboriginal children and young people to transition out of Youth Justice** by working through the Through Care program and advocate to the Commonwealth Government for long term funding.
- Work across government and Aboriginal community to develop a strategy to **divert Aboriginal children and young people in out-of-home care** from entering or progressing in the youth justice system.

GOAL

3.3 I am never left to walk alone; I am supported to heal

Outcomes

- 3.3.1 Aboriginal children and young people's risks and needs are addressed.
- 3.3.2 Aboriginal children and young people access programs that are evidence based, culturally safe and responsive.
- 3.3.3 More Aboriginal children and young people are provided with supported transition from custody into the community.

What it means for the young person

- The trauma that I have experienced, and the things I do because of it are recognised, understood, and responded to in a culturally connected, holistic, trauma-informed and healing way.
- It is understood that I may have many complex issues and it may take longer for me to make these changes.
- If I am in custody, I am helped to prepare for my return to my family and community as early as possible.

What we will do 2022-2032

- **Expand the Community-Based Aboriginal Youth Justice Worker program** to keep Aboriginal children and young people out of the youth justice system by working to their strengths.
- **Expand the Baroona Redevelopment Project** to provide more residential bail support and healing programs for Aboriginal girls and young women.
- Commence **case management review panels** so that care and supports address the strengths, risks, and needs of Aboriginal children and young people, and issues contributing to their over-representation.
- **Improve mental health and alcohol and other drug supports** in Youth Justice custody as part of the response to the Royal Commission into Victoria's Mental Health System.
- Develop an **Aboriginal social and emotional wellbeing strategy** for Aboriginal children and young people involved in Youth Justice. The Strategy will emphasise positive wellbeing as integral to a suicide and self-harm prevention approach.
- Provide **Aboriginal-led intensive case management** for high risk and complex needs Aboriginal children and young people on bail and community-based orders.
- Seek the views of Aboriginal children and young people on the scope and focus of a strategy to **address the specific needs of Aboriginal victims of crime**, to complement and build on work conducted as part of *Burra Lotjpa Dunguludja (AJA4)*.
- Develop linkages with Aboriginal Community Controlled Organisations to **provide culturally safe support to Aboriginal children and young people who are victims of crime** through the Child Witness Service and Intermediary Program.



DOMAIN 4

WORKING TOWARDS ABORIGINAL-LED JUSTICE RESPONSES

GOAL

4.1 My community is involved in leading and building a culturally strong and safe youth justice system

Outcomes

4.1.1 Aboriginal organisations are supported and enabled to deliver youth justice programs and services.

4.1.2 Aboriginal community led justice services are accessed by Aboriginal children and young people and their families in their communities.

What it means for the young person

- If I have offended, my community plays a central role in my care and planning and will be able to develop and design resources for me.
- Wherever I go, I will receive consistency of services and continuity of care, that will travel across Aboriginal community organisations.

What we will do 2022-2032

- Set up at least one **Aboriginal Youth Justice Hub** to deliver community-based services that keep Aboriginal children and young people connected to family, community, and culture, and explore options for more hubs in additional locations.
- Embed **Aboriginal specific principles in the new Youth Justice Act** that set out practical ways to further self-determination and achieve Aboriginal led responses. For example, this includes considering:
 - an Aboriginal statement of recognition that acknowledges structural racism
 - Aboriginal specific principles to facilitate self-determination, and
 - a duty to develop strategic partnerships to share information and allow for the progressive transfer of authority.
- **Establish an Aboriginal Community Controlled Organisation sector sub-committee of the Youth Collaborative Working Group to:**
 - advise on ways to support Aboriginal organisations to care for Aboriginal children and young people and their families in contact with the justice system, including workforce development, capacity building and sector development
 - host two Aboriginal Community Controlled Organisation sector roundtables per year with the Minister for Youth Justice to focus on the ACCO experience in caring for and managing Aboriginal children and young people in contact with the youth justice system
 - support the Aboriginal Community Controlled Organisation sector to design and innovate new Aboriginal Youth Justice programs and services.
- Provide **stable and sustainable funding and explore outcome-based funding models** (minimum three-year cycle) for programs and services delivered by Aboriginal community organisations to increase program efficiency and stronger engagement with Aboriginal children and young people.
- Adopt **Aboriginal-first principle in commissioning programs and services** including Aboriginal Community Controlled Organisation's right of first refusal.
- **Share data and information** to provide Aboriginal organisations with the full picture of the child and community trends to enable Aboriginal led responses.
- Provide community based Aboriginal Youth Justice Programs with **additional brokerage funding** to deliver cultural strengthening activities and practical support to Aboriginal children and young people and their families.
- Explore options as part of the new Youth Justice Act to establish an **Aboriginal division of the Youth Parole Board** to promote self-determination and deliver more culturally appropriate parole responses.



DOMAIN 5

CREATING A FAIR AND EQUITABLE SYSTEM FOR
ABORIGINAL CHILDREN AND YOUNG PEOPLE

GOAL

5.1 I will be treated fairly by a system that values diversity and inclusion

Outcomes

5.1.1 The youth justice workforce is culturally aware and responsive.

5.1.2 The youth justice system is free from racism and discrimination, and values gender and sexual diversity.

What it means for the young person

- My specific needs, such as being transgender, gender diverse, LGBTQI+, a young person with a disability or a young woman, are recognised and supported.
- When accessing services and interacting with people, I am not subject to racism, discrimination, cultural ignorance or unconscious bias.

What we will do 2022-2032

- **Embed a dedicated course unit in the Certificate IV in Youth Justice** to deliver a culturally safe and responsive Youth Justice Custodial Service. Strengthen induction and refresher training for community-based Youth Justice staff on how to deliver a culturally safe and responsive service.
- Engage Aboriginal leaders, community organisations and young people to design fit for purpose training programs to **ensure youth justice custodial and community staff develop skills that are culturally appropriate and culturally competent.**
- Improve **gender responsive services through the Aboriginal Youth Justice Worker** expansion.
- Deliver **more specialist support for Aboriginal girls and young women** in custody and in the community that help to address trauma and family violence.
- Ensure more **specialist support for Aboriginal children and young people who have experienced family violence-related trauma**, particularly young men and young women who go on to use violence in their relationships.
- Provide **cultural and unconscious bias awareness workforce training and programs** and services that are inclusive.
- Ensure that there are appropriate **grievance processes** to address discrimination and racism in employment and the provision of services.
- Support Aboriginal children and young people with a disability by employing an **Aboriginal specific disability advisor role.**
- Develop an operational protocol between Youth Justice and the Koori worker in the Disability Advice and Response Team (DART) at the Children's Court of Victoria to **enable a joint approach to responding to the disability related needs of Aboriginal children and young people.**
- Explore **new models of custodial care for LGBTQI+ Aboriginal children and young people** that are culturally responsive, inclusive, and effective.
- Ensure the Aboriginal social and emotional wellbeing strategy addresses the **specific needs of young men, young women, young people with a disability, and LGBTQI+ children and young people.**
- Run a **dedicated recruitment campaign to increase Aboriginal Youth Justice staff.**

GOAL

5.2 I feel safe and confident accessing services provided by Youth Justice

Outcomes	5.2.1 The system is accountable for protecting the health, wellbeing, and rights of Aboriginal children and young people.
What it means for the young person	<ul style="list-style-type: none">• I feel safe and confident when I need to access services provided by Youth Justice.• If a problem arises within my time involved within Youth Justice, there are mechanisms that will identify and address these issues.
What we will do 2022-2032	<ul style="list-style-type: none">• Develop a performance framework that promotes information sharing about Aboriginal children and young people and children's experiences in the youth justice system and sets justice related targets and accountability measures to improve young people's outcomes.• Improve compliance and assurance systems to guarantee quality and service delivery of youth justice responses for Aboriginal children and young people.• Deliver information material for Aboriginal children and young people about youth justice services; work with the Victorian Aboriginal Legal Service to promote legal rights and an understanding of the role of the Commission for Children and Young People and the Victorian Ombudsman.• Explore options to strengthen safeguards for children in custody as part of the new Youth Justice Act.• Reduce the use of isolation in Youth Justice custodial precincts, as part of the Custodial Services operating philosophy, and continue to report to the Aboriginal Justice Forum on the extent of use and publish data on a quarterly basis.• Conduct the Youth Justice Survey to understand the needs of Aboriginal children and young people on an annual basis.• Improve contracts with Youth Justice funded mainstream services so they deliver culturally safe and welcoming services for Aboriginal children and young people. Monitor and promote referral pathways to these programs and services for increased take up by Aboriginal children and young people.



HOW WE WILL
DELIVER WIRKARA
KULPA AND
MONITOR SUCCESS

Working in partnership and governance

This Strategy has been developed under the umbrella of *Burra Lotjpa Dunguludja* (AJA4), the Victorian Aboriginal Justice Agreement. Its success relies on the maintenance of strong relationships with Aboriginal people, community and organisations and young people, as well as other departments. All parties are critical to implementing the actions in this Strategy.

The Aboriginal Justice Agreement governance groups will oversee the implementation of this Strategy.

Victorian Aboriginal Justice Agreement



Aboriginal Youth Justice

Aboriginal Youth Justice within the Department of Justice and Community Safety provides the backbone support for the implementation of this Strategy, as well as policy and secretariat support for the Youth Collaborative Working Group.

Aboriginal Youth Justice is responsible for coordinating the development and delivery of Aboriginal Youth Justice policy and programs as well as managing Aboriginal Youth Justice operations.

Aboriginal Youth Justice builds capacity in the department and Aboriginal community to develop and deliver effective and efficient justice services and initiatives through a partnership approach.

Monitoring and evaluation

Monitoring and evaluation of Wirikara Kulpa will progress through the *Burra Lotjpa Dunguludja (AJA4) Monitoring and Evaluation Framework*. All monitoring and evaluation activities will be consistent with the standards listed in the AJA4 to ensure they are respectful of Aboriginal values as well as accepted guidelines for conducting ethical research. (Appendix 2).

Monitoring and reporting will also inform the annual *Victorian Aboriginal Affairs Report* and the *Victorian Closing the Gap Implementation Plan*.

There will also be regular review to ensure that the Strategy can evolve or be updated to ensure it aligns with the Victorian treaty process, including actions, activities and supporting governance arrangements.

The document has been designed as an outcomes-based strategy to best communicate our key priorities and what success looks like. In this way, it also provides flexibility to add new actions over the life of the Strategy based on emerging government and Aboriginal community priorities and actions.

Our targets and milestones

Wirikara Kulpa aligns with the National Agreement on Closing the Gap and the Victorian Aboriginal Affairs Framework commitment to ensuring that Aboriginal children and young people are not over-represented in the youth justice system.

The Strategy outlines two milestones, which if met, will indicate that we are on track to meet these commitments, and related targets.

Victorian Justice Targets

In 2012, the Victorian Government introduced the Aboriginal justice targets, committing to reduce the over-representation of Aboriginal people under justice supervision, outlining the target below:

Victorian Aboriginal Justice target:

By 2031, close the gap in the rate of Aboriginal and non-Aboriginal people aged 10-17 under youth justice supervision

Milestone 1:

Reduce the average daily number of Aboriginal and Torres Strait Islander children and young people (10-17 years) under youth justice supervision by at least 29 by 2025-26

To illustrate the level of change required to get on track to reach this target, Milestone 1 translates the existing Victorian target to show how many fewer Aboriginal children and young people would need to be under youth justice supervision in 2025-26, to close the gap by 2031.

There were 81 Aboriginal children and young people under youth justice supervision (in detention and on community-based orders) on an average day in 2019-20 (a rate of 7.9 per 1,000 Aboriginal children and young people). To stay on track to close the gap by 2031, there needs to be fewer than 42 Aboriginal children and young people under youth justice supervision on an average day in 2025-26 (a rate of 3.9 per 1,000 Aboriginal children and young people).

National Agreement on Closing the Gap

In 2020, the Australian Government introduced the National Agreement on Closing the Gap, committing to reduce the over-representation of Aboriginal people under youth justice supervision, agreeing to the target below:

National Agreement on Closing the Gap target:

From 2018-19 to 2030-31, reduce the rate (per 10,000) of Aboriginal and Torres Strait Islander young people (10-17 years) in detention by at least 30 per cent

Milestone 2:

Reduce the rate (per 10,000) of Aboriginal and Torres Strait Islander children and young people (10-17 years) in detention on an average day by at least 1.5 by 2025-26

In 2018-19, the rate (per 10,000) of Aboriginal and Torres Strait Islander children and young people (10-17 years) in detention in Victoria was 17.6. Meaning that the rate (per 10,000) of Aboriginal and Torres Strait Islander children and young people (10-17 years) in detention needs to be 12.3 or lower by 2030-31 to meet the National Agreement on Closing the Gap target.

The rate (per 10,000) of Aboriginal and Torres Strait Islander children and young people (10-17 years) in detention in Victoria was 15.3 in 2019-20, meaning that to stay on track to meet the Australian Government National Agreement on Closing the Gap target, the rate (per 10,000) of Aboriginal and Torres Strait Islander children and young people (10-17 years) in detention needs to be 13.8 or lower by 2025-26.

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APPENDIX 1

Burra Lotjpa Dunguludja (AJA4) **Principles for ways of working**

All AJA4 actions are expected to adhere to the following principles developed by Koori Caucus through their work on self-determination in the justice system:

1. **Prioritise Self-Determination:** Always strive to transfer power, decision-making and resources to the Aboriginal community.
2. **Support cultural strengthening:** Enhance positive connections to family, community, and kin to build resilience to setbacks and develop strategies for dealing with hardships.
3. **Be strengths-based:** Respect and honour the strengths and resilience of Aboriginal people, families and communities and build upon these.
4. **Be trauma-informed:** Employ healing approaches which seek to understand and respond to trauma and its impact on individuals, families, and communities.
5. **Be restorative:** Aim for the restoration of victims, offenders and communities and repair the harm resulting from the crime, including harm to relationships.
6. **Use therapeutic approaches:** Recognise that at all stages of involvement with the justice system there is potential to make a positive impact on a person's life.
7. **Respond to context:** Recognise and adapt to meet the specific needs and circumstances of people, families, and communities.
8. **Be holistic:** Address the interrelated risk factors for offending in a holistic manner, such as substance abuse, housing, and unemployment.
9. **Protect cultural rights:** Respect the distinct and unique rights of Aboriginal people.
10. **Address unconscious bias:** Identify and respond to systemic racism and discrimination that persists in the justice system.

Burra Lotjpa Dunguludja (AJA4) **Partnership principles**

The partners to this Agreement are committed to:

1. Self-determination for Aboriginal peoples.
2. Developing long-term sustainable relationships based on trust.
3. Respecting Aboriginal knowledge, history, lived experience and connections to community and country.
4. Shared responsibility and accountability for outcomes and actions.
5. Redressing structures, relationships and outcomes that are unequal, racist and/or discriminatory.
6. Recognising Aboriginal cultural rights, protocols, principles, ethics and standards.
7. Working differently with Aboriginal peoples, recognising that mainstream approaches are frequently not the most appropriate or effective.
8. Collaborating with community to co-design services to achieve collective impact. (Using a self-determination approach means that government does not have exclusive ownership of issues).
9. Aim to improve long-term well-being for Aboriginal children, families and communities.
10. The RCIADIC principles of arrest and imprisonment as sanctions of last resort.

APPENDIX 2

Burra Lotjpa Dunguludja (AJA4) **Evaluation Standards**

Recognise the rights of Aboriginal people to self-determination and to control, protect, maintain, and develop their cultural heritage, including traditional knowledge and intellectual property.

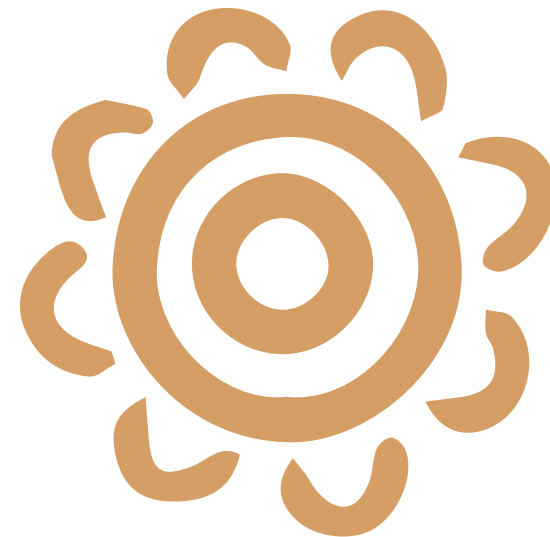
Respect the right of Aboriginal people to full participation in the evaluation, in line with their relevant skills and experiences. The specialist knowledge of particular community members and their potential contributions should be recognised and involved wherever possible and appropriate. There should be Aboriginal input into all aspects of the evaluation, including the design, ownership of data, data interpretation and publication of findings.

Accessible and culturally appropriate informed consent processes which make clear when, how and who will be involved in the evaluation process, what information will be collected, how the information will be recorded and used, the likely risks and benefits arising from participation and the overall potential benefits of an evaluation.

Acknowledge the diversity and uniqueness of Aboriginal communities, groups and individuals, including different cultures, experiences, perspectives and languages. Evaluation activities should reflect the different perspectives and experiences and not generalise from one community to others or to all Aboriginal people.

Agree on plans for the communication and use of evaluation results. The ownership of evaluation results, and how they will be used, should be agreed at the start of the evaluation with relevant Aboriginal community members and/or appropriate Koori community organisations.

Adhere to all ethics and privacy policies of the Department of Justice and Community Safety.





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