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4.1 Victorian Government Overarching Indigenous Strategic Policy Framework

4.1.1 Indigenous Affairs Framework (2006) (Dept of Planning and Community Development-Aboriginal Affairs Victoria) (VIAF)

The Victorian Indigenous Affairs Framework was developed as part of a number of commitments made in the Aboriginal Justice Agreement (VAJA) (see below) and outlines how the Government will meet its commitment in A Fairer Victoria (see below) to ‘build a new partnership with Indigenous Victorians’. The VIAF (2006) contains nine principles for reform, a strategic policy framework, a performance framework, and a partnership coordination and management framework. The stated overall goal of Government in relation to Indigenous Affairs, according to the VIAF, is to raise the life expectancy and quality of life of Indigenous Victorians. Specific building blocks in achieving this goal include justice before the law (as well as others relating to health, education and employment).

The Strategic Policy Framework refers to the overall goal of the VIAF as improving life expectancy and quality of life for Indigenous Victorians, and sets out three relevant priority outcomes. Those outcomes include prevention of violence and crime and self-harm (as well as broader social outcomes relating to strengthening community, inter alia). The six strategic areas for action include improvement of justice outcomes (area # 4). Those strategic areas also link to the VIAF Performance Framework. The Performance Framework commits the Government to achieving improvements against the Strategic Change Indicators for the relevant strategic areas for action. These indicators serve as markers, en route to longer-term change, in reducing Indigenous disadvantage. Achieving improvements in terms of these indicators is the basis for improving headline indicators and achieving the priority outcomes of the VIAF. So, for instance, for strategic area # 4 - ‘prevention of family violence and improvement of justice outcomes’ - relevant strategic change indicators are an increase in the proportion of Indigenous people cautioned when processed by police and a reduction in the number of times Indigenous youth are processed by police (arrest, summons, caution), in the proportion of Indigenous people remanded in custody, the proportion of Indigenous adults sentenced to prison rather than other orders, and of Indigenous adults/youth who are convicted within two years of their previous conviction. These indicators serve as 5, 10 and 15-year markers of progress towards achieving equitable outcomes for Indigenous Victorians.


The Victorian Government Indigenous Affairs Report was published in 2005/06 and 2006/07. The reports provide information on progress in achieving outcomes in improving circumstances of Indigenous Victorians.

For 2005/06, the Report indicates that the Government has delivered a range of programs in partnership with the Indigenous community organised around the five themes of the
Financial commitments in the 2006/07 State Budget include a promise, *inter alia*, to extend the VAJA (Koori Courts; extension of mentoring, liaison and support programs and capital works to support the Indigenous Residential Diversion Program). Information is provided about initiatives undertaken to date. As a result of the Implementation Review of the Royal Commission into Aboriginal Deaths in Custody, Phase 2 of the Aboriginal Justice Agreement was developed (VAJA2) (see below). As part of VAJA2, Koori Courts (having been reviewed as highly successful (Harris (2005) (see below)) were expanded, and the Children’s Koori Court commenced operation. Aboriginal Official Visitors visited a number of prisons in order to provide a report to the Minister of Corrections in relation to prisons operations. Further, the mainstream Cognitive Skills Program has been adapted to meet the needs of Indigenous prisoners.

In 2006/07, progress was made in terms the VIAF and *Fairer Victoria*. The Report again sets out initiatives undertaken for each strategic area, as follows. For Area for Action # 4 (Part 2) – ‘improve justice outcomes’ – relevant initiatives include Koori Courts and the Koori Pre and Post Release Services Program. Programs such as the Marumali Program, assisting with the underlying causes of offending behaviour by healing trauma, and the Koori Cognitive Skills Program, are also contributing in this area. Next steps include expanding the Koori Offender Mentoring and Support Program and Koori Courts; delivering a Bridging Support Program through Corrections to support prisoners returning to communities; improving management of offenders undertaking mandated community work; and liaising with the Sheriffs office to ensure appropriate restoration of unpaid fines through the Local Justice Worker program (to reduce progression into the justice system for breaches of orders and minor infringements). 

4.1.3 A Fairer Victoria 2007 (Dept Planning and Community Development)

*A Fairer Victoria*—The Victorian Government’s Social Policy Action Plan was released in April 2005. *A Fairer Victoria* sets out a framework for achieving ‘social sustainability’, for addressing disadvantage, and for the first steps to be taken by Government in a long-term approach to creating new opportunities for disadvantaged Victorians. It outlines Government actions to improve access to vital services, to reduce barriers to opportunity, to strengthen assistance for disadvantaged groups and places, and to ensure that people get the help they need at critical times in their lives. It sets out 85 actions to be undertaken within 14 major strategies over a five to ten year period. In terms of strategies, initially the only Indigenous-specific strategy is Strategy 9 – ‘building a new partnership with Indigenous Victorians’. However, throughout the other strategies, there is reference to Indigenous disadvantage, although not directly in relation to criminal justice issues.

In 2006, a revised document was released, *A Fairer Victoria – Progress and Next Steps* - setting out what had been achieved, and details in relation to how to move forward. In terms of Strategy 8 - ‘improving access to justice’ - overrepresentation of Indigenous people is being addressed through an expansion of Koori Courts to Mildura and Moe, and through establishment of the first stand-alone Koori Children’s Court in Australia. The Government also commits to extending the *VAJA* (9.1), and to building a new residential facility for Koori youth with substance abuse issues (9.5).

*A Fairer Victoria – Building on our commitment* was released in 2007. The document indicates that, in terms of Strategy 8 - ‘improving access to justice’- seven new Koori Courts have been established, as has the Koori Children’s Court. In terms of Strategy 9 - ‘building a new partnership with Indigenous Victorians’- work on the *VAJA2* will continue (including providing additional Koori liaison officers to assist offenders with court diversion and support programs; targeting young Koories in contact with the juvenile justice system; and expanding the Community Support for Indigenous Offenders Program to reduce breaches of community based orders).

### 4.2 Victorian Government Overarching Indigenous Justice Strategic Policy Framework

#### 4.2.1 Victorian Aboriginal Justice Agreement (2000) - Phase 1

A 1997 Ministerial Summit provided impetus for a renewal of efforts made by government to minimise Indigenous over-representation. As a result of the Summit, the Victorian Government convened a steering committee, which was to consider what the justice system in Victoria was doing to address this issue and to work towards reform of that system. The committee developed the *VAJA*, which was eventually signed off in 2000 after consultation with the Aboriginal community. It is a joint initiative of the Departments of Justice and of Human Services, ATSIC and the Victorian Aboriginal Justice Advisory Committee (AJAC).

The stated aim of *VAJA1* is to address the ongoing issue of Aboriginal over-representation within all levels of the criminal justice system; to improve Aboriginal access to justice-related services; and to promote greater awareness in the Aboriginal community of civil, legal and political rights through reform of the justice system. The principal objective of the *VAJA1*, underpinned by the principles and aims of the RCIADIC, is as follows:-

...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.

As part of the *VAJA*, a Statewide Action Plan was developed. There are six (6) strategic objectives set out in this Plan:-
[1] **Community Participation**

To achieve maximum community participation in the processes of legislative, policy and program development, service delivery, monitoring and review, through:-

(i) enhancing the Official Visitor Program within prisons by the appointment of Aboriginal visitors for a number of metropolitan facilities. The visitors are to deal specifically with issues related to, or arising from, the imprisonment of Aboriginals; the inadequacy and standard of services for Aboriginal prisoners; and the resolution of their complaints. They are to attend regular meetings (with other official visitors) with the Minister, and will contribute to the Government’s annual report on the implementation of the recommendations of the RCIADIC. A similar program may be considered for juvenile justice custodial facilities.

(ii) a mentoring program for young Aboriginal women through the employment of female Aboriginal elders to provide advocacy and support for Aboriginal women and girls at risk of coming into contact with the justice system. Those mentors will provide linkages to other programs and services. Funding was allocated in 1999-2000 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 of an intensive corrections order (giving the court an alternative sentencing option).

[2] **Development of culturally appropriate programs and services**

To identify and respond effectively to the needs of Aboriginal people through development and delivery of culturally appropriate programs and services through:-

(i) extending the Cultural Immersion Program to all prisons, including low-risk Aboriginal prisoners participating in cultural camps on traditional lands. The program aims to address offending behaviour of Aboriginal prisoners by reinforcing spirituality and cultural identity

(ii) provision of Family Visits Program for Aboriginal prisoners to provide assistance to family members wishing to visit prisoners

(iii) further developing (in consultation with Indigenous people) an Indigenous-specific diversionary program, covering various regional locations, drug and alcohol rehabilitation, community-based remand facilities, and youth and female facilities. There is also a need for a residential program providing opportunities for rehabilitation through cultural learning. An effective residential program already exists at Warrakoo Station.

(iv) Corrections further developing a youth leadership program for young Aboriginal prisoners (17-30 years of age) in custody to assist with their re-integration into the community post-release and to reduce the risk of re-offending.

(v) employing of Aboriginal Welfare Officers by all correctional authorities.
(vi) continuing Link Up Victoria, including locating a related service in Victorian prisons (to provide an outreach program to Aboriginal people in juvenile justice centres and adult correctional facilities)

(vii) developing a pastoral service program for Aboriginal prisoners.


To develop a co-ordinated and strategic whole-of-government approach, ensuring that the design, development, delivery and monitoring of programs and services for Aboriginal people is in accordance with the VAJAI’s principles and objectives by:-

(i) improving education and training outcomes for Koories in juvenile and adult detention through development of a coordinated strategy and protocols.

[4] Delivery of fair and equitable justice services

To address issues that limit or prevent Aboriginal access to legal protection, and ensure that discretionary administration of law does not adversely impact upon Aboriginal people and culture by:-

(i) improving levels of representation of Aboriginal people on boards and tribunals (for instance, on the Youth Parole Board and as Bail Justices).

(ii) developing the Sheriff’s Office program to assist Aboriginal people in negotiating outstanding warrants through community-based orders or community custodial permits, to educate the community about the Sheriff’s Office, and to develop positive relationships with the Aboriginal community (see 4.3.4 below).

(iii) establishing the Koori Liaison Officer Program in the Magistrate’s Court and possibly replicating the Nunga Court of South Australia

(iv) appointing Indigenous Bail Justices, and educating the Aboriginal community about Bail Justices.

[5] Increase community safety, security and wellbeing

To strengthen Aboriginal families and communities, and develop targeted strategies to address underlying economic, social and cultural issues behind the breakdown of families and the over-representation of Aboriginal people in the justice system by:-

(i) establishing advisory service on employment for prisoners post-release, and review program currently at Loddon Prison (employing Aboriginal workers as employment and training advisers to prisoners prior to release). Correctional Services will then consider whether this program might be expanded to a state-wide program.
Reducing the risk of Aboriginal children and youth

4.2.2 Victorian Aboriginal Justice Agreement (2006) - Phase 2

The review of the \textit{VAJA1} in April 2005 (\textit{AJA Review - see below}) recommended that the Government and Koori community renew their commitment to the \textit{VAJA} by developing a Phase 2 of that document. The AJF established a Steering Committee to undertake the process of reformulating the \textit{VAJA}. \textsuperscript{4}

\textit{VAJA2} (2006), the result of that review, discusses progress of \textit{VAJA1}. Successful initiatives, according to \textit{VAJA2}, include the following:

(i) initiatives within courts (Koori Courts, Aboriginal Liaison Officers and cultural awareness training for magistrates and other staff)

(ii) initiatives within Corrections (Indigenous Community Corrections Officers, Aboriginal Well-being Officers and Indigenous Services Officer Programs; community-based alternatives to imprisonment (Warrakoo Life Skills Program and Wulgunggo Ngalu Learning Place); initiatives to reduce reoffending (Cultural Immersion and Marumali Programs and the Koori – specific Cognitive Skills Program) (see 4.3.5 below), and the Aboriginal Family Visits Program

(iii) initiatives within Juvenile Justice and Youth Services (Koori Juvenile Justice Workers, and Koori Liaison Officers at the Juvenile Justice Centres)

(iv) improved representation in terms of justice-related decision making (for instance, on the Youth Parole Board).

\textit{VAJA2} shares the principal objective of AJA1 – to reduce over-representation - and adds an additional objective as follows:

… (to) have a Koori community, as part of the broader Victorian community, that has the same access to human, civil and legal rights, living free from racism and discrimination and experiencing the same justice outcomes through the elimination of inequities in the justice system

Six key objectives are set out, as follows:

[1] *Crime prevention and early intervention*

(i) Minimise circumstances in which Koories are at risk of negative contact with police

- Continue, and perhaps expand, the Koori Night Patrol Program

[2] *Diversion/strengthening alternatives to imprisonment*

(i) Increase the rate at which Koories are diverted from more serious contact with the juvenile justice system

- The number of Koori youth who receive bail will be increased through the Koori Youth Intensive Bail Support Program.

(ii) Increase the rate at which Koories are diverted from serious contact with Police

- The proportion of Koories bailed from police custody ought to be increased through, for instance, a review of the Koori Bail Justice Program to determine efficacy, and through consideration/implementation of any relevant recommendations resulting from research into this issue.

(iii) Increase the rate at which the court system diverts Koories from more serious contact with the justice system

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

- Koori access to mainstream court-related diversionary initiatives, support programs, and decision-making courts ought to be increased through relevant strategies (to be developed and implemented) (for instance, through the Court Koori Liaison Officer Program)

- The Koori Court Network ought to be enhanced and expanded

- The Sentencing Advisory Council will be invited to undertake research into (i) the degree to which Koories are on remand or sentenced for short periods and the impact that this has on them, the community and family, and (ii) sentencing outcomes for first time offenders
(iv) Increase the rate at which Koories are diverted from more contact with the justice system

- To assist Koories to meet the conditions of community-based orders, the Koori Offenders Support and Mentoring Program will be developed and implemented (based on the successful Rumbalara Koori Women’s Mentoring Program) (by providing an outreach service utilising Koori community members to assist offenders to meet the conditions of their sentences). The ICCO Program will be strengthened with increased centralised support (inter alia, providing outreach supervision to better enable offenders to meet the conditions of their sentences).

- The large increase in numbers of Koori women in prison in 2003-04 will be addressed through an exploration/implementation of appropriate community-based diversion initiatives.

- Development of the Wulgunggo-Ngalu Learning Place Program will be continued (a culturally appropriate residential program for Koori men).

- Security ratings and placement of Koori prisoners will be reviewed to examine reasons for disparities with other prisoners and to introduce initiatives aimed at ensuring Koories are classified at lowest appropriate security levels in order to reduce the numbers in maximum security

(v) Increase the rate at which Enforcement Management diverts Koories from more serious contact with the justice system

- The effectiveness of the Fairer and Firmer Fines legislation will be enhanced through local action plans, and education will be provided to the Aboriginal community in relation to the potential consequences of failing to pay fines.

- Existing agency protocols and procedures regarding outstanding or unpaid fines will be reviewed, with one outcome being development of a coordinated approach to ensure that that time served against outstanding warrants is recorded and credited to Koori prisoners.

[3] Reduce re-offending

(i) Ensure that conditions support the rehabilitation of Koori prisoners

- Ensure the effectiveness of services relating to the welfare of prisoners/those on community based orders through expansion of the AWO and Indigenous Services Officer Programs (providing practical assistance to inmates and offenders, ensuring that they have access to mainstream services and consult with prisoners’ contact officers and offender case managers to ensure that
Corrections, Police and Juvenile Justice and Youth Services will work together to review current practices relating to care/wellbeing of Koori offenders in light of the recommendations of Implementation Review.

(ii) Address characteristics that put offenders at high risk of re-offending

- Increase the cultural strength of Koori offenders (through, for instance, the Cultural Immersion Programs).

- Initiatives to increase the number of prisoners and offenders accessing mainstream education, training and employment initiatives will be implemented. Consideration will also be given to delivering Koori-specific educational initiatives in prison.

- The delivery of Koori-specific offending behaviour programs is to be expanded (for instance, in relation to drug and alcohol, sex offending and violence) in order to reduce re-offending and victimisation.

- The mental health needs of Koori prisoners will be reviewed.

(iii) Ensure that Koories in custody are able to effectively reintegrate into communities upon release

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

- A Bridging Support Program will also be similarly developed for adult offenders/prisoners.

- The Koori Family Visits Program will be enhanced to ensure that it is more widely utilised, to assist prisoners to maintain contact with families. There will be a review to identify any barriers in the system which hinder family visits.

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

[4] Reduce victimisation

(i) Reduce the impact of crime on victims

- The responsiveness of DOJ family violence programs will be enhanced
through, for instance, ensuring that Family Violence Courts are responsive to needs of Koories and that culturally appropriate Mandated Men’s Programs (for violence) for Koori men are delivered.

[5] Responsive and inclusive services

(i) Increase accountability of agencies delivering justice outcomes to Koories

- Ensure transparency of conditions through for instance the Aboriginal Official Visitors Program (for adults, and maybe also for youth)

- Aboriginal Official Visitors will continue to be appointed into the adult prison system, and this may be expanded to the juvenile justice system to ensure transparency of detention conditions

- The manner in which relatives are informed of a Koori death in custody ought to be improved.

In terms of monitoring and evaluation, the rates of Koori imprisonment will be used as the headline indicator. Intermediary indicators will also be used to measure, where possible, decreases in overrepresentation caused by VAJA initiatives. Those intermediary indicators include diversion/alternatives to imprisonment and a reduction in re-offending.

4.2.3 Attorney General’s Justice Statement 2004-2014

The Attorney General’s Justice Statement 2004-2014: new directions for the Victorian justice system (May 2004) sets out a policy framework to respond to identified challenges for the Attorney General’s portfolio in Victoria. The challenges, and strategic responses to these challenges, have been grouped under two key themes ‘Modernising Justice’ and ‘Protecting Rights and Addressing Disadvantage’.

Modernising justice

Key initiatives include the following. Government will work with the courts, using the Justice Statement and Court Strategic Directions statement, to improve accessibility for groups, such as those with an Indigenous background. In terms of protecting human rights and addressing disadvantage, to complement the VAJA and other relevant policy frameworks, specific initiatives include development of problem solving courts (and expanding the Koori Court model, including to a Children’s Koori Court).

Protecting rights and addressing disadvantage

In terms of addressing disadvantage in the criminal justice system, specific initiatives include problem-solving courts and restorative justice models (for instance, the Koori Courts). Government is committed to work with Courts to develop a policy framework in relation to, and to consolidate and expand, the problem-solving approaches being employed to date.
4.2.4 Implementation Review of Recommendations from RCIADIC (Department of Justice) (October 2005)

The Implementation Review of Recommendations from RCIADIC (the Review) commenced in November 2003, nearly seven years after the last Victorian Implementation Report of 1996-97. In terms of process, the review was conducted so as to ensure maximum community participation (through release of a Discussion Paper in 2004, a Free-call number, for instance).

The Review ultimately recommended that continued and strengthened action on underlying issues was required, within a basic rights and social justice framework, to ensure adequate implementation. A need to continue the work currently being undertaken within the justice system to address overrepresentation was also identified. Initiatives introduced to date are discussed in relation to Courts (Koori Courts, Aboriginal Bail Justice Program), Corrections (Corrections staff membership of the RAJAC network, Indigenous Community Corrections Officers and Aboriginal Well-being Officers), and Juvenile Justice (Koori Justice Program).

Information on relevant initiatives was provided through self-assessment reports by relevant agencies. Community perceptions of progress were not always positive. It was thus suggested in the Review that the statistical and community information about progress does not match up with the self-assessment reports on progress. Examples of community perceptions follow:

(i) There was general community approval of the Koori Courts, although there were some complaints about having to plead guilty to be eligible to use the Courts.

(ii) Most comments were negative in relation to Corrections. Points raised included the following. Koori counsellors were needed in prison, as well as more Aboriginal Well-being Officers in the correctional system. There were poor standards of health care in prisons, particularly in relation to mental health. There was a need for extensive improvement to pre-release and post-release programs. The negative impact of prior criminal records on the development of a system of Aboriginal Official Visitors was noted, as was the value of the proposed Indigenous Adult Residential Diversion Program. The need for more and better educational programs in prison, particularly with reference to Aboriginal culture, and lack of cultural awareness amongst correctional staff at all levels, was identified.

The Review sets out 164 recommendations setting out actions across a range of areas and issues, as follows:

- adequate and appropriate pre- and post-release procedures and programs are in place to reduce the risk of death occurring post-release (2)

(b) specific initiatives are developed to address the education, training and employment needs of Indigenous offenders (7)

(c) work is undertaken with the Stolen Generations Organisation of Victoria (and associated initiatives including Koori Family History Service and Link-Up), and that access to correctional facilities is maximized for Aboriginal people responsible for the delivery of programs on re-establishing links to families to Indigenous offenders and those in custody as required under the VAJA (16)

(d) cultural strengthening training programs are developed for Indigenous youth in custody, including the development of personal cultural plans with specific strategies to maintain the young persons connection with their community; and that there are systematic links between the Indigenous Family Violence Strategy and the implementation of the RCIADIC Recommendations relating to families and children to ensure a holistic approach to Indigenous family and child wellbeing (19)

(e) the DOJ conduct an evaluation of the overall operation of bail legislation in relation to Aboriginal people and that the Victorian Government continue to implement and monitor Recommendation 89 (relating to the monitoring and granting of bail), Recommendation 90 (relating to action to be taken when bail is denied) and Recommendation 91 (relating to the amendment to bail legislation), through any monitoring process established as a consequence of this Review (38).

(f) the Victorian Government proceed, as a matter of urgency, to abolish the offence of public drunkenness and establish appropriately resourced Aboriginal run Sobering-Up Centres, which operate twenty-four hours, seven days a week (54)

(g) the DOJ (Court Services) develop appropriate initiatives to assist Indigenous participants to fully understand court processes (116)

(h) the DOJ (IIU), in conjunction with Court Services, undertake a review of the Aboriginal Bail Justice Program (118)

(i) Corrections report on the appointment of Aboriginal Official Visitors and a summary of the reports prepared for Corrections Victoria by those already appointed, provide regular debriefing for Aboriginal Official Visitors (133)
(j) Corrections undertake a review of the Family Visits Program to ensure adequate program promotion and effectiveness (142)

(k) Corrections, in recognition of the special kinship and family obligations of Indigenous prisoners and as part of an enhanced cultural awareness, make every effort to facilitate prisoner attendance at family events such as funerals (143)

(l) Corrections (and IIU) conduct a systematic review of the extent and adequacy of the cultural awareness training provided for its staff at all levels (147)

(m) Corrections place more emphasis on the delivery of post-release programs for Indigenous prisoners commencing with the development of a national directory of Indigenous prison programs and services, and monitor the current developments in the field of education, training and transitional programs within the correctional system to ensure that they deliver the desired outcomes for Indigenous prisoners (148)

(n) the DOJ (Court Services) and DHS (Juvenile Justice) consider the establishment of a Children’s Koori Court as a matter of priority, undertake an evaluation of the Children’s Koori Court, and, pending the results of the evaluation and in consultation with the Indigenous community, consider the roll-out of the Children’s Koori Court (153)

4.2.5 Victorian Government Response to the Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody (2005) (Department of Justice)

The Victorian Government Response to the Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody was published in 2005 by the DOJ (the Response). The Response discusses significant steps taken to improve the circumstances of Indigenous Victorians since 1999, and how those steps relate to recommendations in the Implementation Review.

There is an indication that progress has been made, as follows.

(i) In terms of harm-prevention, Juvenile Justice has a Koori Juvenile Justice Program that provides preventative, diversionary and case-management support to young Koories who have contact with, or are at risk of contact with, the juvenile justice system (including allocation of an Aboriginal Support worker to Koori youth detained in custodial centres to help monitor risk). Corrections Victoria also has means of monitoring risk for detainees, and delivers a range of transitional services to Koori prisoners and ex-prisoners to reduce the risk of harm upon release.
In terms of diversion, Koori Alcohol and Drug Resource Centres have been established in Victoria, and the Government is considering proposals to decriminalise public drunkenness. VALS and Victoria Police are working together in relation to rates of police cautioning of Koori youth. Police have been funding to pilot a diversionary project for Koori youth in Mildura.

Corrections has developed Koori-specific programs (Women’s Mentoring Pilot and Warrakoo Life-skills Program), and is further developing its transitional framework to ensure that there is a series of graduated program options available to prisoners, and that it is culturally appropriate and responsive to Koori needs. After consultation with the Koori community, Corrections Victoria has developed a Koori Education, Training and Employment Strategy, which aims to reduce re-offending among Indigenous prisoners and offenders through provision of targeted education, training and employment assistance. The mainstream Cognitive Skills Program has been adapted to meet Koori needs, and work has been done towards developing an Indigenous Adult Residential Program.

Cultural supports and programs are currently being developed to ensure that Koori Juvenile Justice Workers are involved with the Youth Parole Board and parole planning process. Options for further cultural programs for juvenile custodial centres will also be considered. A personal cultural plan format is currently being piloted in Juvenile Justice custodial centres and will be implemented Statewide after evaluation. The Aboriginal Liaison Officer role at Melbourne Magistrates Court will be expanded, and recommendations arising from a recent review of the Koori Court system are being considered, and implemented where appropriate. The Children’s Koori Court is also operational. Further, three Koories have been appointed as Official Prison Visitors to ensure a responsive complaints system. The Corrections Inspectorate (which manages the Visitors) will report to the AJF on the Aboriginal Visitors Program as requested. More broadly, Corrections has employed Indigenous Community Corrections Officers to supervise Indigenous offenders and provide information to the Koori community regarding the role of Community Corrections Services; has appointed Aboriginal Well-being Officers to support Indigenous prisoners (concerning pre- and post- release needs); has delivered an Aboriginal Cultural Immersion Program in CCS and prisons; has assisted in the development and implementation of the Mentoring Program for Aboriginal women; and has provided other supports for Indigenous offenders (such as family tracing, drug and alcohol counseling). Corrections are also developing a Community Work Manual that will include a specific section relating to the Koori offenders’ community work placements to satisfy community-service hours, recognising the importance of working with the Koori community in the management of offenders, and of cultural and community links for offenders. There are already opportunities for Indigenous offenders to work with Indigenous
organisations (the Cultural Appreciation Program and Environmental Scheme). Further, based on the successful Shepparton-based Koori Women’s Mentoring Program, the DOJ has committed to annual funding for a State-wide, community–based mentoring program for both men and women on community-based orders.

(v) In terms of promoting civil, legal and human rights, Corrections will develop greater consistency in the provision of family reconnection programs for Indigenous prisoners, and attempts to accommodate Indigenous prisoners’ needs in terms of accommodation (ie, shared accommodation or accommodation near family).

(vi) In terms of research and evaluation, work includes development by the DOJ of a systematic data set detailing Indigenous overrepresentation in the justice system, and the Sentencing Advisory Council has established a Koori Sentencing Statistics Reference Group, to improve availability and quality of sentencing statistics. For monitoring and evaluation, the Corrections Inspectorate will consider developing data systems in relation to the rate of placement of Koori prisoners in segregation.


In 2004, the AJF and DOJ agreed to conduct a review of the VAJA. Consultants were engaged to undertake this review (Atkinson Kerr and Associates), and ultimately reported in April 2005. The review culminated in a final report - Review of the Victorian Aboriginal Justice Agreement (2005) (the AJA Review).

The report looks at to what extent the overall aim of the VAJA (to minimise overrepresentation by improving accessibility, utilisation and effectiveness of justice-related programs and services in partnership with the Aboriginal community) had been achieved. The principles, objectives and initiatives of the VAJA are considered. As noted above, each of the six strategic objectives is attached to a list of relevant initiatives. The report looks at stakeholder perceptions in relation to each of these objectives, as well the progress of each initiative and the extent to which that initiative contributes to its primary objective, other strategic objectives and to the VAJA’s overall aim. Those which had contributed actively to these objectives and the VAJA’s overall aim were considered to be ‘high priority’ initiatives (compared to those which did not contribute and were labelled ‘low priority’ initiatives); and those which had been actively developed, or were being developed, were considered to be ‘high progress’ initiatives (compared to ‘low progress’ initiatives which had remained or become inactive because they were not being developed, had lapsed or lost momentum). In brief, the most significant initiatives, according to the report, were the Koori Courts, men’s residential diversionary facility, and employment of Indigenous Community Corrections Officers.

Strategic objective 1 – ‘community participation’
High priority initiatives listed under this objective included Aboriginal Visitors (Corrections) (1.4) and the mentoring program for young women (Corrections) (1.5). The Aboriginal Official Visitors program has had difficulty in recruiting visitors and has thus made low progress, but remains critical in terms of its potential contribution. Rumbalara Aboriginal Cooperative was auspiced by Corrections to carry out the mentoring program for young Aboriginal women, and an evaluation in 2003 indicated that none of the 19 women participating in the program had breached their community-based orders. The program is thus reducing recidivism and diverting women from the justice system, and is a high priority/high progress project.

Strategic objective 2 – ‘culturally relevant programs and services’

High priority initiatives include the Aboriginal Cultural Immersion Program (2.4), men’s residential diversionary facility (medium progress) (2.6) and Aboriginal Welfare Officers (Corrections) (2.13) (low progress). The Family History Service initiative is of medium priority, but ought to be transferred to the Stolen Generations Corporation (2.14). The initiative relating to youth leadership in custody is low priority and low progress (2.8), as is the Aboriginal Family Visits Program (due to low community response) (2.5), but they ought to be included in the new AJA budget.

Strategic objective 3 – ‘develop a strategic and coordinated approach’ –

There are eight specific initiatives listed under this objective. Improved education in custody is a medium priority initiative (3.8) (and medium progress, as a vocational training framework has been developed by Corrections).

Strategic objective 4 – ‘develop fair and equitable justice services’

There were eleven initiatives listed in relation to this objective. High priority/high progress initiatives included Sheriff’s Office Aboriginal Liaison Officer Program (4.9) (representation from the Sheriff’s Office on the RAJAC network and training of Indigenous staff actively progressed); Magistrate’s Court Indigenous initiatives (4.10) (Koori Liaison Officer (evaluated favourably in 2003); Koori Courts (upcoming evaluation), and Indigenous Bail Justices (4.11) (under-utilised).

Strategic objective 5 – ‘improve community safety, security and well-being’

Five initiatives were listed, and all are high priority. The post-release Aboriginal employment and training advisory service (5.2) has not been progressed because it was decided to include an Indigenous component in Corrections system-wide Education and Training Strategy.

Strategic objective 6 - Reducing the risk of Aboriginal children and youth

4.3 Other Relevant Strategic and Evaluative Documentation
This Department of Justice evaluation of the Koori Courts in Victoria indicates that the Koori Court first sat at Shepparton on 7 October 2002, following the passage of the Magistrates’ Court (Koori Court) Act 2002. Six months later, the Broadmeadows Koori Court commenced sitting as the first Metropolitan Koori Court. A third Koori Court has subsequently been established that sits in the south-west of the State at Warrnambool. The evaluation found that the Koori Courts have been ‘a resounding success’ (8). This initiative has reduced the levels of recidivism amongst Koori defendants, which in turn has direct ramifications for the levels of over-representation within the prison system. The Shepparton Koori Court had a recidivism rate of approximately 12.5% for the two years of the pilot program and the Broadmeadows Koori Court’s re-offending rate was approximately 15.5%. Further, it has achieved reductions in the breach rates for community corrections orders and the rates of Koori defendants failing to appear for their court dates, along with achieving broader objectives such as reinforcing the status and authority of Elders and Respected Persons, and thereby strengthening the Koori Community. It was recommended that the model be extended to other areas of the State. 7

This initiative has been singled out as being one of the more effective justice initiatives in Victoria on a number of occasions. The VAJA2 identified Koori Courts, Aboriginal Liaison Officers and cultural awareness training for magistrates and other staff as successful initiatives. Other effective court programs, according to the VAJA2, include Aboriginal Bail Justices and Sheriff’s Office Aboriginal Liaison Officer Program. The Legal Aid Commission (Vic) has also identified Koori Courts as being the most effective recent Indigenous justice initiative. It now operates in Mildura, Warrnambool, Shepparton, and in the city, at Morwell and there is also the Childrens’ Koori Court. At Shepparton, the improvement in the relationship between white and Indigenous communities now is apparently ‘palpable’, as recidivism is being drastically reduced, and police and local employers are involved. Rumbalara, a local Indigenous sporting club,

has been reborn as a result, in part, of the Koori Court, and is now also operating as an Indigenous employment agency. 8 Similarly, Victorian Youth Justice (Department of Human Services) also referred to the success of the Childrens’ Koori Court. It has been operating since 2005, and appears to be successful, particularly because the greater involvement of community and family means that children are more likely to appear in court. 9

4.3.2 Victorian Indigenous Family Violence Taskforce Final Report (2003) (Dept of Communities)


Ultimately, the Task Force made 28 recommendations, including that a research project be undertaken to determine the merits and feasibility of establishing an Indigenous Family Violence Court and the changes needed to provide a culturally safe and secure environment for Indigenous family violence victims (14); and that specific cultural awareness programs about Indigenous Family Violence issues be developed and attended by staff of mainstream services who have contact with Indigenous victims of family violence, including Corrections Officers (23).

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8 Michael Wighton, Executive Manager (Regional Offices etc.), Legal Aid Commission (Vic), telephone conversation with author, 30 June 2008

In their response to the Taskforce Report, the Government praises the work undertaken in stage one of the process, and, in brief, committed to establishing a Family Violence division of the Magistrates Court. Whilst the Family Violence Division of the Magistrates Court is not specifically targeted to Indigenous communities, a core component of the Family Violence Division Project is to ensure that training, recruitment, court processes and interagency protocols provide a court service that will respond to the needs and expectations of the Indigenous Community, amongst other communities. Like the Koori Court, the Family Violence Division will be carefully evaluated to establish whether the model developed meets the needs of the Indigenous community. These evaluations will inform future policy about the most effective ways for courts to respond to family violence in Indigenous communities. ¹⁰

Further, the Family Violence Court Intervention Program (FVCIP) will trial mandated behaviour change counselling for men subject to an intervention order for family violence in the two Family Violence Division Courts. This counselling aims to make men using violence accountable for their behaviour and to stop violent behaviour, and the program will also offer support to family members who have experienced violence. Whilst the FVCIP will be part of a mainstream pilot, the counselling and support available to Indigenous families will be culturally appropriate and address the needs of Indigenous communities. Again, evaluation of the FVCIP will consider its effectiveness in addressing Indigenous family violence. ¹¹

4.3.4 Department of Justice, (2008) Enforcement Operations Koori Strategy 2008-2010, Department of Justice Victoria ¹²

The Enforcement Operations Koori Strategy 2008-2010 was developed with the objective of encouraging Koories to meet their infringement obligations and thereby minimise the risk of further penetration into the justice system by enhancing options (through collaboration between Enforcement Operations and other justice agencies, government departments and Koori community groups). It was developed in the context of the

RCIADIC, VIAF, and the VAJA, inter alia, and the troubling issue of Indigenous over-representation in Victoria.

In brief, the strategy involves strategies such as the Koori Court identifying infringement matters for Koori Court defendants; support for the implementation and ongoing operation of the Koori Offender Support and Mentoring Program and the Koori Local Justice Worker Program; facilitating access by Koories to the Melbourne Magistrates Court Special Circumstances list, where appropriate, and consideration of expanding the Special Circumstances list to Koori Court locations; working with Corrections to investigate the expansion of culturally sensitive community work sites to cater for Koori defendants converting fines/warrants to community work and to identify options to better support community organizations supervising Community Work permits; and developing protocols with Wulgunggo Ngalu to ensure infringement matters are resolved during participation in the program.


The independent evaluation of the Corrections’ Koori Cognitive Skills Program considered three pilot programs provide to Aboriginal men and women in correctional facilities. The Program is an offending behaviour program within Corrections Victoria’s Reducing Re-offending Framework. It is adapted from the mainstream Cognitive Skills Program (CSP) and supports the second key objective of the Victorian Aboriginal Justice Agreement: ‘to identify and respond effectively to the needs of Aboriginal people through the development and delivery of culturally appropriate policies, programs and services’.

The evaluation found that, overall, the adaptation, implementation and evaluation of the program was successful. In terms of adaptation, a Koori registered psychologist undertook this task, also engaging a male and a female Koori elder to ensure the work met community standards of cultural integrity. A wide range of culturally relevant adaptations was made. Attendance rates for the three pilot groups were high, averaging 91% across the three locations. Adherence to the program manual was high - facilitators fully completed 73% of the activities specified in the program. A high level of skills acquisition was demonstrated, averaging 77% at session 15 and 100% at

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13 For information on the Koori Local Justice Worker program, see: http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Home/About+Us/Media+Room/News+Archive/JUSTICE+-+Local+Justice+Worker+to+Assist+Koori+Offenders+(NEWS)


session 29. Further, at all three locations the Koori participants who completed the program were seen to have a sense of achievement and enhanced self-esteem. The program was seen as a benefit to the institution, as an opportunity to raise the profile of Indigenous needs and concerns and to demonstrate cultural responsiveness. At one location, it appeared to improve rapport between officers and Koori prisoners, and equipped officers to better negotiate tensions between Koori and non-Koori prisoners. The majority of participants rated the program highly in terms of its usefulness, their enjoyment of it and how much they felt it had helped them.

4.3.6 Other Best Practice

*Cultural Immersion (Prisons)*

The Aboriginal Cultural Immersion Program is an initiatives based on a pilot conducted in 1998 by Corrections Victoria. It involves Aboriginal Elders presenting culturally-based activities to incarcerated offenders (VAJA 1 & 2; Atkinson 2005).

*Community-based alternatives to incarceration*

Both the Warrakoo Life Skills (VAJA 1 & 2; DOJ (Vic) 2005a), and the Wulgunggo Ngalu Learning Place residential programs have been identified as successful (VAJA2) (see also DOJ (Vic) 2005a).