



Victorian Aboriginal Justice Agreement



A Partnership between the Victorian
Government and the Koori Community

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



Department of Justice
Department of Human Services



Tumbukka Regional Council



ATSIC

Aboriginal and Torres
Strait Islander Commission



Victorian Aboriginal Justice Advisory Committee





Victorian Aboriginal Justice Agreement



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Foreword

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

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

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

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

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

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

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

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

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

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

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

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

ROB HULLS MP
Attorney-General

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1. Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

2. Terms of reference

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

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

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

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

3. Overview

3.1 Why have a Victorian Aboriginal Justice Agreement?

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

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

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

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

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

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

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

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

3.2 How will it be achieved?

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

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

The Aboriginal Justice Agreement:

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

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

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

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

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

3.3 The Victorian justice system

Justice Portfolio

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

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

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

The key objectives of the Department of Justice are to:

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

Department of Human Services

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

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

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

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

Aboriginal Justice Programs and Services

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

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

3.4 The Victorian Aboriginal community

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

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

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

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

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

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

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

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

Aboriginal organisations

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

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

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

support needs of these groups.

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

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

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

Binjirru and Tumbukka Regional Councils

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

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

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



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

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

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

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

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

The Victorian Aboriginal Justice Advisory Committee

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

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

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

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

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

3.5 Understanding Aboriginal over-representation

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

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

Underlying issues

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

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

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

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

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

Community vulnerability to crime

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

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

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

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

Access to services

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

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

Racism and discrimination

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

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



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

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

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

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

Citizenship rights

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

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

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

Police discretion

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

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

Sentencing options

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

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

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

Early contact with the justice system

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

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

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

Family and community stress

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

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

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

3.6 Issues affecting the delivery of services

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

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

Implementation of the Royal Commission recommendations

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

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

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

Fragmentation of policies and programs

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

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

Under-utilisation of services

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

Demographic issues

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



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

Linking justice policy and programs with other agencies

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

Community involvement

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

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

Access to legal services

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

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

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

3.7 Addressing justice issues

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

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

The Royal Commission Into Aboriginal Deaths in Custody (1991)

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

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

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

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

A More Just Victoria (justice policy)

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

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

Community Protection Plan (community safety policy)

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

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

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

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

Victoria Police Aboriginal Policy Statement and Strategic Plan

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

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

A New Approach (drugs policy)

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

The Government's policy has four key components:

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

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

Juvenile justice: a balanced approach

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

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

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

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

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

4.1 Addressing social and economic disadvantage

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

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

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

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

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

and rebuilding families.

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

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

4.2 Complementary initiatives

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

Reconciliation and Respect (Aboriginal Affairs policy)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Aboriginal Health Reform Agreement

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

ownership, planning and program delivery.

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

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

Koori Services Improvement Strategy

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

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

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

Doing business (Koori Business Network)

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

Better education opportunities for Indigenous Victorians

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

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

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

A new partnership with the community (community services)

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

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

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

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

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

Employment and skills (Employment Policy)

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



young Aboriginals.

Community-wide initiatives to encourage employment growth will include:

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

Indigenous-specific initiatives will comprise:

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

heritage, and the care and management of heritage sites.

The Indigenous strategies detailed above are driven by:

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



4.3 Toward an integrated justice planning framework

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

This process is outlined below.



4.4 Challenges and opportunities

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

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

The *challenges* include:

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

Aboriginal community is a core responsibility and not an additional requirement as a result of the Aboriginal Justice Agreement.

- Breaking down past barriers between the Aboriginal community and the justice system.
- Overcoming doubts in the Aboriginal community about the Government’s commitment to fully implement the Agreement.
- Ensuring justice agencies fully involve the Aboriginal community in developing, planning, delivering, monitoring and reviewing policies, programs and services that impact on Aboriginal people and communities.



The implementation of the Agreement will be assisted by:

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

5. Victorian Aboriginal Justice Agreement

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

5.1 Agreement structure

Aim

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

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

partnership with the Aboriginal community.

Principles

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

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

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

5.2 Strategic objectives

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

Increase community participation

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

Develop culturally appropriate programs and services

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

Develop a co-ordinated and strategic approach

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

Deliver fair and equitable justice services for Aboriginal people

Address issues that limit or prevent Aboriginal

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

Increase community safety, security and wellbeing

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

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

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

5.3 Roles and responsibilities

Victorian Government

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

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

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

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

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

Victorian Aboriginal Justice Advisory Committee

The role and responsibility of the Aboriginal

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

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

Aboriginal & Torres Strait Islander Commission Binjirru Regional Council and Tumbukka Regional Council

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

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

with the Government to promote the Agreement's objectives.

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

5.4 Accountability and reporting

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

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

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

Outcome monitoring

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

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

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

Administrative responsibility

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

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

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

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

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

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

5.5 Implementation milestones

Year 1 (2000–2001)

Systemic milestones

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

Project milestones

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

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

Year 2 (2001–2002)

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

Year 3 (2002–2003)

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

5.6 Signatories

The signatories to the Agreement are:

Commissioner Marion Hansen
Aboriginal and Torres Strait Islander Commission



The Hon Rob Hulls, MP
Attorney-General



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



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



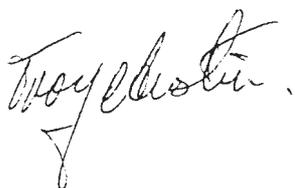
Daphne Yarram
Chairperson
Binjirru Regional Council



The Hon. Keith Hamilton, MP
Minister for Aboriginal Affairs



Troy Austin
Chairperson
Tumbukka Regional Council



The Hon. Christine Campbell, MP
Minister for Community Services

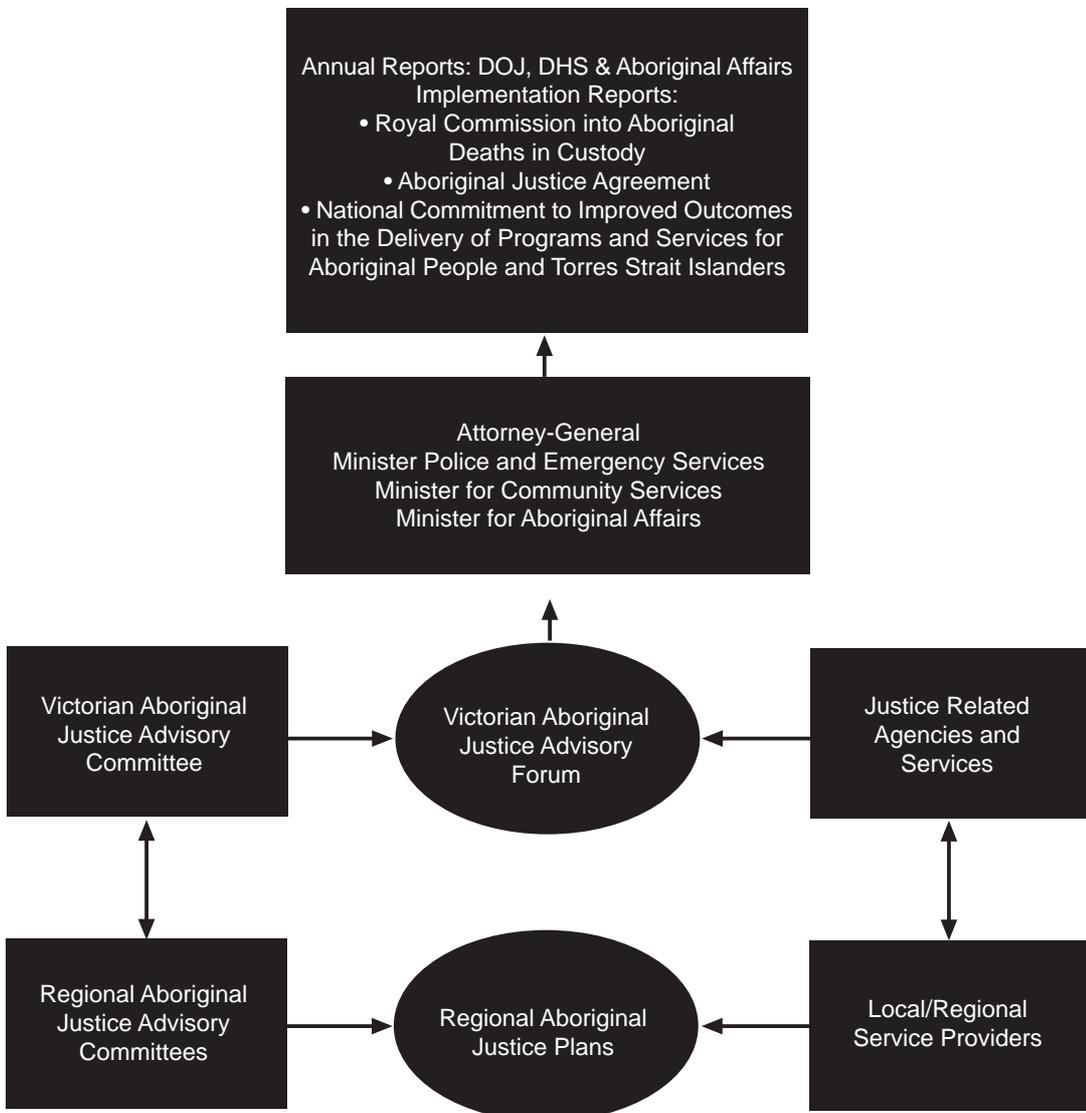


6. Statewide Action Plan

6.1 Planning and monitoring structures

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

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



6.2 Organisational structures

Aboriginal Justice Forum

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

The forum will also:

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

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

The forum will include:

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

Aboriginal Justice Working Group

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

The working group will:

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

It will include representatives from:

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

Department of Justice: Indigenous Issues Unit

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

The unit will:

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

Regional Aboriginal Justice Advisory Committees

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

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

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

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

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

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

Regional Aboriginal Justice Advisory Committees will:

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

The Regional AJACs should include representatives from:

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

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

6.3 Strategic objectives and agency responses

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

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

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

6.4 Strategic Objective 1: Community Participation

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

1.1 Koori Recruitment and Career Development Strategy

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

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

The strategy will be established to achieve:

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

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

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

1.2 Supporting Aboriginal Lawyers

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

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

1.3 Funding and support of Aboriginal organisations

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

1.4 Aboriginal official visitors

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

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

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

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

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

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

1.5 Mentoring program for young Aboriginal women

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

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

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

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

1.6 Integration with local priority policing

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

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

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

2.1 Regional Aboriginal Justice Advisory Committees and associated planning framework

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

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

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

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

2.2 Aboriginal Community Based Initiatives Pilot Program

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

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

2.3 Cross-cultural awareness training

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

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

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

2.4 Cultural Immersion Program

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

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

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

2.5 Family Visits Program—Aboriginal prisoners

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

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

2.6 Adult Residential Program

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

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

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

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

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

2.7 Capacity building

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

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

2.8 Youth leadership in custody

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

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

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

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

2.9 Comprehensive and appropriate information

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

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

A regular quarterly newsletter detailing and promoting implementation of the Aboriginal

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

2.10 Culturally appropriate tender specifications

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

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

2.11 Identified positions policy

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

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

2.12 Agency level responses

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

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

2.13 Aboriginal welfare officers— correctional facilities

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

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

The role of the AWO is to:

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

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

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

2.14 Koori Family History Service and Link Up

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

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

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

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

2.15 Aboriginal pastoral service program

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

2.16 Community Legal Education Program

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

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



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

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

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

3.1 Streamline funding arrangements

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

3.2 Consolidated consultative mechanisms

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

3.3 Accountability for service quality and outcomes

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

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

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

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

3.4 Policy integration

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

3.5 Best practice

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

3.6 Improved data collection

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

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

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

3.7 Funded agency service agreements

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

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

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

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

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

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

4.1 Dispute Settlement Centre Victoria—Koori Program

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

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

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

4.2 Improved levels of representation on boards and tribunals

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

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

4.3 Increased access to dispute resolution, mediation and complaints services

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

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

4.4 Access to legal representation

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

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



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

4.5 Improving Aboriginal/police relations

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

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

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

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

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

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

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

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

4.6 Review of the Aboriginal Community Justice Panel Program

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

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

The factors impacting on the program's operation include:

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

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

4.7 Statewide Protocol with Aboriginal Community Justice Panels

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

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

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

4.8 Police Aboriginal liaison officers

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

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

4.9 Sheriff's Office Aboriginal Liaison Program

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

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

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

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

relationships with Aboriginal communities across the State.

4.10 Magistrates' Court: Indigenous initiatives

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

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

4.11 Indigenous Bail justices

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

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

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

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

5.1 Support and strengthen community strategies for addressing family violence

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

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

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

5.2 Post-release Aboriginal employment and training advisory service

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

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

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

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

5.3 Integration with the crime prevention agency strategies

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

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

5.4 Victim Support Services and Court Network

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

5.5 Drug and Alcohol Services integration

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

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

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

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

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

6.1 Koori Justice Worker Program review

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

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

6.2 Juvenile justice remand and bail support

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

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

6.3 Restorative justice initiatives

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

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

6.4 Establish linkages with the Police Youth Statement External Reference Group

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

6.5 Koori Peer Education Program

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

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

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

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

Glossary

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

Acronyms

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

Please note:

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

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

Summit Communiqué

Preamble

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

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

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

Resolution

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

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

The focus of these plans will address:

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

and will include:

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

