

# Burra Lotjpa Dunguludja

Victorian Aboriginal  
Justice Agreement

## Phase 4

A partnership between the  
Victorian Government and  
Aboriginal Community








# ***Burra Lotjpa Dunguludja*** **(Senior Leaders Talking Strong)**

***Burra Lotjpa Dunguludja*** means '*Senior Leaders Talking Strong*' in Yorta Yorta language. We offer our sincere thanks to Aunty Zeta Thomson, a Yorta Yorta/Wurundjeri Elder, and member of the Aboriginal Justice Caucus for providing a name that reflects the importance of the enduring partnership that supports this Agreement.



## Advice to our readers

To our Aboriginal and Torres Strait Islander readers, we advise that this document may include photos, quotations and/or names of people who are deceased.

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

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

## The Kurnai Shield and the AJA

*Kurnai Shield* © 2002 by artist Ms Eileen Harrison, a Kurnai woman from Gippsland

"The markings on this shield represent our people and our country".

*Kurnai Shield* is an acrylic on canvas that was created in 2002 and featured in the Mallacoota Arts Festival that year. In 2003, the artwork was purchased by the Department of Justice and Regulation to feature as the visual emblem of the Victorian Aboriginal Justice Agreement (AJA). Since then it has featured prominently on all associated documents and publications, including the AJA, AJA2 and AJA3 booklets.

In 2010, Ms Harrison agreed to allow a stylised version of the artwork to be created, enabling increased promotion of the AJA by the Department of Justice and Regulation. Aboriginal designer Marcus Lee developed the 'Koori Strong, Koori Proud, Koori Justice' emblem featuring a stylistic representation of the Kurnai Shield, signifying the evolution of the AJA and coinciding with its 10th Anniversary.

This document is different to previous Victorian Aboriginal Justice Agreements. It is intended to provide a summary of the most important aspects of the Agreement with further detail provided alongside this information in the digital version of the Agreement, which can be found at [www.aboriginaljustice.vic.gov.au](http://www.aboriginaljustice.vic.gov.au)



## Acknowledgements

**We, the partners of this Agreement, acknowledge Aboriginal and Torres Strait Islander people as the First Peoples and Traditional Owners and custodians of the land and waterways upon which our lives depend. We acknowledge and pay our respects to ancestors of this country, Elders, knowledge holders and leaders – past, present and emerging. We extend that respect to all Aboriginal and Torres Strait Islander peoples. We recognise that Aboriginal and Torres Strait Islander communities are steeped in culture and lore having existed within Australia continuously for some 65,000 years. We acknowledge the ongoing leadership of Aboriginal communities across Victoria in striving to build on these strengths to address inequalities and improve Aboriginal justice outcomes.**

Victorian Aboriginal communities and peoples are culturally diverse, with rich and varied heritages and histories both pre and post-invasion. The impacts of colonisation – while having devastating effects on the traditional life of Aboriginal Nations – have not diminished Aboriginal people's connection to country, culture or community. These rich and varied histories need to be understood and acknowledged by all Victorians, to truly understand the resilience and strength of previous generations, as well as the history of the fight for survival, justice and country that has taken place across Victoria and around Australia.

Aboriginal communities across Victoria continue to build upon these strengths from day to day, demonstrating to governments of all persuasions the vital role of connectedness – to country, community and culture – in improving Aboriginal lives and enriching Victoria. At the heart of these processes are Aboriginal families.

The majority of Aboriginal people never have, and never will become involved in the criminal justice system as victims and/or offenders. However, it is important to recognise that the historical legacy of colonisation is still felt today and that the disruption experienced by Aboriginal families left many marginalised, disadvantaged and vulnerable to contact with the justice system. For the minority of Aboriginal people who do become involved in the criminal justice system, their experiences not only adversely affect the individuals involved, but significantly impact their families and the communities to which they belong.

As we work together to improve Aboriginal justice outcomes, support families and make communities safer, we acknowledge the invaluable contributions of all those who have gone before us, who have fought tirelessly for the rights of Aboriginal people including the right to self-determination, and paved the way for this Agreement.

We give our gratitude to the many Aboriginal people who generously contributed their wisdom, experience, expertise and cultural authority during the development of this Agreement. We also acknowledge the valuable input of many non-Aboriginal people who generously contributed to its development.



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## Acronyms

ABS	Australian Bureau of Statistics
ACCOs	Aboriginal Community Controlled Organisations
ACFI	Aboriginal Community Fines Initiative
AFM	Affected family member
AIHW	Australian Institute of Health and Welfare
AJA	Aboriginal Justice Agreement
AJA1	The first Victorian Aboriginal Justice Agreement
AJA2	Victorian Aboriginal Justice Agreement – phase 2
AJA3	Victorian Aboriginal Justice Agreement – phase 3
AJA4	Victorian Aboriginal Justice Agreement – phase 4
AJC	Aboriginal Justice Caucus
AJF	Aboriginal Justice Forum
CCO	Community Correction Order
CISP	Courts Integrated Services Program
CSV	Court Services Victoria
DET	Department of Education and Training
DHHS	Department of Health and Human Services
DJR	Department of Justice and Regulation
DPC	Department of Premier and Cabinet
KJU	Koori Justice Unit
KWDP	Koori Women's Diversion Program
LAJAC	Local Aboriginal Justice Action Committee
NATSISS	National Aboriginal and Torres Strait Islander Social Survey
OTH	Other parties in family incident reports
RAJAC	Regional Aboriginal Justice Advisory Committee
RCIADIC	Royal Commission into Aboriginal Deaths in Custody
SALO	Sheriff's Aboriginal Liaison Officer Program
VAAF	Victorian Aboriginal Affairs Framework
VCAT	Victorian Civil & Administrative Tribunal
VGAAR	Victorian Government Aboriginal Affairs Report
VOCAT	Victims of Crime Assistance Tribunal
WDP	Work and Development Permit Scheme



## Attorney-General's Foreword

*Burra Lotjpa Dunguludja* or *Senior Leaders Talking Strong* is the fourth phase of the Victorian Aboriginal Justice Agreement (AJA). It is an important step in the long and proud history of the Aboriginal community and Victorian Government working in partnership to improve justice outcomes and family and community safety. In this phase of the Agreement we strengthen and give further expression to the Victorian Government's commitment to self-determination.

From the outset, development of *Burra Lotjpa Dunguludja* has been framed through the lens of self-determination and what it means in the justice system. It is important to recognise that the AJA was created in response to the Royal Commission into Aboriginal Deaths in Custody, and has always embraced its core principles of self-determination and self-management, and arrest and imprisonment as sanctions of last resort.

The first AJA was struck in 2000, and was the first Aboriginal Justice Agreement in the country. Eighteen years on, it's the longest running continuous agreement, an achievement of which we can be rightfully proud. During that time, trust has been built, relationships have matured, and structures and processes for doing business have been put in place, producing many lasting and profound changes to the justice system.

The partnership between the Aboriginal community and government is reflected in everything we do - from design and development, to the implementation of new activities, to monitoring and evaluating what's working and what's not.

*Burra Lotjpa Dunguludja* brings new challenges and requires us to renew our efforts to address over-representation of Aboriginal people in the justice system. Despite the focus and hard work of both the Aboriginal community and government, we need to continue to tackle the over-representation of Aboriginal people in the justice system, and to close the gap by 2031.

The commitment to self-determination by this government represents a chance for a new effort to tackle these complex challenges. Self-determination is the only policy approach to produce effective and sustainable outcomes for Indigenous peoples around the world.

To promote Aboriginal self-determination and provide further support to reduce over-representation of Aboriginal people in the justice system, the Andrews Labor Government is pleased to provide \$40.3 million to support initiatives to be implemented under *Burra Lotjpa Dunguludja*. This funding includes:

- \$15 million to expand existing community-based justice programs and services and develop new community designed and led approaches to reduce Aboriginal involvement in the justice system;
- \$12.3 million for a range of court-based initiatives to enable greater Aboriginal participation in civil, criminal and coronial settings;
- \$10.8 million to target over-representation in Victoria's youth justice system by extending the community-based Koori Youth Justice program, and examining the cases of about 250 young people to identify the underlying causes for their offending; and
- \$2.2 million to expand the Statewide Indigenous Arts in Prisons and Community Program.

I would like to thank the Aboriginal Justice Caucus for their outstanding leadership and contribution to enhancing our understanding of how Aboriginal self-determination might be more fully expressed in the justice system. They have worked tirelessly in the development of *Burra Lotjpa Dunguludja* to shape the vision and define the outcomes we will strive to achieve under this Agreement.

The Victorian Government has been guided by the Aboriginal community towards new approaches to meet the challenge of Aboriginal over-representation in the justice system. I encourage all who work under the Agreement to meet this challenge with renewed commitment as we embark on the next phase of the Agreement.

**The Hon Martin Pakula MP**  
**Attorney-General**





## Aboriginal Justice Caucus Co-Chairs' Foreword

We are pleased on behalf of the Aboriginal Justice Caucus to present *Burra Lotjpa Dunguludja* – Senior Leaders Talking Strong. This is an Agreement that, more than ever before, has been shaped by Aboriginal people in their pursuit of self-determination.

The launch of this new Agreement marks the 18th anniversary of the first Victorian AJA. In that time we have seen great change in how we approach justice for the Aboriginal community in Victoria. The earlier Agreements broke ground with many important developments, from the original landmarks of the AJA partnership structure and foundation of Koori Courts, to development of liaison roles within Victoria Police and Sheriffs and a raft of programs and workers to support improved justice outcomes.

The fourth phase of the Victorian AJA builds on this solid foundation. The two drivers of the Agreement: to continue to address Aboriginal over-representation across the justice system, and to progress self-determination as the core policy approach, will help support us to achieve our vision and goals.

The Aboriginal Justice Caucus has explored and defined what self-determination means to us in the justice context, and this Agreement reflects our long term vision for an Aboriginal community-controlled justice system. This fits in with the broader movement toward Aboriginal self-determination in Victoria and Treaty work underway. Self-determination is seen in many ways in this Agreement, including the focus on family, community, culture and country.

We can expect to see more change in the way the AJA is delivered over its lifetime. In recent years, the Aboriginal Justice Caucus has grown in its role to become the main leadership body for community on justice issues. We can expect this growth to continue as the partnership also changes. The partnership is a core feature of the series of Agreements, and will remain an important and enduring part of the story. As self-determination grows, the Aboriginal community will assume more and more responsibility and influence to deliver services in a way that works for us, and we are encouraged to see government commit to adapting to the changing balance of this relationship. There is much more work to be done, but we are in a great position to keep moving toward an even stronger future.

The strategies and opportunities contained in this Agreement are designed to strengthen Aboriginal oversight of justice outcomes for Aboriginal people, and to focus more than ever before on the important roles of family and therapeutic, cultural healing to tackle offending. This is particularly important for young people. The Aboriginal Justice Caucus stands with other concerned groups in the community in calling for national change to the age of criminal responsibility, believing that young offenders, in particular very young offenders should be treated therapeutically as is the case in other countries, rather than through the criminal justice system.

Critical to reducing offending is economic independence and stability for Aboriginal families. The Aboriginal Justice Caucus congratulates the Victorian Government on its move during 2018 to prevent release of historical criminal offences that were ascribed to children of the stolen generations. These children were effectively criminalised for being removed from their families. This is a step in the right direction. The Aboriginal Justice Caucus looks forward to working towards a more consistent approach to spent convictions so that offending which has long since been dealt with, ceases to impede the economic prospects of many Aboriginal people.

We would like to thank the many people who work with Caucus on this important undertaking, including community members and leaders; Regional Aboriginal Justice Advisory Committee (RAJAC) and Local Aboriginal Justice Action Committee (LAJAC) chairpersons, members and executive officers; members of the Aboriginal Justice Forum; and Ministers, public sector leaders and staff. This collaborative support and effort keeps the Agreement moving, and we are grateful for the help we receive to keep Caucus and community at the centre of the partnership. We are proud of the work that this Agreement continues, and look forward to working to further our vision for a self-determining, strong and proud Aboriginal community.

**Tony Lovett and Marion Hansen**  
**Aboriginal Justice Caucus Co-Chairs**

## Burra Lotjpa Dunguludja at a glance

<b>Vision</b>	<b>Aboriginal people have access to an equitable justice and upholds their human, civil, legal and cultural rights</b>	
<b>Context</b>	<b>Key challenge: Over-representation of Aboriginal people in</b>	
	<b>Key policy focus: Growing self-determination</b>	
<b>Domains</b>	<div> <div> <b>Strong and safe Aboriginal families and communities</b> </div> <div> <b>Fewer Aboriginal people in the criminal justice system</b> </div> </div>	
<b>Goals</b>	<div> <div>Aboriginal families are strong and resilient</div> <div>Aboriginal communities are safer</div> </div>	<div> <div>Aboriginal people are not disproportionately worse off under policies and legislation</div> <div>Fewer Aboriginal people enter the criminal justice system</div> <div>Fewer Aboriginal people progress through the criminal justice system</div> <div>Fewer Aboriginal people return to the criminal justice system</div> </div>

**system that is shaped by self-determination, and protects**

**the criminal justice system**

**A more effective  
justice system with  
greater Aboriginal  
control**

**The needs of  
Aboriginal clients are  
met through a more  
culturally informed  
and safe system**

**A strong and effective  
Aboriginal community  
controlled justice  
sector**

**Greater self-  
determination in the  
justice sector**

**Greater  
accountability for  
justice outcomes**

**Greater Aboriginal  
community leadership  
and strategic decision  
making**



## Victorian Aboriginal Justice Agreement

The first Victorian Aboriginal Justice Agreement (AJA1 2000–2006) was developed in response to recommendations from the 1991 Royal Commission into Aboriginal Deaths in Custody (RCIADIC) and subsequent 1997 National Ministerial Summit on Indigenous Deaths in Custody. The Victorian AJA is a long-term partnership between the Aboriginal community and the Victorian Government. The signatories of the Agreement are committed to working together to improve Aboriginal justice outcomes, family and community safety, and reduce over-representation in the Victorian criminal justice system. Each subsequent phase of the AJA has built upon its predecessors (AJA2 2006–2012, AJA3 2013–2018) to further improve justice programs and services for Aboriginal people.

### Building on a robust foundation

The 18-year AJA partnership between government and the Victorian Aboriginal community provides a robust foundation to build upon. Professor Chris Cunneen, a leading criminologist specialising in Indigenous justice, noted in his 2010 study into the role of Indigenous Justice Agreements nationally that “the Victorian AJA structure has been independently evaluated, with Indigenous input, as being effective in building, and embodying the goals of effective partnerships.”<sup>1</sup> The AJA is the longest-running agreement of its kind in Australia and has enabled the establishment of significant initiatives. These include Aboriginal programs, positions, plans and business units that operate specifically to address the needs of the Victorian Aboriginal community. The AJA’s wide-reaching impacts, along with its strong partnerships, are its greatest strength.

The evaluation of AJA3 found the AJA partnership has reached a level of maturation not replicated elsewhere. It has been instrumental in effecting real change in terms of embedding cultural awareness and the adoption of an Aboriginal lens for the development of new strategies, policies and initiatives. It has facilitated and enabled the development of strong and durable relationships between agencies and with members of the Victorian Aboriginal community. The partnership has evolved and there are now high levels of trust between the partners. This has not led to complacency on the part of any of the partners, and there remains a high demand for accountability and action.<sup>2</sup>

### Strong Aboriginal leadership and voice

Critical to the development of the AJA was the Victorian Aboriginal Justice Advisory Committee. Under the leadership of its Chair, the late Dr Alf Bamblett, the Committee worked tirelessly with government and paved the way for the AJA as it exists today. This bold leadership set the foundations for an amplified Aboriginal voice at both local and state levels, exemplified through the Koori Caucus, now known as the Aboriginal Justice Caucus. The Aboriginal Justice Caucus, a self-determining body, has now been in existence for 18 years and staunchly represents the voices and issues of Aboriginal communities and the Aboriginal community sector. Strong leadership has also driven AJA3 over the past five years in the regions. The Caucus members play a crucial role as the conduit between community and government and between the wider community and the RAJACs, which they chair.

The Victorian Aboriginal community continues to demonstrate its strength and resilience, despite facing significant challenges. As partners to the AJA, the community remains committed to improving outcomes through innovative approaches that build on community strengths. The community takes a holistic view of wellbeing, which considers the impact on the collective and not just the individual. As the 2017 report on Aboriginal self-determination and the Victorian justice system notes, “there is enormous capability and expertise in the Aboriginal community that is waiting to be utilised”.<sup>3</sup>





## Our journey to self-determination in justice

While building on the previous Agreements and successful initiatives implemented under them, *Burra Lotjpa Dunguludja* reflects current Aboriginal community aspirations for greater self-determination and significant structural and system change. This means realising Aboriginal aspirations for change, in particular progressing self-determination towards a justice system which values, promotes and requires greater involvement of Aboriginal communities in decision-making, program design and delivery.

### The importance of self-determination

The Victorian Government is committed to self-determination as the guiding principle in Aboriginal affairs, and government heard directly from Victorian Aboriginal communities about their desire for greater self-determination within the justice system. Work towards self-determination and Treaty is creating a new relationship between the Victorian Government and Aboriginal communities, which will empower Aboriginal communities to achieve long-term generational change and improved outcomes.

The Victorian Government's work on self-determination is guided by the United Nations Declaration on the Rights of Indigenous Peoples, which defines self-determination as a range of collective rights to determine one's political status and economic, social and cultural development. These include rights to non-discrimination, cultural integrity, control over land and resources, social welfare and development and self-government.<sup>4</sup>

The 2017 report on Aboriginal self-determination and the Victorian justice system, prepared for the Aboriginal Justice Caucus by the Jumbunna Institute for Indigenous Education and Research confirms that:

*"The evidence is settled that self-determination is the only strategy that has generated the sustainable wellbeing – cultural, physical, spiritual, economic and social – that Aboriginal and Torres Strait Islander communities and the broader community desire. Self-determination relates to the capacity of the Aboriginal community itself to determine its preferred future and to create the human, institutional and financial infrastructure to bring those aspirations into being".<sup>5</sup>*

The Aboriginal Justice Caucus has been clear in stating that **Aboriginal self-determination is a matter for Aboriginal people**. Therefore, the process of furthering self-determination in justice must be led by Aboriginal people in Victoria.

In terms of government policy, there are clear reasons why embedding Aboriginal self-determination is the strongest foundation for the future effectiveness of service delivery to close the gap between Aboriginal and non-Aboriginal justice outcomes:

- Aboriginal people understand the issues of concern and priority in their local areas.
- Involvement of Aboriginal people ensures community buy-in and culturally appropriate solutions.
- Inclusion of Aboriginal people builds community and social capital.
- Involvement of Aboriginal people increases potential for creation of culturally-sensitive spaces and improved cultural competency of non-Aboriginal staff.
- Aboriginal people are able to use their networks to engage people in programs and services who may not otherwise participate.
- Aboriginal people can use their community networks to work across agencies in communities.<sup>6</sup>



## Self-determination in action through the AJA

Self-determination has been a fundamental driving principle of the partnership and governance structures underpinning the AJA since its inception, and informs all work under the Agreement. This approach has seen the development of multiple positions, plans, partnerships and programs that specifically meet the needs of the Victorian Aboriginal community since 2000 including those shown below.

### Positions

- Victoria Police Aboriginal Community Liaison Officers
- Sheriff's Aboriginal Liaison Officers
- Local Justice Workers
- Aboriginal Justice Caucus and Secretariat
- RAJAC Executive Officers
- LAJAC Project Officers
- Aboriginal Dispute Resolution Team
- Koori Court Officers
- Aboriginal Wellbeing Officers
- Aboriginal Community Corrections Officers, Case Managers and Parole Officers
- Aboriginal Victims Assistance Support Workers
- Advanced Aboriginal Case Managers

### Programs

- Koori Women's Diversion Program
- Wulgunggo Ngalu Learning Place
- Koori Courts
- Koori Youth Justice Program
- Reporting Racism Project
- Koori Independent Prison Visitor Scheme
- Local Justice Worker Program
- Frontline Youth and Community Initiatives Programs
- Koori Youth Crime Prevention Grants
- Family Violence funding for ACCOs
- Kaka Wangity Wangin-Mirrie Cultural Programs in Correctional Services (programs that focus on cultural strengthening; family violence; parenting and healing)

### Partnerships

- Victorian Aboriginal Justice Advisory Committee
- Aboriginal Justice Agreement Partnership
- Aboriginal Justice Caucus
- Regional Aboriginal Justice Advisory Committees
- Local Aboriginal Justice Action Committees
- Indigenous Family Violence Partnership Forum

### Plans

- DJR Koori Careers and Employment Strategy
- DJR Yarrwul Loitjba Yapaneyepuk (Koori Inclusion Action Plan)
- DJR Cultural Respect Framework
- Corrections Victoria and Justice Health Aboriginal Social and Emotional Wellbeing Plan

## The evolving role of the Aboriginal Justice Caucus

The Aboriginal Justice Caucus comprises the Aboriginal community members of the AJF. In addition to the nine Chairs of the RAJACs, the Aboriginal Justice Caucus also includes Aboriginal representatives of Aboriginal peak bodies and some Aboriginal community controlled organisations (ACCOs).

The role of the Aboriginal Justice Caucus is evolving, as they participate in a growing number of local and state-wide advisory and governance mechanisms to inform government responses to justice-related issues, including this Agreement, the development of a new Aboriginal youth justice strategy and initiatives relating to the *2016 Royal Commission into Family Violence*. The progression of self-determination necessitates new and enhanced roles for the Aboriginal partners of the AJA and the AJF.

The Aboriginal Justice Caucus will seek to increase its participation in government processes, policy and program design, which is critical to the realisation of self-determination for the Victorian Aboriginal community in the justice sector:

*"The Aboriginal Justice Caucus appreciates the enormity of the task but is ready to take responsibility for setting the Aboriginal justice agenda".<sup>7</sup>*

## Further embedding self-determination in justice

The Aboriginal Justice Caucus have developed their long-term priorities for realising Aboriginal self-determination in the justice system.

This work acknowledges that Aboriginal self-determination is not a new concept in Victoria with communities and individuals involved in an ongoing struggle for the right to self-determine their lives, shape their communities and ensure the wellbeing of future generations. In relation to the justice system, the concept of self-determination has been enshrined in previous AJAs, reflecting recommendations from the RCIADIC which identified the empowerment of Aboriginal communities and the associated right to self-determination as critical to realising meaningful change in Aboriginal justice outcomes.

In developing *Burra Lotjpa Dunguludja*, the Aboriginal Justice Caucus' long-term aspiration for self-determination within the justice system could eventually see the Aboriginal community set the agenda in relation to providing a culturally-responsive justice system for Aboriginal people. The Victorian Government acknowledges that "Aboriginal people in Victoria are the people best placed to know what works when it comes to achieving better outcomes for their own communities".<sup>8</sup>

In the context of the Victorian justice system, this relates to the aspiration of the Aboriginal community to:

- determine goals and aspirations for that system as it applies to Aboriginal people
- set the direction for government policy and programs as they apply to Aboriginal people's interaction with the justice system
- hold governments to account against benchmarks set by the Aboriginal community
- establish justice institutions to exercise self-determination.<sup>9</sup>

The characteristics of self-determination include:

- community control over design, process and preferred outcomes
- cultural leadership and authority
- systems, services and programs reflecting community values
- a holistic approach to wellbeing and healing
- jurisdictional influence
- focusing on outcomes rather than outputs
- flexibility in resourcing and time to grow and evolve
- high levels of competence and capacity
- realistic targets and control over parameters of evaluation processes.<sup>10</sup>

Embedding self-determination in the core business of justice agencies requires change in order to transfer power, decision-making and resources to the Aboriginal community. Taking the first steps toward transitioning to greater Aboriginal authority is a crucial aim of this Agreement.

## Aboriginal over-representation in the justice system

### The evidence

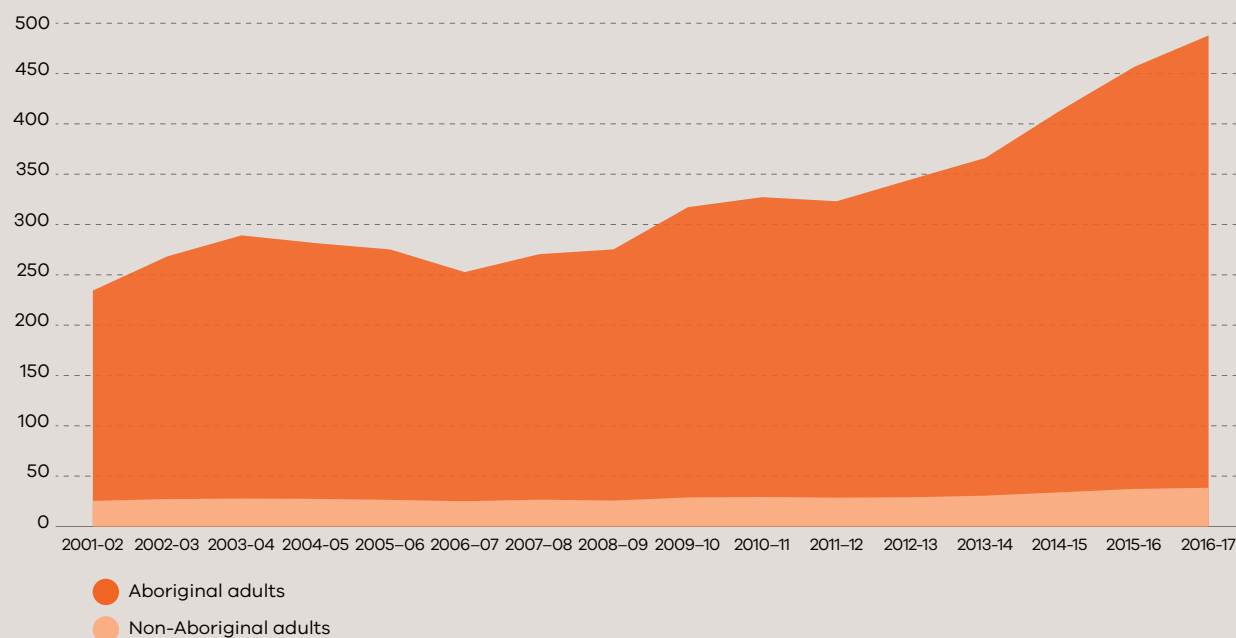
The majority of Aboriginal people will never offend nor become involved in the Victorian criminal justice system. However there is a minority who will offend and once involved in the system have an increased risk of lifelong involvement.

The over-representation of Aboriginal people in the criminal justice system is a complex and enduring issue. It remains high, and the conditions that led to the signing of the first AJA remain as valid today as they were in 2000.

Although the numbers and rates of Aboriginal young people and adults involved in the criminal justice system in Victoria are lower than most other Australian jurisdictions and national figures, they are high when compared to the non-Aboriginal population and are increasing.

Between 2011-12 and 2016-17, the rate of Aboriginal adults under justice supervision increased by 52.6 per cent (from 294.5 to 449.5 per 10,000) compared with a 34 per cent increase among non-Aboriginal adults (from 28.6 to 38.4 per 10,000).<sup>11</sup> In 2016-17, Aboriginal adults were 11.7 times more likely than non-Aboriginal adults to be under justice supervision in Victoria.

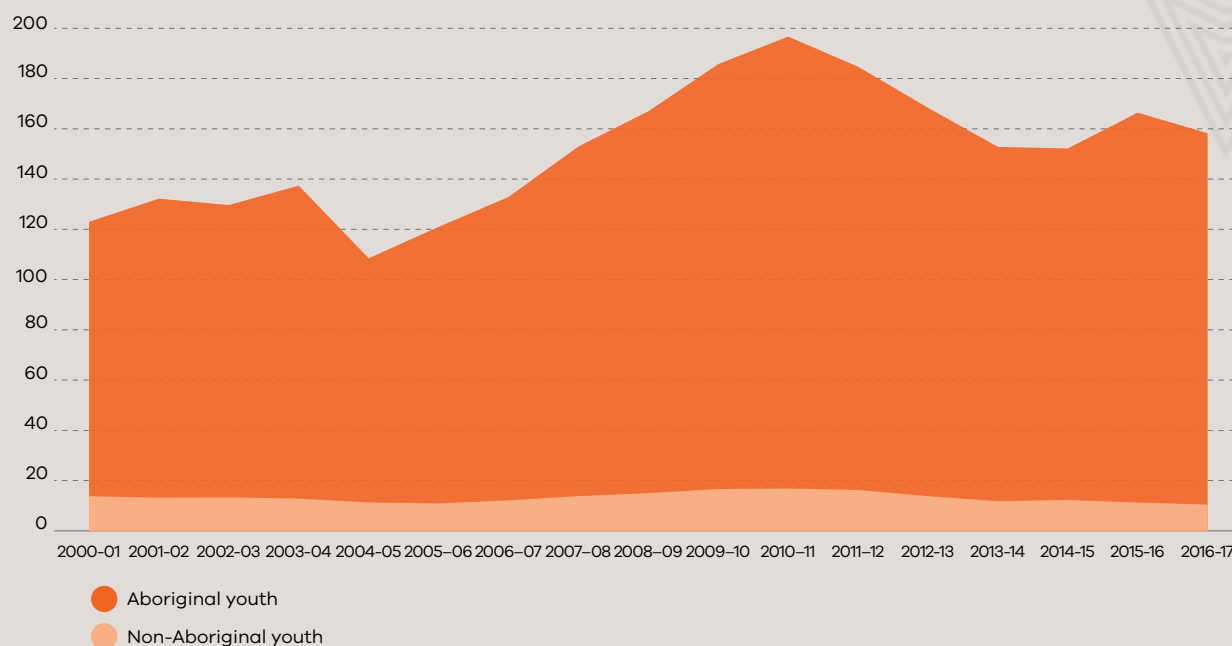
Figure 1. Adults under justice supervision (community corrections and prison) in Victoria, rates per 10,000 population



Source: Corrections Victoria, ABS 3238.0 Aboriginal Population Estimates and Projections, ABS 3101.1 Australian Demographic Statistics.

Over the past five years, the rate of Aboriginal youth (aged 10-17 years) under justice supervision decreased by 13.1 per cent (from 170.2 to 147.9 per 10,000) compared with a 34.8 per cent decrease among non-Aboriginal youth (from 16.2 to 10.6 per 10,000).<sup>12</sup> In 2016-17, Aboriginal youth were 14 times more likely than non-Aboriginal youth to be under justice supervision in Victoria.

Figure 2. Youth (10-17 years) under justice supervision (community-based and detention) in Victoria, rates per 10,000 population



Source: AIHW, *Youth Justice 2016-17*, ABS 3238.0 *Aboriginal Population Estimates and Projections*, ABS 3101.1 *Australian Demographic Statistics*

### Aboriginal cohorts under justice supervision

In 2017, Aboriginal adults accounted for 8.5 per cent of all prisoners in Victoria despite comprising only 0.6 per cent of the total Victorian adult population. Once age differences between the Aboriginal and non-Aboriginal populations were accounted for, the non-Aboriginal imprisonment rate was 14.0 per 10,000 adults in Victoria, while the adult Aboriginal imprisonment rate was 168.3 per 10,000 population, 12.0 times the rate for the total population.<sup>13</sup>

On an average day in 2017, Aboriginal adults accounted for 7.2 per cent of offenders in community-based corrections. The age-standardised Aboriginal community corrections rate was 264.4 per 10,000, 9.5 times the non-Aboriginal rate of 27.9 per 10,000.<sup>14</sup>

In 2016-17, Aboriginal youth accounted for 16.9 per cent of all young people in youth detention despite comprising only 1.3 per cent of the Victorian youth population (10-17 years). The non-Aboriginal detention rate was 1.8 per 10,000 youth (10-17 years) in Victoria, while the Aboriginal youth detention rate was 23.2 per 10,000, 12.7 times the non-Aboriginal rate.<sup>15</sup>

Similarly, Aboriginal youth aged 10-17 years accounted for 18.4 per cent of young offenders under community-based youth justice supervision on an average day. The rate of Aboriginal youth under community-based supervision was 123.5 per 10,000, 14.3 times the non-Aboriginal rate of 8.6 per 10,000.<sup>16</sup>

### Men

On any given day, the vast majority of Aboriginal people in the criminal justice system are adults (approximately 92 per cent) and the majority of these adults are male (approximately 80 per cent). On any given day, approximately 60 per cent of Aboriginal males in prison and in community-based corrections are aged 18-34 years.<sup>17</sup> Given their high numbers, and frequency of interactions with the criminal justice system, reducing the number of Aboriginal males in contact with the criminal justice system is critical if the targets, milestones and outcomes of this Agreement are to be realised.

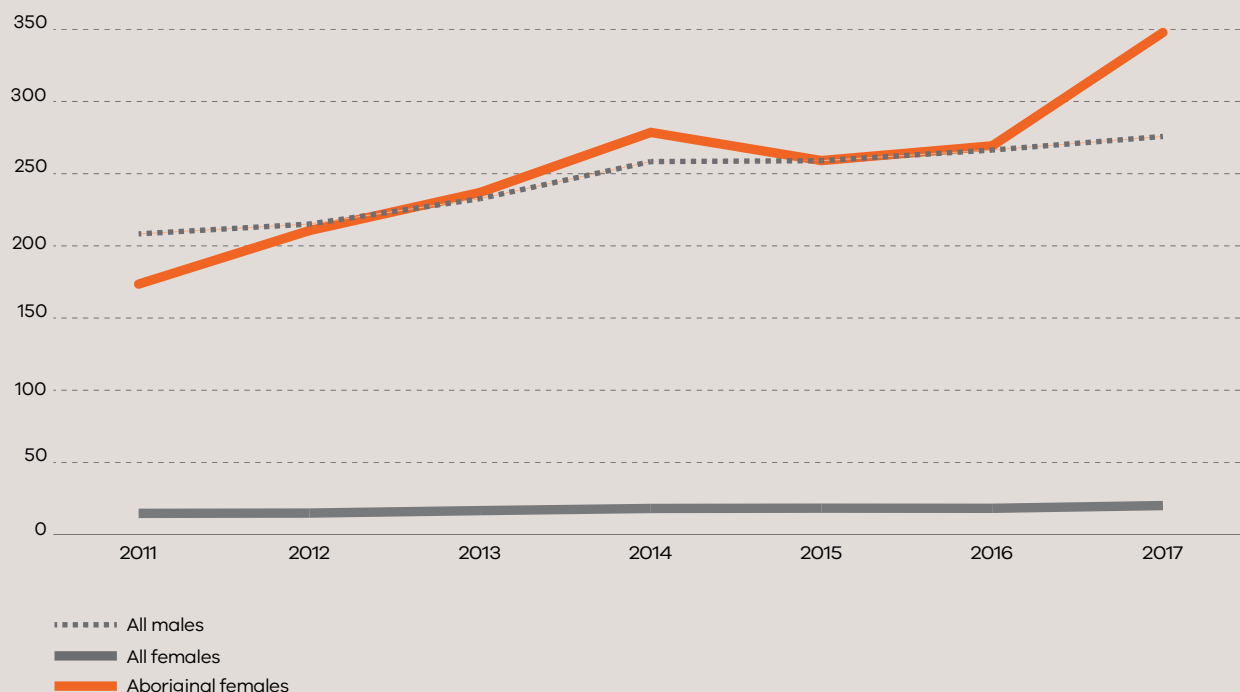
Figure 3. Nine out of every ten Aboriginal people in the criminal justice system are adults.



## Women

When AJA2 was evaluated in 2012, Aboriginal women were imprisoned in Victoria at a higher rate than non-Aboriginal men.<sup>18</sup> Since then, the number and rates of Aboriginal women in prison have continued to increase. While Aboriginal women are a relatively small cohort within Victoria's prison system, this cohort has consistently been the fastest growing with a high number of repeat offenders.

Figure 4. Adult female imprisonment rates in Victoria, rates per 10,000 population



Source: ABS 4512.0 Corrective Services, Australia, December Quarter 2017. Aboriginal male imprisonment rates not included.

Figure 5. One in every five Aboriginal people in the criminal justice system is female.



## Young people

The vast majority of Aboriginal adults in Victoria's criminal justice system have had previous involvement with the system, and frequently their first interaction with the system was as a child. Most Aboriginal children and young people who come into contact with the criminal justice system do so as a victim, and responding to their needs as victims must be a top priority. Victoria's young and rapidly-growing Aboriginal population represents both a risk and opportunity for addressing Aboriginal over-representation through early intervention, prevention and diversion.

Crime by young people in Victoria has been decreasing.<sup>19</sup> However in any population, the prevalence of criminal behaviour is higher among younger age groups than older groups. This presents a particular challenge in Victoria, given that almost 60 per cent of the Aboriginal population is under the age of 25 (compared to 32 per cent of the non-Aboriginal population).<sup>20</sup>

The majority of Aboriginal young people will never be involved in the criminal justice system as offenders and fewer Aboriginal young people were involved in the criminal justice system in 2017 compared with five years ago. For those who do become involved in the criminal justice system they tend to do so at an earlier age than their non-Aboriginal peers, and with increasing frequency over time, often spending numerous short periods of time in custody on remand. Aboriginal children aged 10-13 years are more than four times as likely as their non-Aboriginal peers to be in contact with police as first time offenders.<sup>21</sup>



A complex relationship exists between family violence, child removal, criminal offending and ongoing engagement with the justice system. A growing number of Aboriginal children are experiencing increased exposure to risk factors for offending - notably family violence, parental alcohol and/or substance abuse and involvement in out-of-home care<sup>22</sup> - resulting in greater likelihood of early contact with the criminal justice system.

Removal from home and disconnection from family and culture continues to lead young people to enter into the justice system at earlier ages. Currently, Aboriginal young people (10-17) are over-represented by 14 times in youth justice supervision and 15 times in out-of-home care. The younger an individual is when they first come into contact with the criminal justice system (either as a victim or offender), the more likely they are to have prolonged contact with the system, as an offender, in future.<sup>23</sup> The risk of future involvement with the criminal justice system is exacerbated when parental incarceration or other circumstances results in children entering the child protection system, or out of home care. Parental and family involvement in the criminal justice system risks normalising these patterns of involvement and sustaining transmission of offending behaviour across generations.

Figure 6. Over-representation of Aboriginal young people in family violence, child protection and youth justice.

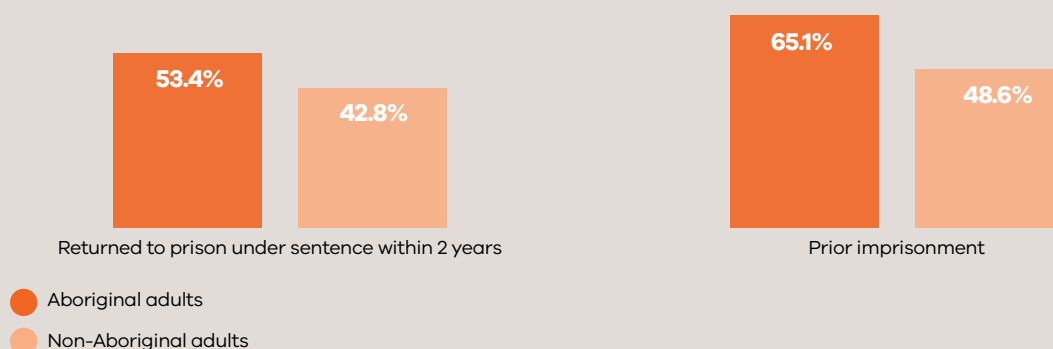


Action to address this is driven through the Aboriginal Children's Forum and the *Wungurilwil Gaggapduir Aboriginal Children and Families Agreement*, a three-party agreement between the Aboriginal community, the child and family services sector and the Victorian Government. Making inroads into this key driver of Aboriginal over-representation in the criminal justice system will underpin the long term achievement of outcomes under *Burra Lotjpa Dunguludja*.

## Recidivism

Re-offending contributes significantly to the rates of Aboriginal over-representation. Lower proportions of Aboriginal offenders on supervised orders successfully complete their orders compared with non-Aboriginal offenders, which is a major contributor to the rate of re-offending. More broadly, socio-economic factors such as homelessness, financial stress, social and economic exclusion and limited access to culturally-appropriate substance abuse treatment programs and poorer educational outcomes all contribute to failing to complete orders and recidivism. Those who have been incarcerated previously are at "...higher risk of re-offending and entrenching the intergenerational cycle of poverty".<sup>24</sup>

Figure 7. Prisoner recidivism 2016-17



Source: Corrections Victoria Data Warehouse, ABS 4517.0 Prisoners in Australia, 2017.

## Underlying causes of Aboriginal over-representation

The *Victorian Aboriginal Affairs Framework* explicitly recognises that the contemporary social and economic circumstances of Aboriginal people are inextricably linked to ongoing and previous generations' experiences of European colonisation. This recognition equally applies to Aboriginal over-representation in criminal justice. The exercise of power and control by European settlers resulted in dispossession of land, disruption of culture and kinship systems, removal of children, racism, social exclusion, institutionalisation and entrenched poverty for Aboriginal people. The consequences of colonisation are far-reaching and intergenerational, continuing to play out in Aboriginal peoples' interactions with the criminal justice system.<sup>25</sup> Increasing Aboriginal over-representation in Victoria's criminal justice institutions has the potential, in the absence of more appropriate responses, to further perpetuate social and economic exclusion, and compound losses of culture, family and purpose, for a growing number of Aboriginal people.

*"Our life pattern was created by the government policies and are forever with me, as though an invisible anchor around my neck."*<sup>26</sup>

Confidential submission to the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children  
(Bringing them Home, 1997)

The RCIADIC found that "the high rates of Aboriginal deaths in custody was directly related to the underlying factors of poor health and housing, low employment and education levels, dysfunctional families and communities, dispossession and past government policies... [it] concluded that the most significant contributing factor bringing Aboriginal people into conflict with the criminal justice system was their disadvantaged and unequal position in the wider society".<sup>27</sup>

The following statistics demonstrate that these social and economic factors are as relevant today as they were in 1991 when the RCIADIC delivered its findings. It is critical that work continue with the Aboriginal community to tackle the causes of disadvantage if AJA4 is to be achieved.

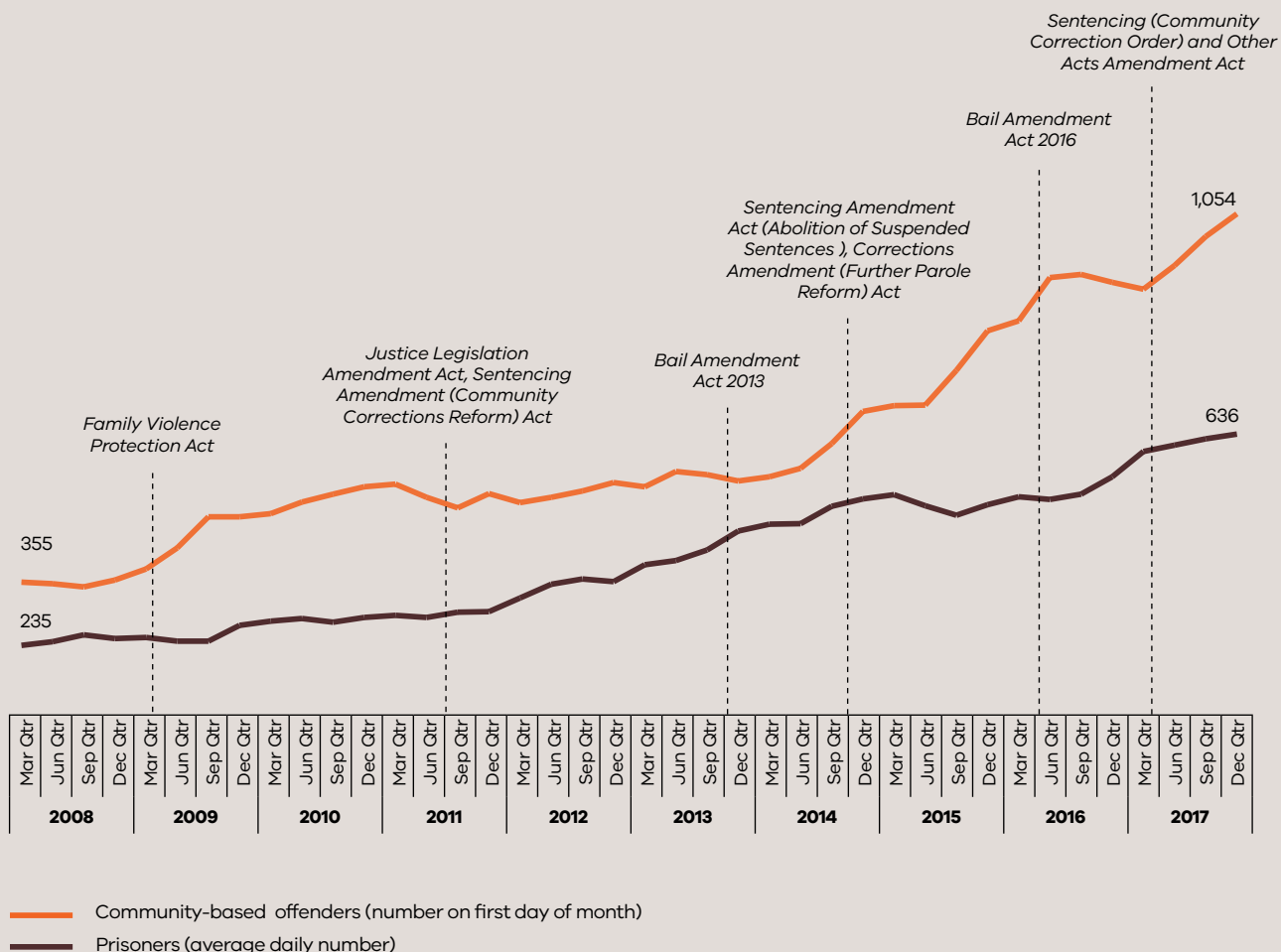
Figure 8. Social and economic factors that affect Aboriginal Victorians

	<p><b>Education:</b> Disengaging from school and lack of educational attainment increase the risk of an individual committing an offence and becoming involved in the justice system.</p> <p>Over half of all young people in custody had been previously suspended or expelled from school.<sup>28</sup> While there remain gaps between Aboriginal and non-Aboriginal education outcomes, more Aboriginal students are staying in school longer.</p>
	<p><b>Disability:</b> Aboriginal people with cognitive impairments are more likely to come into contact with police earlier and more frequently than their non-Aboriginal counterparts.</p> <p>Eleven per cent of Aboriginal young people in custody were registered with Disability Services.<sup>29</sup></p>
	<p><b>Employment:</b> Unemployment increases the risk of justice system involvement.</p> <p>Half of all first time offenders were unemployed at time of arrest. Aboriginal unemployment is 14 per cent, more than double the non-Aboriginal rate and even higher among the Aboriginal youth population.<sup>30</sup></p>
	<p><b>Mental health:</b> Poor mental health is associated with a greater risk of criminal justice system involvement.</p> <p>Forty per cent of all young people in youth justice custody presented with mental health issues.<sup>31</sup> Seventy-two per cent of Aboriginal men and 92 per cent of Aboriginal women in prison had received a lifetime diagnosis of mental illness.<sup>32</sup></p>
	<p><b>Substance Abuse:</b> High levels of substance use are reported among Aboriginal offenders.</p> <p>Aboriginal offenders are more likely to report being under the influence of alcohol and/or other drugs at the time of offence and more likely to attribute their offending to substance use than non-Aboriginal offenders.<sup>33</sup> Sixty-five per cent of young people detained on sentence and remand had a history of alcohol and licit and illicit drug use, and 82 per cent reported that the use of either drugs or alcohol were a factor that contributed to their offending behaviour.<sup>34</sup></p>
	<p><b>Racism:</b> Endemic and entrenched forms of racism can result in Aboriginal people being excluded from full participation in Victorian society.</p> <p>Institutional racism and systemic discrimination perpetuates the marginalisation of Aboriginal people. Forty-six per cent of Aboriginal people experienced racial discrimination in the six months prior to the Reconciliation Australia Barometer survey.<sup>35</sup> Thirty-seven per cent of Aboriginal Victorians felt they had been treated unfairly in the past twelve months because they were Aboriginal.<sup>36</sup></p>
	<p><b>Child protection:</b> Children who have been involved in the Child Protection and/or out-of-home care systems are at greater risk of future justice system involvement.</p> <p>In June 2017 there were 2,091 Aboriginal children in out of home care in Victoria – the highest number in the past decade. Rates of out of home care are over 15 times higher for Aboriginal children than non-Aboriginal children.<sup>37</sup></p>
	<p><b>Family violence and sexual abuse:</b> Being a witness or victim of family violence early in life increases the risk of future justice system involvement as an offender.</p> <p>An estimated 87 per cent of all Aboriginal women in custody have been a victim of sexual, physical or emotional abuse, with most having suffered abuse in multiple forms.<sup>38</sup> Seventy-one per cent of young people in custody were victims of abuse, trauma or neglect.<sup>39</sup></p>
	<p><b>Housing:</b> Substandard and inadequate housing can lead to poor health, which is an underlying cause of incarceration. Homelessness is also a serious issue.</p> <p>Thirteen per cent of young people were homeless with no fixed address or living in insecure housing before being taken into custody.<sup>40</sup> Victoria has one of the highest proportions (37 per cent) of Aboriginal people who have experienced homelessness, with almost nine per cent of all clients accessing specialist homelessness services in Victoria being Aboriginal.<sup>41</sup></p>

## Involvement in the justice system

Policy and legislative changes in Victoria designed to enhance community safety have seen a growth in the number of Victorians now under justice supervision – in community corrections, on remand and serving prison sentences. At the same time, there has been an increase in Aboriginal people's involvement in the justice system in Victoria. This has occurred at a greater rate than in the non-Aboriginal population. This is unsurprising given higher rates of socio-economic disadvantage in the Aboriginal community.

Figure 9. Number of Aboriginal people under adult justice supervision 2008–2017 in Victoria vs legislative reform.



Source: ABS 4512.0 Corrective Services, Australia.



## Working together to achieve outcomes

The *Victorian Aboriginal Affairs Framework*<sup>42</sup> is the government's overarching framework that brings together government and Aboriginal community commitments and efforts to improve outcomes for Aboriginal Victorians. *Burra Lotjpa Dunguludja* contributes to making Aboriginal families and communities safer, and equitable justice outcomes. Since 2013, this has been underpinned by a commitment to close the gap between the rates of Aboriginal and non-Aboriginal people under justice supervision by 2031.

The RCIADIC concluded that addressing the various aspects of Aboriginal social and economic disadvantage is crucial for reducing Aboriginal involvement in the criminal justice system. In recent years, a range of strategies have been developed in partnership between Aboriginal Victorians and the Victorian Government to tackle these underlying issues, including:

- *Victorian Aboriginal Economic Development Strategy 2013-2020*<sup>43</sup>
- *Marrung: Aboriginal Education Plan 2016-2026*<sup>44</sup>
- *Korin Korin Balit-Djak: Aboriginal Health, Wellbeing and Safety Strategic Plan 2017-2027*<sup>45</sup>
- *Balit Murrup: the Aboriginal Social and Emotional Wellbeing Framework 2017-2027*<sup>46</sup>
- *Wungurilwil Gapgapduir Aboriginal Children and Families Agreement 2018*<sup>47</sup>
- *Ending Family Violence: Victoria's Plan for Change*<sup>48</sup>

The current 10 year plan, *Strong Culture, Strong Peoples, Strong Families: Towards a safer future for Indigenous families and communities*<sup>49</sup> was released in 2008 and expires in 2018. Through the leadership of the Indigenous Family Violence Partnership Forum, it has provided the overarching framework to guide the Aboriginal community-led partnership with the Victorian Government to address family violence impacting Aboriginal Victorians. Family Safety Victoria is working with the Indigenous Family Violence Partnership Forum to develop the next Aboriginal 10 Year Family Violence Agreement.

These strategies, like *Burra Lotjpa Dunguludja*, are guided by the principle of self-determination. They have attracted significant government investment and lay the foundation to tackle the drivers of Aboriginal over-representation in the justice system. As a result of the considerable depth and spread of these new strategic investments, *Burra Lotjpa Dunguludja* will focus on improving the justice system, and reducing repeated contact with the system as its primary responses to addressing over-representation.

There are specific commitments under a number of these strategies that are directly related to, or intersect with justice outcomes, for example:

- *Korin Korin Balit-Djak* commits to providing support and transitional help to those leaving the justice system, prioritising the needs of young Aboriginal people leaving out-of-home care, expanding housing and homelessness services for Aboriginal people and culturally-informed alcohol and drug treatment services. It also commits government to partner with Aboriginal communities to co-design healing, grief, loss, trauma-informed and recovery approaches and tools for Aboriginal and mainstream services; support Aboriginal community-led initiatives that facilitate connection to culture, country and community for children and young people; and with support from other government agencies, work towards the establishment and sustainability of Gathering Places.<sup>50</sup>
- The first *Family Violence Rolling Action Plan* released under *Ending Family Violence: Victoria's Plan for Change* provides for two new Aboriginal family violence refuges in 2020, the upgrade of 18 existing refuges, extra support for women who need crisis accommodation, resources for Aboriginal communities and services to deliver their own responses to family violence and the establishment of a Koori Women's Place in Melbourne.<sup>51</sup>



Figure 10. Shared vision and outcomes with other government frameworks and plans



## Incorporating evidence and learning

The adoption of an outcomes approach allows for flexible responses to emerging challenges based on the best available evidence and learning. Research findings, internal and external evaluations, recommendations from international, national and state inquiries and reviews will be examined for their relevance to the Victorian context, and applied where appropriate.

For example, the evaluation of AJA3 demonstrated that successful AJA initiatives are built on:

**Community ownership of initiatives:** The involvement of ACCOs or Aboriginal bodies (e.g. gathering places) as the prime delivery agent for services to Aboriginal people is central to the success of the AJA's approach. Led by Aboriginal people, these organisations are best placed to understand community needs and deliver responsive services. Basing programs within Aboriginal organisations improves the credibility of programs within the community, strengthens coordination at the local level, and increases client access to a range of programs and services.

**A supported and resourced Aboriginal workforce:** Successful programs employ Aboriginal staff who are known in the community, respected and trusted by program participants, highly motivated, well-trained, and skilled at providing cultural support to clients. These workers 'walk between the two worlds' of community and government and act as a mediator and sometimes translator for both. Successful programs resource workers adequately and provide supports to manage cultural loads and vicarious trauma.

**Strong local leadership:** The effectiveness of the AJA and in particular the RAJACs and LAJACs, is contingent upon the strength and passion of individual members. This includes strong leaders from both the community and government. LAJACs and RAJACs play a crucial role in facilitating the participatory identification of needs and development of plans to address those needs. Involving the RAJACs/LAJACs in setting priorities also allows for prioritisation according to community strengths so that programs have the greatest chance of success.

**An integrated approach to culture:** Where success has been achieved, the overarching factor that has contributed to that success is strength of identity and strength of culture. Programs that take an integrated approach to culture, where culture is not viewed as a set of stand-alone activities that can be separated or isolated from other programs and services, are able to provide a more culturally-responsive approach to the needs of Aboriginal clients, and consequently tend to have higher rates of client participation and effectiveness.

**Joined-up and collaborative working:** The most successful initiatives have a high level of active networking and strong collaboration between justice agencies, service providers and the Aboriginal community. Joined-up programs take a holistic approach to the provision of services that focus on underlying protective and risk factors; integrate referral systems; have well-functioning steering committees; and strong stakeholder relationships that provide staff with opportunities for networking and sharing information.

**Addressing issues holistically:** The most effective programs address issues holistically rather than taking a singular focus on offending. This includes using client-centred approaches where support is tailored to each person in accordance with his or her individual needs and circumstances. Taking a holistic approach instead of simply focusing on criminal behaviours, which only offers short-term solutions.

## The Aboriginal Justice Forum Message Stick

A message stick, made by renowned Aboriginal artist and Elder the late Uncle Albert Mullet, was introduced into the Aboriginal Justice Forum (AJF) proceedings in 2010. It symbolises the important role of the Aboriginal Co-Chair in the AJF, and honours the work of these Elders and leaders in their communities.

Message sticks were used by many Aboriginal peoples in Victoria and throughout Australia when communicating across different language groups. A message stick would be passed between leaders along with supporting verbal messages, and each leader would add their own before passing the message stick on. In this way, the message stick became a record of decision making and agreement, and a symbol of the ties between all Aboriginal people.

As a part of AJF proceedings, the Co-Chair of the local Regional Aboriginal Justice Advisory Committee hosting the Forum engraves a message or a symbol on the message stick to represent their community or the goals of their region under the partnership. They then pass it on to the host and Co-Chair of the next Forum.

The passing of the message stick reinforces the importance of the Co-Chair role, and the continuity of culture in contemporary Aboriginal life.

The message stick symbolises the strength of the AJA, and provides an evolving history of the Forum's pathway throughout Victoria.



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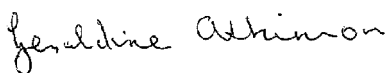


# Burra Lotjpa Dunguludja – Victorian Aboriginal

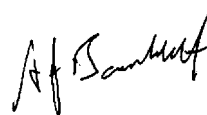
## Signatories to *Burra Lotjpa Dunguludja*



**The Hon Martin Pakula MP**  
Attorney-General



**Geraldine Atkinson**  
President  
Victorian Aboriginal  
Education Association Inc.



**Alfred Bamblett**  
Chairperson  
Victorian Aboriginal Justice  
Advisory Committee



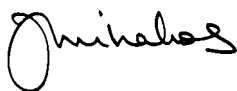
**The Hon Natalie Hutchins MP**  
Minister for Aboriginal Affairs



**Antoinette Braybrook**  
Chief Executive Officer  
Djirra




**John Bell**  
Chairperson  
Barwon South West Regional  
Aboriginal Justice Advisory  
Committee



**The Hon Jenny Mikakos MP**  
Minister for Families and  
Children



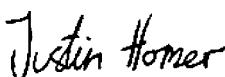
**Trevor Pearce**  
Acting Chief Executive Officer  
Victorian Aboriginal  
Community Controlled Health  
Organisation



**Chris Harrison**  
Aboriginal Community  
Justice Panel



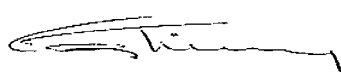
**The Hon Lisa Neville MP**  
Minister for Police



**Justin Homer**  
Indigenous Family Violence  
Partnership Forum  
representative



**Tony Lovett**  
Chairperson  
Grampians Regional  
Aboriginal Justice Advisory  
Committee



**The Hon Gayle Tierney MP**  
Minister for Corrections



**Lois Peeler AO**  
Chairperson  
Eastern Metropolitan  
Regional Aboriginal Justice  
Advisory Committee



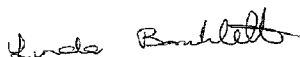
**Darren Smith**  
Chief Executive Officer  
Aboriginal Housing Victoria



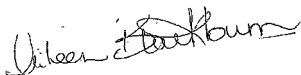
# Justice Agreement Phase 4



**Adjunct Professor  
Muriel Bamblett AM**  
Chief Executive Officer  
Victorian Aboriginal Child  
Care Agency




**Linda Bamblett**  
Chairperson  
Northern Metropolitan  
Regional Aboriginal Justice  
Advisory Committee



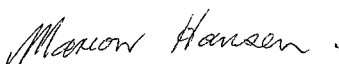
**Aileen Blackburn**  
Chairperson  
Gippsland Regional  
Aboriginal Justice Advisory  
Committee




**Indi Clarke**  
Executive Officer  
Koorie Youth Council



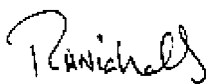
**Jemmes Handy**  
Chairperson  
Loddon Mallee Regional  
Aboriginal Justice Advisory  
Committee



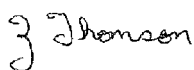
**Marion Hansen**  
Chairperson  
Southern Metropolitan  
Regional Aboriginal Justice  
Advisory Committee



**Wayne Muir**  
Chief Executive Officer  
Victorian Aboriginal Legal  
Service



**Robert Nicholls**  
Chairperson  
Hume Regional Aboriginal  
Justice Advisory Committee



**Zeta Thomson**  
Koori Independent Prison  
Visitor



**Annette Vickery**  
Chairperson  
Western Metropolitan  
Regional Aboriginal Justice  
Advisory Committee



## The Vision

**Aboriginal people have access to an equitable justice system that is shaped by self-determination, and protects and upholds their human, civil, legal and cultural rights.**

This vision for the future is accompanied by a set of long term Aboriginal aspirations for:

- Culturally strong and safe families and communities
- Fewer Aboriginal people in the criminal justice system
- An Aboriginal community controlled justice sector
- Self-determination in the justice sector

These are the ideals expressed by our Aboriginal partners that this Agreement and subsequent AJAs will contribute to over a generation, along with broader government and community sector efforts to continue to build on community strengths and enable Aboriginal people to realise their full potential.

### Principles for ways of working

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

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

## Aboriginal Justice Outcomes

*Burra Lotjpa Dunguludja* takes an outcomes approach to organise and communicate what will be done under the Agreement.

Too often, government focuses on outputs – the number of activities, products or services being provided. But monitoring and reporting on outputs or activity alone does not provide evidence of whether that work is effective and whether necessary changes occurred as intended.

Focussing on outcomes allows us to better identify what the most important changes are and whether they are being achieved. It communicates our key priorities, and what success will look like, and provides flexibility to adapt and improve initiatives that are not delivering the intended results. It allows for more flexible and tailored responses, development of additional actions, and greater Aboriginal input over the life of the Agreement.

### How to understand *Burra Lotjpa Dunguludja*

The Agreement is composed of a number of levels:

- **Domains** reflect critical areas in which outcomes need to be achieved.
- **Goals** are considered achievable within the period of this Agreement, provided efforts across government and community to address the underlying drivers of Aboriginal social and economic disadvantage are effective.
- **Outcomes** reflect desired changes for individuals, families, communities and the justice system as the result of actions implemented under this Agreement.
- **Strategies** are the ways those outcomes can be achieved over time.
- **Actions** specify commitments, activities and areas for further development that will deliver those strategies.

### What are the symbols?

The strategies identified in this agreement fall into four broad categories:



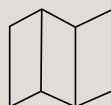
Early intervention and prevention



Rehabilitation



Diversion



Policy and system change

## How we will know if we are on track

Victoria first introduced Aboriginal justice targets in 2012 committing to:

*Close the gap in the rate of Aboriginal and non-Aboriginal people under adult justice supervision by 2031*  
*Close the gap in the rate of Aboriginal and non-Aboriginal people under youth justice supervision by 2031*

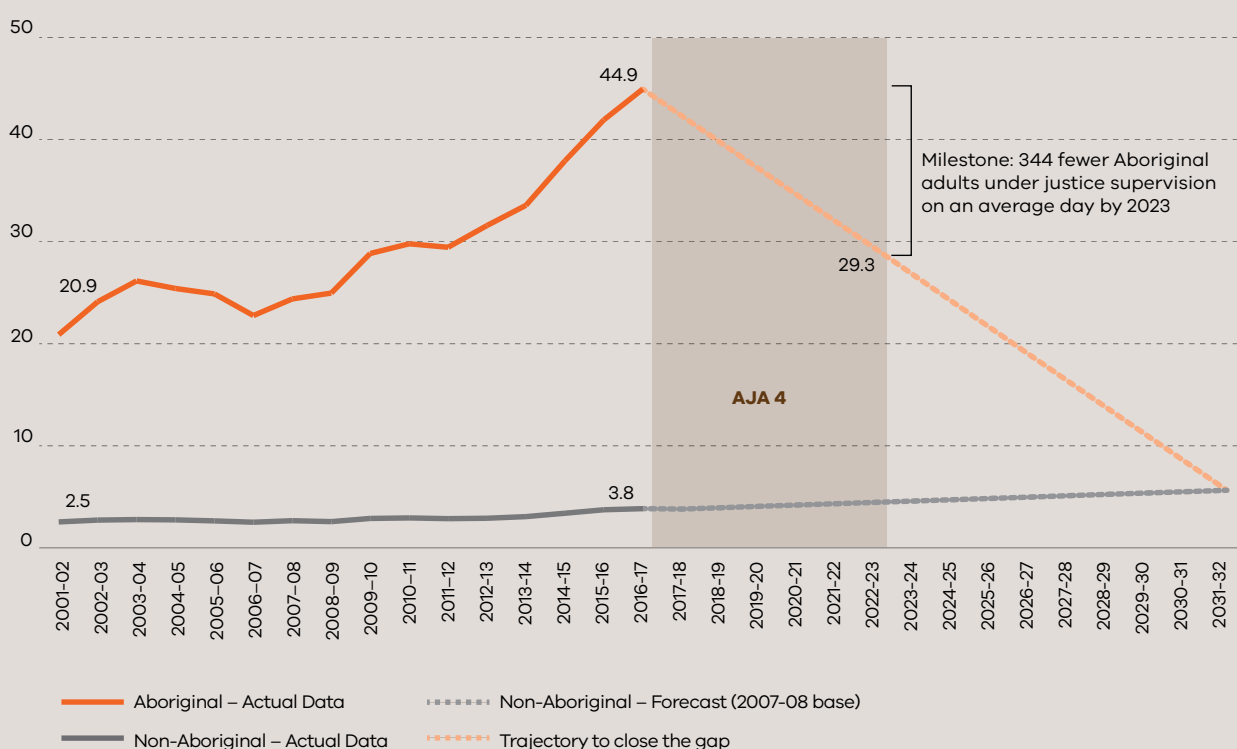
Making progress towards closing the gap relies upon: reducing the number of Aboriginal people entering the criminal justice system for the first time through Government-Aboriginal community partnership strategies that address the social and economic drivers of Aboriginal over-representation; and reducing the frequency, severity and duration of Aboriginal people's involvement with the justice system over time through actions implemented under this Agreement.

To illustrate the level of change required to get on track to close the gap, the graphs below translate the existing target to show how many fewer Aboriginal people would need to be under justice supervision by the end of the Agreement.

### Milestone 1: Reduce the average daily number of Aboriginal adults under justice supervision in prison and community corrections by at least 344 by 2023.

In 2017, there were 1,495 Aboriginal people under adult justice supervision on any given day (a rate of 44.9 per 1,000 Aboriginal adults). To get on track to meet the target there needs to be fewer than 1,151 Aboriginal adults under justice supervision on an average day by June 2023 (a rate of 29.3 or less per 1,000).

Figure 11. Aboriginal adults under justice supervision, rate per 1,000

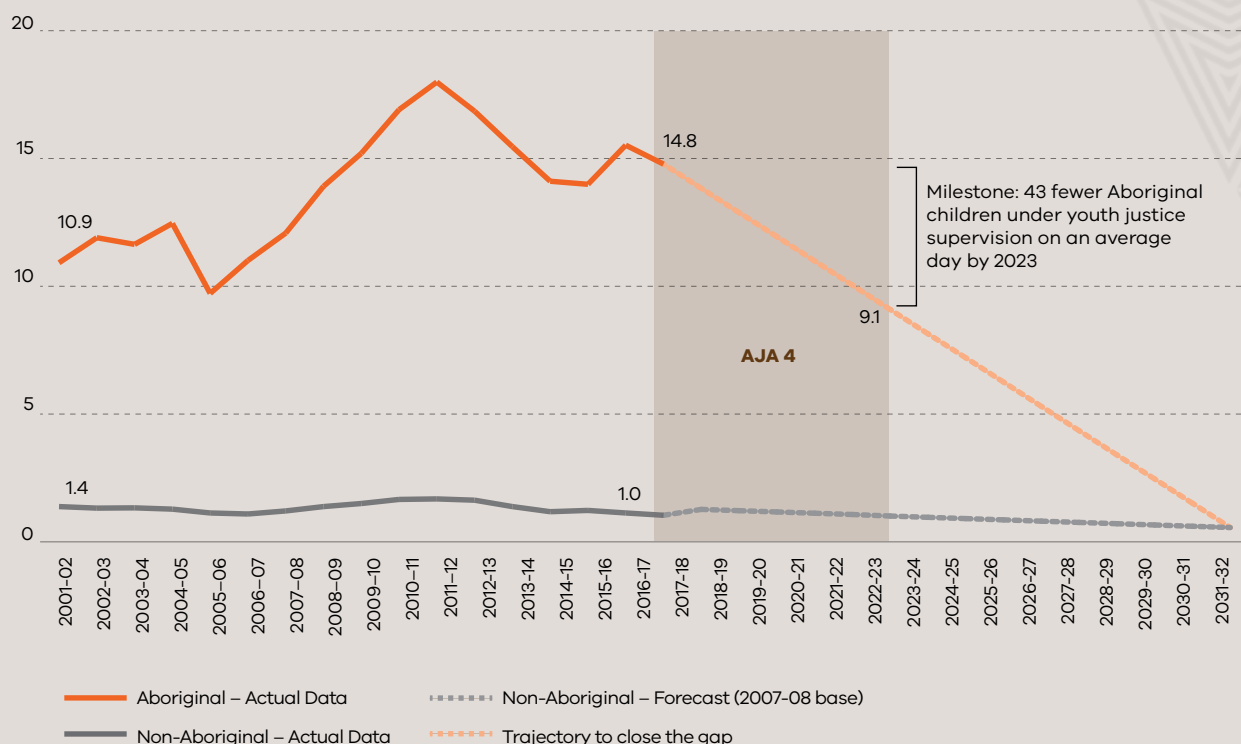


Source: Corrections Victoria Data Warehouse, ABS 3238.0 Estimate and Projections, Aboriginal and Torres Strait Islander Australians 2001 to 2026, forecasts and trajectory calculated by DJR based on linear trends.

### Milestone 2: Reduce the average daily number of Aboriginal children aged 10-17 years under youth justice supervision in detention and the community by at least 43 by 2023.

There were 132 Aboriginal children under youth justice supervision (in detention and on community based orders) on an average day in 2016-17 (a rate of 14.8 per 1,000 Aboriginal children). To get on track to meet the target there needs to be fewer than 89 Aboriginal children under justice supervision on an average day by 2023 (a rate of 9.1 or less per 1,000), a reduction of 43 children.

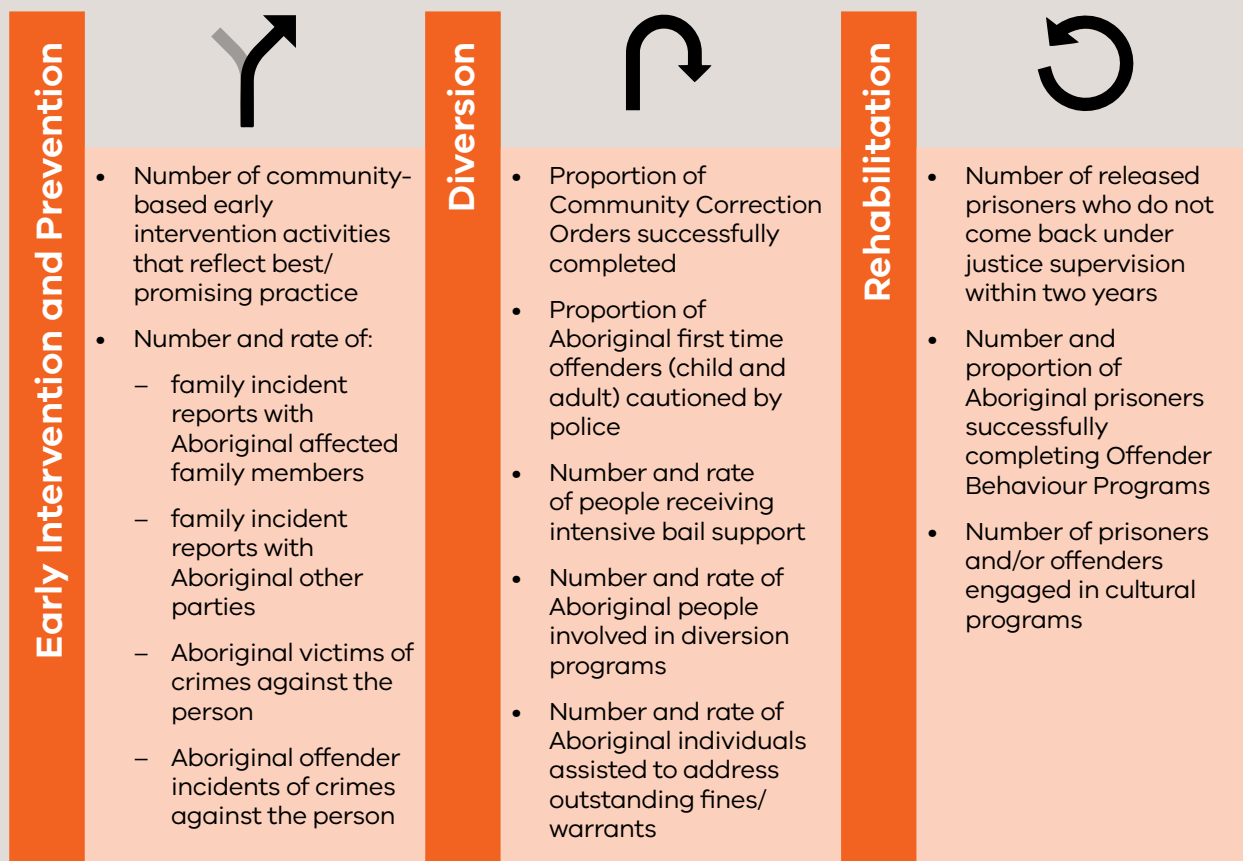
Figure 12. Aboriginal children aged 10-17 years under youth justice supervision, rate per 1,000



Source: AIHW, *Youth justice in Australia 2016-17*, ABS 3238.0 *Estimate and Projections, Aboriginal and Torres Strait Islander Australians 2001 to 2026, forecasts and trajectory calculated by DJR based on linear trends.*

## Key indicators

The above milestones will be underpinned by key indicators that will allow us to track performance at crucial points in the system, such as:





# The *Burra Lotjpa Dunguludja* Outcomes Framework

Figure 13. The *Burra Lotjpa Dunguludja* Outcomes Framework

Domains	Goals
<b>1. Strong and safe Aboriginal families and communities</b>	1.1 Aboriginal families are strong and resilient
	1.2 Aboriginal communities are safer
<b>2. Fewer Aboriginal people in the criminal justice system</b>	2.1 Aboriginal people are not disproportionately worse off under policies and legislation
	2.2 Fewer Aboriginal people enter the criminal justice system
	2.3 Fewer Aboriginal people progress through the criminal justice system
	2.4 Fewer Aboriginal people return to the criminal justice system
<b>3. A more effective justice system with greater Aboriginal control</b>	3.1 The needs of Aboriginal people are met through a more culturally-informed and safe system
	3.2 A strong and effective Aboriginal community controlled justice sector
<b>4. Greater self-determination in the justice sector</b>	4.1 Greater accountability for justice outcomes
	4.2 Greater Aboriginal community leadership and strategic decision making

## Outcomes

- |       |   |
|-------|---|
| 1.1.1 | People are more connected to their family, community, country and culture   |
| 1.1.2 | Families are enabled to address justice issues and minimise the effects of crime and justice system involvement       |
| 1.1.3 | Families have greater awareness and ability to protect their civil rights   |
| 1.2.1 | Victims and witnesses are better supported to manage and minimise the effects of crime                                |
| 1.2.2 | Communities are more enabled to address local justice issues  |
| 1.2.3 | Less conflict and violence in communities   |
| 2.1.1 | Disproportionate impacts are identified and remedied when drafting new policies and legislation                       |
| 2.1.2 | Disproportionate impacts of existing justice policies and legislation are identified and remedied                     |
| 2.2.1 | Fewer young people become involved with the criminal justice system   |
| 2.2.2 | An individual's first contact with the criminal justice system is also their last                                     |
| 2.3.1 | More people are diverted from further contact with the criminal justice system  |
| 2.3.2 | Fewer people are remanded into custody  |
| 2.3.3 | More people successfully address fines, warrants and/or meet conditions of orders and sentences                       |
| 2.4.1 | People build resilience whilst in contact with the justice system   |
| 2.4.2 | Drivers of people's offending are addressed whilst in contact with the justice system                                 |
| 2.4.3 | People are supported to transition from the justice system and reintegrate into their communities                     |
| 3.1.1 | Justice programs and services are more culturally safe, responsive, inclusive and effective                           |
| 3.1.2 | More people are able to access justice programs and services that are trauma informed, restorative and therapeutic    |
| 3.2.1 | Aboriginal community controlled organisations are enabled to deliver a growing share of justice programs and services |
| 3.2.2 | A stronger, skilled and supported Aboriginal justice workforce  |
| 4.1.1 | Independent oversight of Aboriginal justice outcomes  |
| 4.1.2 | Increased Aboriginal community ownership of and access to data  |
| 4.2.1 | Aboriginal people have greater roles in leadership, governance and decision making                                    |
| 4.2.2 | Resource allocation reflects Aboriginal community priorities  |

## Strong and safe Aboriginal families and communities

<b>Goal</b>	<b>1.1 Aboriginal families are strong and resilient</b>
<b>Outcomes</b>	1.1.1 People are more connected to their family, community, country and culture
	1.1.2 Families are enabled to address justice issues and minimise the effects of crime and justice system involvement
	1.1.3 Families have greater awareness and ability to protect their civil rights

Families are the heart of Aboriginal communities. Families are important for defining identity and building connectedness to community and to culture, which are critical to ensuring Aboriginal peoples' social and emotional wellbeing. Nurturing these protective influences can reduce the risk of criminal justice system involvement. In addition, these connections can promote resilience, with supportive family networks more able to respond to emerging issues.

Rather than focussing purely on individual needs, justice programs and services need to respond to both the broader and local contexts in which people live to be effective. Understanding the holistic circumstances of Aboriginal people in contact or at risk of contact with the justice system will assist to better identify and cater to their specific needs.

To be strong and safe, Aboriginal families and communities also need to be confident in exercising their rights. Aboriginal families often have difficulty accessing justice services, particularly those that protect their civil rights. Aboriginal people are under-represented in their use of civil justice services due to relatively low levels of awareness, and reluctance to be involved in 'court-like' processes. Improving awareness of, and access to the mechanisms that protect civil rights will reduce vulnerability to homelessness, elder abuse and consumer abuse.

### Strategies



*Incorporate cultural strengthening approaches into justice services and programs to enhance positive connections to family, community and kin and improve strength, resilience and wellbeing.*



*Provide family-centred responses that coordinate support for families, when family members are involved in the justice system, to enhance their capacity to heal from trauma, and improve parenting, relationship, communication and problem solving capabilities.*



*Increase use of civil justice services by Aboriginal stakeholders through community engagement and outreach, and improving the cultural safety of these services.*

### Existing initiatives:

- Sisters Day Out, Dilly Bag and Young Luv: prevention and early intervention activities for Aboriginal women vulnerable to, or who have experienced, family violence.
- Ngarra Jarranounith Place: supports Aboriginal men through a range of therapeutic family violence and personal development programs.
- Statewide Aboriginal legal services to assist victim survivors and perpetrators with family violence matters.
- Koori Conveners and Koori Family Hearing Days in the Family Division of the Children's Court.
- *Wungurilwil Gapgapduir* initiatives to address the over-representation of Aboriginal children in child protection and care, and ensure they remain better connected to culture, country and community.
- Early Childhood initiatives that assist parents to support Aboriginal children's learning and development from pre-birth to school age, including Koorie Families as First Educators, Koorie Supported Playgroups, In Home Support and Home Based Learning.
- Koori Engagement Officer and awareness campaign to promote Aboriginal engagement with the Victorian Civil & Administrative Tribunal (VCAT).

### New opportunities:

*Over five years we will:*

- Collaborate across government departments to design and deliver family centred approaches for Aboriginal clients with complex needs across multiple systems, and ensure justice responses are aligned and integrated with developments in:
  - Aboriginal child protection and out-of-home care
  - family violence integrated support and safety hubs
  - child and family services sector reform
  - Gathering Places.
- Build awareness of and respect for Aboriginal cultural rights.
- Increase the number of Aboriginal staff working in VCAT and further promote Aboriginal engagement with VCAT across the community.

### Future possibilities:

We will continue to work with Aboriginal communities to consider:

- Promoting strengths based media representations of Victorian Aboriginal communities.
- Increasing the number of Koori Conveners and Children's Courts providing Marram-Ngala Ganbu – Koori Hearing Days.

## Strong and safe Aboriginal families and communities

<b>Goal</b>	<b>1.2 Aboriginal communities are safer</b>
<b>Outcomes</b>	1.2.1 Victims and witnesses are better supported to manage and minimise the effects of crime
	1.2.2 Communities are more enabled to address local justice issues
	1.2.3 Less conflict and violence in communities

The survival of Aboriginal communities in the face of great adversity is testament to their strength. Aboriginal communities have great potential to nurture and protect, however there are high rates of conflict and violence in some communities. Aboriginal people, especially women and children, are disproportionately affected by family violence, and rates of victimisation, violence and offending in the Aboriginal community continue to rise.

Aboriginal definitions of family violence are broad. In addition to high rates of violence among immediate family members, Aboriginal communities experience lateral violence, whereby abuse occurs between members of the same family, extended family, kinship networks and/or other community members. The roots of lateral violence lie in colonisation, oppression, intergenerational trauma, powerlessness and ongoing experiences of racism and discrimination. Experiencing violence, being in an environment where personal safety is at risk, or in a social setting where violence is common, has negative effects on individuals and communities.

Being a victim or witness to crime is often the first contact Aboriginal people have with the justice system and is known to increase the likelihood of future offending. A more intensive and targeted approach to safety in Aboriginal communities is required. Building strong and safe communities is an important foundation for both the wellbeing of Aboriginal people and the prevention of crime. Safe communities are places in which people experience empowerment, security, pride, wellbeing and resilience.

Stronger communities are more able to address local issues. Evidence from the evaluation of AJA3 tells us that strong local leadership, joined-up and collaborative approaches between justice agencies, service providers and the Aboriginal community delivering flexible services that are appropriate to the local context are critical to success.

### Strategies



*Meet the specific needs of Aboriginal victims and witnesses of crime, particularly children. Provide culturally-informed support and enable access to the services they need to ensure healing can occur.*



*Empower Aboriginal communities to identify the justice and community safety issues in their local areas and determine their own solutions.*



*Increase the capacity of Aboriginal communities to respond to disputes through community-led initiatives in areas including family and lateral violence prevention, mediation and dispute resolution.*



### Existing initiatives:

- Aboriginal Support Workers in the Victims Assistance Program.
- Aboriginal Dispute Resolution Workers and Mediators.
- Conflict resolution and lateral violence workshops for Aboriginal communities and Aboriginal community organisations.
- Victoria Police Aboriginal Community Liaison Officers: community engagement and relationship building.
- Local Aboriginal Justice Action Committees.
- Grants for community organisations to improve community safety.
- Djirra Women's Place: an integrated case management service for Aboriginal women.

### New opportunities:

*Over five years we will:*

- Support Aboriginal communities to develop and implement projects that respond to local justice issues and needs.
- Work collaboratively with the Victims Assistance Program's Aboriginal Support Workers to strengthen pathways for Aboriginal children to access the Child Witness Service when needing to attend court as a result of being a witness to a violent crime.
- Recruit additional Aboriginal Victims Assistance Support Workers in the Victims Assistance Program resulting in 9.3 FTE by 2021.
- Enhance access to supports for Aboriginal victims of crime and improve links between local Aboriginal and mainstream services using the case management support model.
- Build capacity in mediation skills within ACCOs and for community members to help resolve local disputes before they escalate.
- Deliver lateral violence awareness workshops for Aboriginal youth.
- Resume the Koori Family Violence and Victim's Support Program within the Magistrates' Court.
- Develop and trial a Specialist Koori Family Violence Court Model drawing on best practice and current problem solving court principles.
- Strengthen the Koori Victims of Crime Assistance Tribunal list to increase resource capacity and ensure the demand of Aboriginal applications for assistance is met.

### Future possibilities:

*We will continue to work with Aboriginal communities to consider:*

- Restorative justice responses, such as healing circles and group conferencing across the criminal justice system.
- Community-based Aboriginal victim support models for trial in select sites.

## Fewer Aboriginal people in the criminal justice system

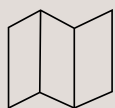
<b>Goal</b>	<b>2.1 Aboriginal people are no worse off under justice policies and legislation</b>
<b>Outcomes</b>	2.1.1 Disproportionate impacts are identified and remedied when drafting new policies and legislation
	2.1.2 Disproportionate impacts of existing justice policies and legislation are identified and remedied

As a result of existing over-representation in the criminal justice system, the interconnected issues of high levels of socioeconomic disadvantage, historical issues related to trauma and continued experiences of racism, there have been disproportionate consequences for the Aboriginal community in the wake of legislative reforms in Victoria. These reforms, including amendments to suspended sentences, community corrections and parole, were implemented to improve community safety in Victoria.

These changes are associated with increasing numbers of people under justice supervision in Victoria, rapid growth in remand populations, and fewer people on parole. Growth in Aboriginal involvement in the justice system and imprisonment rates, both male and female, far exceeds that for the non-Aboriginal population.

Reducing over-representation requires heightened consideration of the potential impacts of new legislation, and legislation already in place may be reducing opportunities for Aboriginal people to participate fully in economic and social life.

### Strategies



*Ensure Aboriginal perspectives inform the development of new justice policies and legislation, and the likely impacts on Aboriginal communities are identified and addressed.*



*Remedy the unfair impacts on Aboriginal people of existing and historical legislation to ensure rights are protected and negative impacts are addressed.*



*Facilitate consideration of an Aboriginal person's life experience and history; and information regarding alternative options, to increase culturally appropriate legal responses in a variety of justice settings.*

### Existing initiatives:

- Victoria's *Bail Act 1977* requires decision-makers determining whether to bail or remand a person to take into account any issues that arise due to the Aboriginality of the accused.
- Additional protections for Aboriginal people in bail processes through the commencement of the *Bail Amendment (Stage Two) Act 2018*.
- A legislative youth diversion scheme that allows children in the Children's Court and the Children's Koori Court to be diverted from the criminal justice system.
- Introduction of Youth Control Orders that provide intensive community-based monitoring and supervision for young offenders and ensure their participation in education, training or work.

### New opportunities:

*Over five years we will:*

- Introduce legislation to clarify that relevant historical care and protection orders made by courts under historical children's welfare legislation are not to be treated as convictions or findings of guilt.
- In progressing the recommendations for legislative reform made in *Meeting needs and reducing offending: Youth Justice review and strategy*, specifically the creation of a new Youth Justice Act, consider mechanisms for Aboriginal involvement.
- Research the impact of the 2017-18 bail reforms on Aboriginal accused.
- Involve Aboriginal community representatives in the review of family violence policies and processes.
- Trial Aboriginal Community Justice Reports modelled on Canada's Gladue reports<sup>52</sup> to provide information to judicial officers about an Aboriginal person's life experience and history that impacts their offending; and to identify more suitable sentencing arrangements to address these underlying factors.
- A formal apology that acknowledges how historical recording practices for children removed from their homes may have affected care leavers.

### Future possibilities:

*We will continue to work with Aboriginal communities to consider:*

- Amending the *Sentencing Act 1991* to take into account Aboriginality and the use of pre-sentence reports.
- Mechanisms to identify the potential impact of new justice policies and legislation on Aboriginal Victorians.

## Fewer Aboriginal people in the criminal justice system

<b>Goal</b>	<b>2.2 Fewer Aboriginal people enter the criminal justice system</b>
<b>Outcomes</b>	2.2.1 Fewer young people become involved with the criminal justice system
	2.2.2 An individual's first contact with the criminal justice system is also their last

The underlying causes of offending for young people are complex. Offending behaviours often stem from a history or trauma, abuse, neglect, involvement with the child protection system, disengagement from education and training, drug and alcohol misuse and mental health issues. The risk of involvement in the criminal justice system is exacerbated when parental incarceration or other circumstances such as family violence results in children entering the child protection system, and in particular out of home care. These children often find themselves in police custody for relatively minor behavioural infractions that occur while in care, and are at greater risk of losing contact with their parents, offending and becoming involved in the juvenile justice system themselves<sup>53</sup>. These risks are particularly significant for Aboriginal children, whose first interaction with the justice system may be as victims of violence or abuse. This concerning and intergenerational cycle of disadvantage and trauma is one of the most compelling reasons for prevention and early intervention for Aboriginal children and young people.

Aboriginal young people currently experience a rapid trajectory into the youth justice system due to a lack of effective and appropriate diversionary options. Magistrates are often willing to divert young people whose offending is of a lower scale but have limited options for ongoing community-based diversion programs to refer them to. Community-based youth diversion programs can provide alternatives to youth justice supervision at lower cost, however their real value is in the benefits that accrue from keeping children and young people out of the criminal justice system in the long-term. Where community-based Koori youth justice programs are available, increasing numbers of Aboriginal young people are accessing them.

### Strategies



*Meet the particular needs of vulnerable children and young people in out of home care due to family violence and support them to access the services they need to avoid future involvement with the criminal justice system.*



*Provide tailored therapeutic responses, where appropriate, when young people do come in contact with the criminal justice system. Incarceration should only be used as an absolute last resort.*



*Identify and implement actions to reduce the amount of time children and young people spend in police stations and cells.*



*Identify and develop options for safe spaces so that children and young people are not at further risk, or unduly associated with sentenced offenders and/or adults, if remand is required.*

### Existing initiatives:

- Koori Early School Leavers Program.
- Community Based Koori Youth Justice Workers support young Aboriginal people at risk of offending, as well as those on community-based and custodial orders.
- Koori Youth Cautioning Projects.
- Koori Women's and Adult Pre-Charge Diversion in Mildura and Latrobe.
- Education justice initiatives, including Children's Koori Court Liaison Officers, to connect young people appearing before the courts to an appropriate supported education pathway.
- Education State initiatives to assist disengaged Aboriginal students to better engage and re-engage in education and training, including LOOKOUT Centres, Navigator and Reconnect, and *Marrung* initiatives.
- Grants for community organisations to support Aboriginal children and young people at risk of contact with the criminal justice system.

### New opportunities:

*Over five years we will:*

- Expand the Victoria Police Koori Youth Cautioning Program from two to four sites.
- Develop legislation for the requirement of a Custodial Notification Service so that Aboriginal organisations are notified when an Aboriginal person is taken into custody (in line with other jurisdictions).
- Support successful evidenced based programs delivered by ACCOs to prevent Aboriginal children and youth becoming involved in the criminal justice system.
- Support community policing approaches that support crime prevention initiatives and link victims with support services.

### Future possibilities:

*We will continue to work with Aboriginal communities to consider:*

- Making the Koori Youth Cautioning Program, Koori Women's and Adult Pre-Charge Diversion Programs available in more locations across the state.



## Fewer Aboriginal people in the criminal justice system

<b>Goal</b>	<b>2.3 Fewer Aboriginal people progress through the criminal justice system</b>
<b>Outcomes</b>	2.3.1 More people are diverted from further contact with the criminal justice system
	2.3.2 Fewer people are remanded into custody
	2.3.3 More people successfully address fines, warrants and/or meet conditions of orders and sentences

The further someone progresses through the justice system, the harder it is for them to change their offending behaviours and avoid future contact with either prison or community corrections. Of particular concern is the growing number of Aboriginal people spending periods of time in prison on remand but who ultimately do not receive custodial sentences. A wide range of negative outcomes have been shown to impact Aboriginal people who are remanded in custody, including separation from family and community, disruption to education and employment, association with sentenced offenders, and not being able to access therapeutic programs. For young people, particularly those on care and protection orders, there are additional concerns around being inappropriately held in police cells or facilities that are not designed to meet their needs.

Given the high daily costs of incarceration, remand is both expensive and ineffective, increasing rather than decreasing the likelihood of future involvement with the criminal justice system. To date, diversion has largely focussed on children and young people at early stages of contact, but opportunities are also required for adults and people more deeply involved in the criminal justice system. For those who have fines, warrants or an order, more needs to be done to help people to successfully complete these.

### Strategies



*Provide flexible options for Aboriginal people with outstanding fines and warrants to address them in community-based settings.*



*Support alleged offenders to obtain and comply with bail conditions to avoid unnecessary periods on remand.*



*Establish culturally-appropriate bail support and diversion programs so police and magistrates have viable alternatives to incarceration prior to sentencing.*



*Support adults and youth with supervised community based orders and Family Violence Intervention Orders through flexible and intensive case management, to reduce breaches.*



*Support holistic, family-centred models and programs specifically designed for Aboriginal women in the justice system, with a focus on diversion and remand.*

### Existing initiatives:

- Aboriginal workers within the Courts Integrated Services Program (CISP) assist accused persons to access support and services to reduce re-offending.
- Koori Women's Diversion Program: intensive case management and support for Aboriginal women referred from the criminal justice system.
- Koori Intensive Support Program: assists young people to comply with bail conditions or conditions placed on deferred sentences.
- Aboriginal Community Fine Initiative (ACFI) and Sheriff's Aboriginal Liaison Officer (SALO) Program: assists Aboriginal people to address their infringement debt.
- Local Justice Worker Program: supports for Aboriginal offenders to meet the conditions of their orders and connect with relevant community programs and services.
- Wulgunggo Ngalu Learning Place: a residential program to assist men to fulfil their Community Correction Orders.
- Baroona Youth Healing Place: a residential program for young Aboriginal men involved with or at risk of contact with the criminal justice system.

### New opportunities:

*Over five years we will:*

- Deliver community-based, intensive diversion programs for Aboriginal children and young people who have had, or are vulnerable to involvement with the criminal justice system to address factors contributing to offending.
- Develop a residential bail support and therapeutic program for Aboriginal young people that builds upon the Baroona Healing Place model.
- Explore the feasibility of a residential program like Wulgunggo Ngalu Learning Place to provide cultural and gender-specific supports for Aboriginal women involved in the corrections system.
- Develop and implement cultural and gender-specific supports for Aboriginal women involved in the corrections system to obtain bail and avoid remand.
- Develop and implement an Aboriginal Youth Justice Strategy that addresses the specific recommendations to reduce Aboriginal over-representation in youth justice outlined in the *Youth Justice Review and Strategy: Meeting needs and reducing offending*.<sup>54</sup>
- Continue to support the expanded Koori Youth Justice Program across the state to assist more Aboriginal young people in their communities and prevent Aboriginal children and youth becoming involved in the criminal justice system.
- Expand the ACFI and SALO program to include additional areas where SALOs and Fines Victoria staff can attend community events and provide direct assistance to Aboriginal community members to manage their infringements.
- Work with ACCOs to build support for the Work and Development Permit (WDP) Scheme and increase the number of WDP accredited sponsors.
- Improve referral pathways to Aboriginal service providers and additional support through Victoria Police E-referrals.
- Build and strengthen compliance support for Aboriginal adults on community-based orders.
- Provide greater support for Aboriginal accused on bail through the employment of an additional five Koori CISP Workers.
- Provide access to culturally safe mental health services for Aboriginal people who have a moderate mental health condition or disorder and who have a Community Correction Order with a Mental Health Treatment and Rehabilitation Condition or are on parole with a mandated mental health order.

### Future possibilities:

*We will continue to work with Aboriginal communities to consider:*

- Increasing the number of Koori CISP Workers with the aim of ensuring Aboriginal representation in the CISP workforce reflects the level of Aboriginal representation in the criminal justice system.
- A community-based support service to provide intensive case management for high risk Aboriginal young people on community supervision orders.
- Existing models or programs operating in the Aboriginal community to assist young people on parole and/or while transitioning out of the youth justice system, and examine their feasibility for expansion.
- Expansion of the SALO and ACFI programs to enable state-wide coverage.

## Fewer Aboriginal people in the criminal justice system

<b>Goal</b>	<b>2.4 Fewer Aboriginal people return to the criminal justice system</b>
<b>Outcomes</b>	2.4.1 People build resilience whilst in contact with the justice system
	2.4.2 Drivers of people's offending are addressed whilst in contact with the justice system
	2.4.3 People are supported to transition from the justice system and reintegrate into their communities

There is a high level of "churn" amongst Aboriginal people already involved in the justice system – meaning that a high number of offenders can be expected to re-offend and return to prison. The transition from prison back to the community is the time of highest re-offending risk with the majority of re-offending occurring within one year of release. A lack of transition supports is contributing to this risk. Barriers to gaining employment and housing are two of the greatest risks to successful reintegration. The barriers to employment for exiting prisoners are serious and include their criminal record, lack of skills, lack of recent work experience and poor education. Compounded by a lack of stable housing, these two factors combine to quickly produce circumstances likely to lead to re-offending.

When people are under justice supervision there is an opportunity to work with them to address their offending behaviours. Behaviour change programs for Aboriginal people need to be culturally-safe and culturally-specific, and made widely available in all parts of the system. Rehabilitation programs for moderate-risk and high-risk Aboriginal offenders, especially in the areas of violence intervention and alcohol and drug misuse, are particularly required.

### Strategies



*Address underlying causes of offending through healing and trauma-informed approaches that explore the intergenerational experiences of people affected by violence, strengthen protective factors and increase coping strategies.*



*Address environmental drivers of offending by delivering transition services that provide comprehensive and effective supports for people leaving the justice system, such as links to stable and safe housing and referrals to culturally specific employment programs.*



*Use cultural strengthening approaches to build resilience to setbacks, and to develop strategies for dealing with hardships.*



*Address individual drivers of offending while in custodial environments such as drug and alcohol use and mental health.*



*Work with families, children, young people and communities to ensure good transition from Youth Justice back to community, including exploring family healing programs and linking children and young people from youth justice into education/training.*



*Establish a specialist response to address the significant growth in the Aboriginal un-sentenced prisoner population with a strong focus on holistic supports and cultural strengthening.*



*Support Aboriginal people in, or at risk of entering the community corrections system for whom unaddressed mental illness is a significant contributing factor.*

### Existing initiatives:

- Kaka Wangity Wangin-Mirrie Cultural Programs delivered by ACCOs for Aboriginal people in prisons or on Community Correction Orders.
- Community-based demonstration project to improve mental health outcomes for Aboriginal people with moderate to severe mental illness who are in or at risk of entering community corrections.
- Prison Education Programs to improve post-prison education and employment opportunities.
- Continuity of Aboriginal Health Care Pilot to support people exiting prison to access health care services in the community.
- Transitional Housing Project to establish transition accommodation for Aboriginal people.
- *Balit Murrup* initiatives to increase the workforce available to deliver culturally responsive, trauma-informed services that can address the social and emotional wellbeing and mental health needs of Aboriginal people, such as Clinical and Therapeutic Mental Health Positions in ACCOs, and an Aboriginal Mental Health Traineeship Program.

### New opportunities:

*Over five years we will:*

- Provide mentoring programs and in-reach Elder support for Aboriginal children and young people in Youth Justice Centres.
- Establish Connecting to Country project at Malmsbury Youth Justice Centre.
- Explore the development of a culturally-responsive Multi-systemic Therapy (pilot initiative) that addresses the multiple determinants of antisocial behaviour by Aboriginal young people.
- Strengthen pre and post release cultural supports for Aboriginal adults in prison including an Elders Mentoring Program.
- Deliver the Time to Work Employment Service to Aboriginal people in prison to provide the support they need to prepare to find employment and reintegrate into the community upon their release from prison.
- Continue to support the Statewide Indigenous Arts in Prison and Community Program delivered by The Torch which supports cultural strengthening and economic development opportunities for Aboriginal people as emerging artists.

### Future possibilities:

*We will continue to work with Aboriginal communities to consider:*

- Employment options for Aboriginal people exiting the criminal justice system, including opportunities to develop skills and undertake training on Country.
- Ways to address the specific needs of Aboriginal people in prison who are un-sentenced and those with short sentences.
- Culturally appropriate, holistic health care models in prisons including:
  - Extending the Continuity of Health Care Pilot and the Continuity of Care strategy to improve health outcomes for Aboriginal people in custody and post-release
  - Cultural safety training for health service providers in the adult and youth justice systems
  - Trauma and grief-informed health services in prisons
  - An Aboriginal Healing Unit.

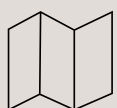
## A more effective justice system with greater Aboriginal control

<b>Goal</b>	<b>3.1 The needs of Aboriginal people are met through a more culturally safe system</b>
<b>Outcomes</b>	3.1.1 Justice programs and services are culturally safe, responsive, inclusive and effective
	3.1.2 More people are able to access justice programs and services that are trauma informed, restorative and therapeutic

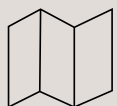
Good access to culturally-appropriate service responses for Aboriginal people is required to improve justice outcomes. There are many barriers preventing the Aboriginal community from engaging with justice services. This has been confirmed in a number of reviews including the Victorian Government's Access to Justice Review, which clearly articulated that the needs of Aboriginal people are currently inadequately addressed. Areas highlighted by the review include high levels of mistrust of the law and government, translating into unmet legal need and intensifying disadvantage and exclusion from the justice system; and avoidance and delay in seeking assistance because of shame, lack of knowledge and fear of repercussions. Aboriginal women are recognised as one of the most disadvantaged groups in Australia facing significant barriers to accessing justice services, including lack of awareness of rights and options.

The importance of cultural safety in the provision of services to Aboriginal people cannot be underestimated. A culturally-safe system is one in which people feel safe, where there is no challenge or need for the denial of their identity, and where their needs are met. A culturally-responsive system is one in which non-Aboriginal people take responsibility to understand the importance of culture, country and community to Aboriginal health, wellbeing and safety, by working with Aboriginal communities to design and deliver culturally-responsive services.

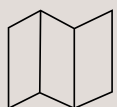
### Strategies



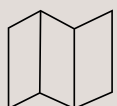
*Enable Aboriginal stakeholders to self-determine program outcomes, design, deliver and evaluate justice services for Aboriginal people.*



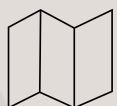
*Ensure that protection of cultural rights, protocols, principles, ethics and standards underpin all justice business.*



*Strengthen human rights protections for Aboriginal people involved in justice programs and services.*



*Build the capacity of justice services to provide family-centred, wrap around, holistic programs and services that promote the healing of the individual and contribute to the wellbeing of the community.*



*Justice agencies focus on improving the social and emotional wellbeing of Aboriginal individuals and communities as a critical outcome of their work.*



### Existing initiatives:

- Magistrates', Children's and County Koori Courts.
- Aboriginal roles and courts hearing days in the Neighbourhood Justice Centre.
- Aboriginal cultural spaces in prisons and Youth Justice Centres.
- Consumer Affairs Aboriginal Liaison Officer.
- Aboriginal Community Justice Panels: support the safety of Aboriginal people who are taken into police custody.
- Yarrwul Loitjba Yapaneyepuk: Department of Justice and Regulation Koori Inclusion Action Plan.
- Aboriginal Social and Emotional Wellbeing Plan to improve the mental health and wellbeing of Aboriginal people in prison.
- Department of Justice and Regulation Koori Cultural Respect Framework.

### New opportunities:

*Over five years we will:*

- Expand Koori Courts to additional locations across three jurisdictions: County Court, Magistrates' Court and the Children's Court.
- Enhance support for Aboriginal Community Justice Panels and their volunteers so they can assist Aboriginal people in police custody in more locations.
- Deliver workforce training to ensure staff understand Aboriginal experiences of family violence.
- Mandate Aboriginal Cultural Awareness Training for all Bail Justices.
- Ensure staff in justice agencies take human rights into account when making decisions.
- Commence hearing contraventions of family violence intervention orders in at least one pilot Magistrates' Koori Court location.
- Recruit a designated Koori Registrar in the Coroners Court to ensure coronial practices are both culturally aware and appropriate.
- Review and co-design the Koori Independent Prison Visitor Scheme to enable greater representation of Aboriginal community volunteers in the Scheme.
- Develop cultural safety standards for health services in the adult and youth justice systems.
- Recruit an additional Aboriginal Liaison Officer to assist Aboriginal children and young people in Youth Justice Centres.
- Maintain and improve the Koori Garden at Parkville Youth Justice Centre.
- Respond to the recommendations of the AJA3 Place-Based Evaluation, particularly in the design and development of new place-based initiatives under this Agreement.

### Future possibilities:

*We will continue to work with Aboriginal communities to consider:*

- A culturally appropriate model for a multi-jurisdictional therapeutic and specialised healing court for Aboriginal accused with multiple and complex needs.
- Support for Aboriginal Elders to provide cultural advice in the Coroner's Court.
- Options for providing court programs in community settings.
- Building the presence of Aboriginal culture in courts with place naming, language, increasing the role of Elders, and displaying Aboriginal and Torres Strait Islander flags and artefacts.
- Establishing Koori Liaison Officer roles that can operate across court jurisdictions, including Magistrates' Court locations without Koori Courts.
- Continuing the Aboriginal Education and Research Officer position within the Judicial College of Victoria to improve the cultural competency of courts and tribunals.
- Research projects to identify success factors for program delivery to Aboriginal offenders and improve the evidence base.

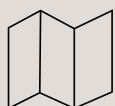
## A more effective justice system with greater Aboriginal control

<b>Goal</b>	<b>3.2 A strong and effective Aboriginal community controlled justice sector</b>
<b>Outcomes</b>	3.2.1 Aboriginal controlled organisations are enabled to design and deliver a growing share of justice programs and services
	3.2.2 A stronger, skilled and supported Aboriginal justice workforce

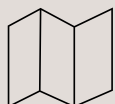
Aboriginal community organisations are crucial to the delivery of *Burra Lotjpa Dunguludja* not only because they deliver essential services to the community but because they represent the community voice to the partnership. Increasing Aboriginal community control of justice services will ensure that services are tailored to each community's particular priorities and goals, and deliver culturally appropriate solutions driven by the local community. Increasing Aboriginal community control is not just about increasing the capacity of the Aboriginal sector, but is also about enabling the government sector to relinquish control and work with community agencies in new and innovative ways.

The Aboriginal justice workforce is skilled and resilient. Aboriginal staff working in justice services understand the needs of their communities, and are able to impart their knowledge when caring for and supporting Aboriginal people. Their presence offers confidence and trust to Aboriginal service users. An increased Aboriginal workforce with the leadership skills necessary to participate in genuine decision-making that affects them is required. Ongoing professional development and leadership opportunities for Aboriginal staff in both government and community sectors needs to be prioritised.

### Strategies



*Develop clear career pathways within and between ACCO and government justice worker roles so that there are Aboriginal people working at all levels of all sectors (government, community, not-for-profit).*



*Provide ongoing professional development and leadership opportunities for Aboriginal staff in both government and community sectors.*



*Build capacity of justice agencies to understand and implement plans for greater Aboriginal community self-determination in their services.*



*Build capacity of ACCOs to deliver justice programs and services for the Aboriginal community.*

### Existing initiatives:

- Aboriginal employment policies and strategies across Victorian government departments and agencies, Court Services Victoria and Victoria Police.
- Support for Aboriginal legal professionals and students through Tarwirri Indigenous Lawyers Association.

### New opportunities:

*Over five years we will:*

- Review grants processes, including how to improve sustainability and support for community agencies to monitor, track and evaluate their own programs.
- Deliver the Aboriginal Risk-based Compliance and Facilitated Assistance Program to improve governance within Aboriginal incorporated associations and co-operatives that are registered with Consumer Affairs Victoria.
- Implement strategies in the Koori Employment and Career Strategy 2017-2020 across the Department of Justice and Regulation.
- Introduce culturally-appropriate debriefing and vicarious trauma debriefing as part of the Court Services Koori Employment Strategy.
- Develop an Aboriginal Justice Workforce Development Strategy that identifies ways to:
  - create career development pathways for Aboriginal staff to move into more senior roles
  - support ACCOs to undertake workforce development to build capacity of Aboriginal staff working in the justice sector
  - develop a public and community sector secondment program
  - develop an Aboriginal justice qualification.
- Provide professional development and networking opportunities for the Koori Youth Justice workforce and support a Koori Graduate Program in Youth Justice.

### Future possibilities:

*We will continue to work with Aboriginal communities to consider:*

- Opportunities to move towards an Aboriginal community-controlled Community Corrections, which could include a regional pilot for Aboriginal Case Managers to work out of ACCOs and building capacity of ACCOs to move towards administration of Community Correction Orders.
- Legislative changes required to existing Acts to further self-determination across the justice sector.

## Greater self-determination in the justice sector

<b>Goal</b>	<b>4.1 Greater accountability for justice outcomes</b>
<b>Outcomes</b>	4.1.1 Independent oversight of Aboriginal justice outcomes
	4.1.2 Increased Aboriginal community ownership of and access to data

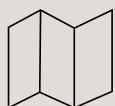
The evaluation of AJA3 found that one of the greatest achievements of the AJF is that it has facilitated and enabled the development of strong and durable relationships between agencies and with members of the Victorian Aboriginal community. The partnership has come a long way since it first formed in 2000 and there are now high levels of trust between the partners. This has not led to complacency on the part of any of the partners, and there remains a high demand for accountability, particularly driven by the community, for outcomes being achieved.

Underpinning greater accountability is a need for better access to data that can inform the design and delivery of key initiatives. In the past, data collected about Aboriginal people have commonly been defined by governments and research institutes rather than being determined by Aboriginal people. Adopting an Aboriginal self-determined approach will shift approaches to monitoring and evaluation. Data should be made more available to Community to ensure that it has all the information it needs about its own affairs, and to promote trust with government.

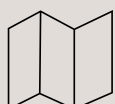
### Strategies



*Establish independent mechanisms to oversee, monitor, and report to Parliament on the achievement of improved justice outcomes for Aboriginal people in Victoria.*



*Make up to date justice data more readily available to Community and improve the quality of program and administrative data so that it provides clearer and more accurate description of program use and effectiveness for Aboriginal people.*



*Enable full participation of Aboriginal people in AJA evaluation work, ensuring Aboriginal input into all aspects of the evaluation, including the design, ownership of data, data interpretation and publication of findings.*

### **Existing initiatives:**

- Aboriginal Justice Data Dashboards.
- Monitoring, evaluation and reporting framework for AJAs.
- Reporting on RAJAC and agency action plans to the AJF.

### **New opportunities:**

*Over five years we will:*

- Establish a Youth Justice Taskforce to research and review cases of Aboriginal young people in the criminal justice system.
- Develop an AJA Partnership Accountability Framework.
- Improve collection and availability of Aboriginal justice data:
  - Develop minimum data set for AJA programs
  - Reduce the rate of unknowns in Victoria Police Standard Indigenous Question response data
  - Improve collection and reporting of diversions data
  - Improve collection and reporting of Aboriginal family violence data
  - Access relevant data sharing/linkage projects
  - Implement the Court Services Victoria Data Collection and Improvement Project.
- Establish Aboriginal governance structures for AJA program evaluations to ensure AJA initiatives are evaluated based on criteria that reflect Aboriginal values and measures of success.
- Develop an AJA digital presence to provide accessible information on the implementation of AJA plans, and achievement of outcomes.

### **Future possibilities:**

*We will continue to work with Aboriginal communities to consider:*

- The possible creation of an independent Aboriginal Justice Commissioner, including its role and scope in informing and overseeing justice outcomes for Aboriginal people.



## Greater self-determination in the justice sector

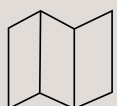
<b>Goal</b>	<b>4.2 Greater Aboriginal community leadership and strategic decision making</b>
<b>Outcomes</b>	4.2.1 Aboriginal people have greater roles in leadership, governance and decision making
	4.2.2 Resource allocation reflects Aboriginal community priorities

Moving self-determination from rhetoric to reality requires Aboriginal communities to have the power and resources to make decisions that deliver their aspirations. Aboriginal communities need to set the priorities, design and implement policies and programs, and to allocate resources. Aboriginal people as decision-makers is central to the principle of self-determination.

The evaluation of AJA3 found that it is strong community leadership that has driven the success of the Agreement over the past five years across Victoria. Where there are a number of community leaders engaged, and more importantly, a number of young leaders with the skills and capacity to step into leadership roles, there tend to be better results. Encouraging and attracting greater involvement by the community at all levels, but particularly as leaders, is crucial to the development and implementation of place-based initiatives that are responsive to community needs. When Aboriginal people are involved in program design and delivery of services, better outcomes are achieved through culturally-appropriate services and solutions.

Progressing self-determination necessitates new and enhanced roles for the Aboriginal partners of the AJA and AJF. As the self-determination agenda progresses and the community's responsibilities increase, the Aboriginal Justice Caucus need to be professionally supported to be able to engage fully and provide comprehensive policy input in this changing political landscape over the long-term.

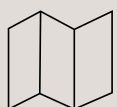
### Strategies



*Enable Aboriginal stakeholders to self-determine program outcomes, design, deliver, and evaluate justice policy, programs and services for Aboriginal people, and lead the way on the strategic direction for the AJA partnership.*



*Create opportunities for the voices of Aboriginal children and young people to be heard and contribute to decision-making on key justice policy, legislative and/or service developments that affect them.*



*Create more flexibility in funding and management to allow ACCOs to deliver services in their own way.*



*Protect the rights of Aboriginal people to control, protect, maintain, and develop their cultural heritage, including traditional knowledge and intellectual property.*

### Existing initiatives:

- Forums for members of the Aboriginal Justice Caucus to meet with senior government officials.
- Workshops with the Aboriginal Justice Caucus to identify policy and program priorities when proposing future resource allocations.
- A funded Aboriginal Justice Caucus Secretariat.
- Courts Koori Portfolio Committee.
- Regional Aboriginal Justice Advisory Committees.

### New opportunities:

*Over five years we will:*

- Fund additional capacity to support the Aboriginal Justice Caucus to increase their participation and justice leadership role in government processes, policy and program design.
- Develop the overarching AJA4 Journey to Self-determination in Justice Plan.
- Develop a self-determination framework in Victoria Police.
- Strengthen engagement of internal and external Aboriginal stakeholders in the development of responses to family violence.
- Provide leadership and governance training/workshops for Regional Aboriginal Justice Advisory Committees and Local Aboriginal Justice Action Committees.
- Support Aboriginal decision-making at senior levels across the justice portfolio.
- Provide leadership development opportunities for young Aboriginal women within the youth justice system.
- Review and refresh existing AJA governance structures to ensure they are strategic, effective, focus on problem solving, and amplify Aboriginal voices, particularly those of young people.
- Introduce a regular partnership survey to gather views on the performance (strengths and weaknesses) of the AJA partnership.

### Future possibilities:

*We will continue to work with Aboriginal communities to consider:*

- Amending the Human Rights Charter to give greater recognition to the importance of self-determination for Aboriginal people, and to include a right to birth registration, as recommended in the Review of the *Charter of Human Rights and Responsibilities Act 2006*.



## Governance, implementation and accountability

### The Partnership

#### Partnership principles

The partners to this Agreement are committed to:

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

#### Strengthening the partnership

Things have changed since the first AJA was established in 2000. Most government agencies have developed portfolio-specific strategies to address Aboriginal disadvantage, and have established partnership governance structures. The consequence of this is an increased demand on Aboriginal people to participate in a broader range of forums and partnerships. Community representatives are now having to make decisions about how to prioritise their time and where their input will have the greatest impact. Changes to other Aboriginal community-government partnership structures will need to be considered over the life of *Burra Lotjpa Dunguludja* to ensure it remains relevant, and to support greater Aboriginal decision making.

The evaluation of AJA3 made a number of recommendations to build and strengthen the already robust partnership. These findings and recommendations will see the governance structures of *Burra Lotjpa Dunguludja* evolve and improve over the life of the Agreement.

## Roles and responsibilities

### Aboriginal Justice Forum

The AJF will continue to bring together the most senior representatives of Victoria's Aboriginal communities and the justice, human services, health and education government portfolios in order to oversee the development, implementation, monitoring and direction of this Agreement. The strength of the AJF is acknowledged as a mechanism for ensuring transparency and high levels of accountability for Aboriginal justice outcomes. The AJF will provide strategic oversight of this Agreement, drive implementation, collaborative action and maintain high-level commitment to achieving our desired outcomes and goals.

### Aboriginal Justice Caucus

The Aboriginal Justice Caucus (formerly known as Koori Caucus) is made up of the Aboriginal community members of the AJF. Aboriginal Justice Caucus meetings provide opportunities for members to discuss issues, share ideas and experiences, problem solve and develop a common view on key issues prior to reporting to the AJF. As in the past, members of the Aboriginal Justice Caucus will be engaged in all justice agency working groups and project committees to ensure Aboriginal input into all facets of this Agreement and its implementation.

### Regional Aboriginal Justice Advisory Committees

The nine RAJACs will be instrumental in developing and maintaining strong partnerships and plans between Aboriginal communities and justice agencies that are crucial to successfully implementing this Agreement across Victoria. RAJACS operate in each justice region:

- Barwon South West
- Eastern Metropolitan
- Hume
- Gippsland
- Northern Metropolitan
- Loddon Mallee
- Grampians
- Southern Metropolitan
- Western Metropolitan

RAJACs also play a particularly important role in building community participation and involvement in AJA related work, advocating for program and service changes to improve justice outcomes, providing advice and expertise in the development and implementation of place-based initiatives and ensuring regional issues are raised and responded to via the AJF.

### Local Aboriginal Justice Action Committees

Local Aboriginal Justice Action Committees exist across Victoria to enable local justice issues to be identified and resolved locally. Like RAJACS and the AJF, LAJACs bring together local Aboriginal community members, justice agency staff and judicial representatives to develop and inform local responses to Aboriginal justice and community safety issues. LAJACs promote Aboriginal participation in the design, development, implementation and evaluation of local justice initiatives, promote justice programs and services across Aboriginal communities, and provide local knowledge and advice to inform AJA related work.

Currently, LAJACs operate in:

- Barwon South West (Geelong; Glenelg; Warrnambool);
- Gippsland (East Gippsland; Latrobe);
- Hume (Shepparton, Wodonga) and
- Loddon Mallee (Bendigo; Echuca; Mildura; Robinvale; Swan Hill)

### Koori Justice Unit

The Koori Justice Unit (KJU) within the Department of Justice and Regulation is responsible for coordinating the development and delivery of Aboriginal justice policies and programs across the Victorian Government and justice agencies. The KJU builds capacity in the department and the Aboriginal community, to develop and deliver effective and efficient justice services and initiatives in partnership; provides advice to the Justice Executive, Ministers and staff across the department on issues impacting on Aboriginal communities across Victoria, advocates for ongoing improvement in the design and delivery of Aboriginal justice initiatives; monitors and evaluates Aboriginal justice initiatives; maintains a robust evidence base detailing Aboriginal involvement with criminal justice institutions; provides executive services to Justice Ministers and the Justice Executive and secretariat support and program implementation on behalf of the AJF.

## Implementation

*Burra Lotjpa Dunguludja* will be activated through a comprehensive implementation plan that will detail the actions and initiatives to achieve the outcomes outlined in this document. The implementation of actions will be formalised through regional and agency action plans, and will be monitored and revised regularly in light of changing circumstances and priorities. The first plans will be developed in 2018, and refreshed periodically to reflect new knowledge, evidence and activity. The plans will show how we are tracking against our outcomes and progress will be tracked on our publicly accessible, easy-to-use website.

### ***Burra Lotjpa Dunguludja***

- **The vision**
- **Domains** articulate broad areas for actions aligned with achieving the vision.
- **Goals** show the difference we want to see
- **Outcomes** reflect desired changes for individuals, families, communities and the justice system
- **Strategies** are how we will achieve the desired outcomes

### **Implementation Plan**

- **Actions** will turn the strategies into real initiatives on the ground and identify accountabilities and responsibilities.
- **Indicators** will define the change needed to progress towards an outcome and how they will be monitored.

## Monitoring and evaluation

As with the previous Agreements, *Burra Lotjpa Dunguludja* will be monitored and evaluated to ensure transparency, accountability and continuous improvement. A monitoring and evaluation strategy will be developed that aligns with the outcomes framework, and will focus on:

- monitoring and measuring outcomes that reflect Aboriginal values and measures of success
- improving Aboriginal justice data collection, which is essential for establishing an evidence base and securing funding for AJA initiatives
- producing useful findings to inform future program design and policy.

The monitoring and evaluation strategy will support the ongoing implementation of initiatives and programs, inform future investments in justice responses, and enable better outcomes and decisions based on a strong evidence base.

### **Monitoring**

Monitoring and reporting under *Burra Lotjpa Dunguludja* will be outcomes focussed, and primarily concerned with reporting the impact of AJA activities on key priority outcomes and related indicators. New indicators, particularly those relating to self-determination will need to be developed as this Agreement is implemented. Monitoring and reporting will also track program development and implementation to ensure that initiatives are on track.

Monitoring activities will include:

- a data improvement plan to improve the quality of Aboriginal justice data sets and improve the utilisation of data and existing evidence
- establishing a minimum program data set for all AJA programs and services
- developing surveys and/or other tools to monitor the 'health' of the AJA partnership and the degree to which self-determination has been enabled over time.



## Evaluation

A critical role for evaluation under this Agreement will be to produce information that can help to strengthen and improve Aboriginal justice initiatives. Therefore, evaluation will focus on the ways in which AJA initiatives bring about change in order to inform broader work in Aboriginal justice beyond specific programs, including informing decisions around replication and continuation of innovative and effective approaches. Evaluation under this Agreement will include:

- using a program theory approach to explore how and why interventions generate outcomes
- outlining a minimum set of Key Evaluation Questions for any evaluations of AJA initiatives
- building evaluation capacity among community stakeholders as well as the capacity of government to commission and manage culturally responsive evaluations
- ensuring evaluation findings are communicated and made accessible to relevant stakeholders including prisoners, offenders and community members who are evaluation participants.

## Evaluation Standards

Monitoring and evaluation activities should be consistent with the following standards to ensure they are respectful of Aboriginal values as well as accepted guidelines for conducting ethical research.<sup>55</sup>

1. **Recognise the rights of Aboriginal people to self-determination** and to control, protect, maintain, and develop their cultural heritage, including traditional knowledge and intellectual property.
2. **Respect the right of Aboriginal people to full participation** in the evaluation, in line with their relevant skills and experiences. The specialist knowledge of particular community members and their potential contributions should be recognised, and involved wherever possible and appropriate. There should be Aboriginal input into all aspects of the evaluation, including the design, ownership of data, data interpretation and publication of findings.
3. **Accessible and culturally appropriate informed consent** processes that make clear when, how and who will be involved in the evaluation process, what information will be collected, how the information will be recorded and used, the likely risks and benefits arising from participation and the overall potential benefits of an evaluation.
4. **Acknowledge the diversity and uniqueness of Aboriginal communities, groups and individuals**, including different cultures, experiences, perspectives and languages. Evaluation activities should reflect the different perspectives and experiences and not generalise from one community to others or to all Aboriginal people.
5. **Agree on plans for the communication and use of evaluation results.** The ownership of evaluation results, and how they will be used, should be agreed at the start of the evaluation with relevant Aboriginal community members and/or appropriate Aboriginal community organisations.
6. **Adhere to all ethics and privacy policies** of the Department of Justice and Regulation.

## References

- 1 Allison F, Cuneen C. 2010, 'The role of Indigenous Justice Agreements in Improving Legal and Social Outcomes for Indigenous People' *Sydney Law Review* vol. 32 no.4.
- 2 Clear Horizon Consulting, 2018, *Evaluation of the partnership arrangements of the Aboriginal Justice Agreement Phase 3* prepared for Department of Justice and Regulation, Victoria State Government.
- 3 Behrendt L, Jorgensen M, Vivian A, 2017, *Self-Determination within the Justice Context*, Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney, prepared for Department of Justice and Regulation, Victoria State Government.
- 4 Behrendt L, Jorgensen M, Vivian A 2017, *Self-Determination: Background Concepts – Scoping paper 1*, Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney, prepared for Department of Health and Human Services, Victoria State Government, . pp.6-7
- 5 Behrendt L, Jorgensen M, Vivian A, 2017, *Self-Determination within the Justice Context*, Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney, prepared for Department of Justice and Regulation, Victoria State Government., pp.5.
- 6 *ibid*, pp.4-5.
- 7 Behrendt L, Jorgensen M, Vivian A, 2017, *Self-Determination within the Justice Context*, Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney, prepared for Department of Justice and Regulation, Victoria State Government., p.12.
- 8 Department of Premier and Cabinet, 2016, *Victorian Government Aboriginal Affairs Report*, Victoria State Government. p.10.
- 9 Department of Justice and Regulation, 2017, *Self-Determination within the Justice Context*, Victoria State Government, prepared by Behrendt L, Jorgensen M, Vivian A *Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney.*, pp.3
- 10 *ibid*, pp.5-6.
- 11 Corrections Victoria Data Warehouse, 2017, with rates calculated using Australian Bureau of Statistics, 2014, 3238.0 – *Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2001 to 2026*, Retrieved 27 April 2018 <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/3238.0>>.
- 12 Australian Institute of Health and Welfare, 2017, *Youth Justice in Australia 2015-16*, Retrieved 27 April 2018 <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2015-16/> with rates calculated using Australian Bureau of Statistics, 2014, 3238.0 – *Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2001 to 2026*, Retrieved 27 April 2018 <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/3238.0>>.
- 13 Australian Bureau of Statistics, 2017, 4517.0 – *Prisoners in Australia, 2017*, Retrieved 27 April 2018 <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/4517.0>>.
- 14 Australian Bureau of Statistics, 2018, 4512.0 – *Corrective Services, Australia, December Quarter 2017*, Retrieved 27 April 2018 <<http://www.abs.gov.au/Ausstats/abs@.nsf/0/2B6A956599FF46AACA25813800176319?OpenDocument>>.
- 15 Australian Institute of Health and Welfare, 2018, *Youth Justice in Australia 2016-17*, Retrieved 11 June 2018 <https://www.aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2016-17/>
- 16 *ibid*,
- 17 Corrections Victoria Data Warehouse, 2017
- 18 Nous Group, 2012, *Evaluation of the Aboriginal Justice Agreement Phase 2 – Final Report*, prepared for Department of Justice and Regulation, Victoria State Government.
- 19 Crimes Statistics Agency, 2017, *Are more first-time young offenders being recorded for serious crimes than in the past?*. Victoria State Government, Retrieved 27 April 2018 <<https://www.crimestatistics.vic.gov.au/research-and-evaluation/publications/youth-crime/are-more-first-time-young-offenders-being-recorded>>.
- 20 Australian Bureau of Statistics 2017, 2024.0 *Census of Population and Housing: Australia Revealed 2016*, Retrieved 27 April 2018 <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/2024.0>>.
- 21 Calculations based on data from the Crime Statistics Agency extracted from LEAP database and subject to change.

- 22 Commission for Children and Young People, 2016, *Always Was, Always Will Be, Koori Children*, Victoria State Government.
- 23 Allard T, Chrzanowski A & Stewart A. 2012, *Targeting crime prevention to reduce offending: Identifying communities that generate chronic and costly offenders*. Trends & issues in crime and criminal justice no. 445, Canberra: Australian Institute of Criminology.
- 24 PWC Indigenous Consulting, 2017, *Indigenous Incarceration: Unlock the Facts*, p.33.
- 25 Cunneen C, Tauri J, 2016, *Indigenous Criminology*, Bristol Policy Press, United Kingdom.
- 26 Australian Human Rights Commission, 1997, Confidential Submission 338, *Bringing them Home: Report on the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*. 338, p.4.
- 27 Department of Justice and Regulation, 2005, *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody*, vol 1, Victoria State Government, p.79.
- 28 Department of Justice and Regulation, 2017, *Youth Parole Board Annual Report 2016-17*, Victoria State Government. Data is for all young offenders, Aboriginal rates may be higher.
- 29 *ibid*, Data is for all young offenders. Aboriginal rates may be higher.
- 30 Australian Bureau of Statistics 2017, *2024.0 Census of Population and Housing: Australia Revealed 2016*, Retrieved 27 April 2018 <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/2024.0>>.
- 31 Department of Justice and Regulation, 2017, *Youth Parole Board Annual Report 2016-17*, Victoria State Government. Data is for all young offenders. Aboriginal rates may be higher.
- 32 Ogloff JRP, Patterson J, Cutajar M, Adams K, Thomas S, Halacas C, 2013, *Koori Prisoner Mental health and Cognitive Function Study – Final Report*, Centre for Forensic Behavioural Science, Monash University, prepared for Department of Justice and Regulation, Victoria State Government.
- 33 Putt J, Payne J & Milner L. 2005, *Indigenous male offending and substance abuse*. Trends & issues in crime and criminal justice No. 293. Canberra: Australian Institute of Criminology.
- 34 Department of Justice and Regulation, 2017, *Youth Parole Board Annual Report 2016-17*, Victoria State Government. Data is for all young offenders. Aboriginal rates may be higher.
- 35 Australian Bureau of Statistics, 2016, *4714.0 – National Aboriginal and Torres Strait Islander Social Survey, 2014-15*, Retrieved 27 April 2018 <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/4714.0>>.
- 36 Department of Premier and Cabinet, 2017, *Victorian Government Aboriginal Affairs Report*, Victoria State Government.
- 37 Australian Government Productivity Commission, 2018, *Report on Government Services*, Retrieved 27 April 2018 <<https://www.pc.gov.au/research/ongoing/report-on-government-services>>.
- 38 Victorian Equal Opportunity and Human Rights Commission, 2013 *Unfinished business: Koori women and the justice system*, Victoria State Government.
- 39 Department of Justice and Regulation, 2017, *Youth Parole Board Annual Report 2016-17*, Victoria State Government. Data is for all young offenders. Aboriginal rates may be higher.
- 40 Department of Justice and Regulation, 2017, *Youth Parole Board Annual Report 2016-17*, Victoria State Government. Data is for all young offenders. Aboriginal rates may be higher.
- 41 Department of Premier and Cabinet, 2017, *Victorian Government Aboriginal Affairs Report*, Victoria State Government.
- 42 Department of Premier and Cabinet, 2012, *Victorian Aboriginal Framework 2013-2018: Building for the Future: A Plan for 'Closing the Gap' by 2031*, Victoria State Government.
- 43 Department of Premier and Cabinet, 2013, *Victorian Aboriginal Economic Strategy 2013-2020*, Victoria State Government.
- 44 Department of Education and Training, 2016, *Marrung – Aboriginal Education Plan 2016-2026*, Victoria State Government.
- 45 Department of Health and Human Services, 2017, *Korin Korin Balit-Djak: Aboriginal health, Wellbeing and Safety Strategic Plan 2017-2027*, Victoria State Government.
- 46 Department of Health and Human Services, 2017, *Balit Murrup: The Aboriginal Social and Emotional Wellbeing Framework 2017-2027*, Victoria State Government.
- 47 Department of Health and Human Services, 2018, *Wungurilwil Gapgapduir Aboriginal Children and Families Agreement 2018*, Victoria State Government.
- 48 Department of Premier and Cabinet, 2016, *Ending Family Violence: Victoria's Plan for Change*, Victoria State Government.
- 49 Department of Planning and Community Development, 2008, *Strong Culture, Strong Peoples, Strong Families: Towards a safer future for Indigenous families and communities*, Victoria State Government.
- 50 Department of Health and Human Services, 2017, *Korin Korin Balit-Djak: Aboriginal health, Wellbeing and Safety Strategic Plan 2017-2027*, Victoria State Government.

- 51 Department of Premier and Cabinet, 2016, *Family Violence Rolling Action Plan 2017-2020*, Victoria State Government.
- 52 Victorian Aboriginal Legal Service, 2017, 'Aboriginal Community Justice Reports: Addressing Over-Incarceration – Discussion Paper' Victorian Aboriginal Legal Service, Melbourne, Victoria.
- 53 Department of Education and Early Childhood Development, 2010, *The State of Victoria's Children 2009: Aboriginal Children and Young People in Victoria*, Victoria State Government.
- 54 Armytage P, Ogloff J, 2017, *Youth Justice Review and Strategy: Meeting Needs and Reducing Offending*, Centre for Forensic Behavioural Science, Swinburne University, Victoria State Government, prepared for Department of Justice and Regulation, Victoria State Government.
- 55 These standards were developed by drawing on the four key sources:  
Australasian Evaluation Society, 2013, *Guidelines for the Ethical Conduct of Evaluations*, Available at <<https://www.aes.asn.au/join-the-aes/membership-ethical-guidelines/7-aes-codes-of-behaviour-ethics.html>>.  
Aboriginal Institute of Aboriginal and Torres Strait Islander Studies, 2012, *Guidelines for Ethical Research in Australian Indigenous Studies*, Available at <<https://aiatsis.gov.au/research/ethical-research/guidelines-ethical-research-australian-indigenous-studies>>.  
National Health and Medical Research Council, 2003, *Values and Ethics: Guidelines for Ethical Conduct in Aboriginal and Torres Strait Islander Health Research*, Available at <<https://www.nhmrc.gov.au/guidelines-publications/e52>>.  
National health and Medical Research Council, 2007, *National Statement on Ethical Conduct in Human Research*, Available at <<https://www.nhmrc.gov.au/guidelines-publications/e72>>.

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