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Mr Bob Debus MP
Chair
Standing Committee on Aboriginal and Torres Strait Islander Affairs
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Mr ^{Bob} Debus

Inquiry into the high levels of involvement of Indigenous juveniles and young adults in the criminal justice system

Thank you for your letter providing information regarding the above inquiry being undertaken by the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs. The Premier has asked me to respond on his behalf. Although not a formal submission, I hope the attached information will prove useful to your Committee.

In Victoria, the prime vehicle for addressing Indigenous involvement in the justice system is the *Victorian Aboriginal Justice Agreement*. Now in its second phase and ninth year of operation, the Aboriginal Justice Agreement (AJA2) aims to improve justice outcomes through:

- minimising Koori over-representation in the criminal justice system; and
- improving Koori access to mechanisms designed to uphold their human, civil and legal rights.

The Aboriginal Justice Agreement was developed in conjunction with the Koori community and represents a landmark agreement which enshrines a formal partnership between the Victorian Government and the Koori community.

A strategic challenge for AJA2 is the upward demographic pressure on over-representation rates resulting from more than 55 per cent of Victoria's Koori population being under 25 years of age. As a result, AJA2 has focused on preventing and reducing the progression of young Koories into the criminal justice system, and reducing re-offending of those Koories (youth & adult) already in contact with the system.

AJA2 takes a multi-dimensional approach and looks at intervening at every point in the criminal justice continuum to maximise opportunities for diversion and reduce re-offending. AJA2 is built on a strategic framework of prevention, early intervention, diversion, rehabilitation, and transition support initiatives.

AJA2 takes a place-based approach and aims to expand the number of initiatives and range of locations they can be established in partnership with local communities. AJA2 recognises the importance of building community capacity and strength so crime and justice related issues can be addressed at the local level.

Key AJA2 initiatives with a focus on youth include:

The Frontline Youth Initiatives Grants Program

The Victorian Aboriginal Legal Service and Victoria Police Youth Contact Cautioning program

Koori Night Patrol program

Koori Children's Court

Youth Justice Programs funded under the AJA2 and run through the Department of Human Services:

The Koori Early School leavers and Youth Employment program

The Koori Intensive Bail Support Program

The Koori Pre and Post release Program including the Aboriginal Cultural Support plan

Other AJA2 initiatives targeting young adults include:

Koori Courts

Wulgunggo Ngalu Learning Place

More detailed information on each of these initiatives has been included in Annex A. Implementation of these AJA2 initiatives commenced in 2006 and was completed in 2009. Given the nature and complexity of the underlying issues being addressed, improvements are expected to take a number of years to achieve. However, the early signs are promising. In 2004-05 young Koories in Victoria were four times more likely to be processed by police than their non-Koori counterparts. By 2008-09 that figure had decreased by 25 per cent.

Many of the AJA2 initiatives are informed by a developmental approach, which aims to reduce risk, promote protective factors and build resilience. Of particular interest has been the exploration of Koori specific risk and protective factors which highlight the importance of cultural identity, and strength of connections to family and community, in reducing the vulnerability of Koori youth to contact with the criminal justice system. These themes are explored further in a background paper prepared to assist the Victorian Aboriginal Justice Forum and Aboriginal Human Services Forum consider ways of Strengthening Koori Youth at a joint meeting in July 2009. A copy of the discussion paper: *Keeping Koori Youth Strong: Tackling the issues for Koori youth at risk of contact with the criminal justice system*, is available on request.

The Aboriginal Justice Agreement is one of a number of partnership approaches between the Victorian government and the Koori community to enable joint work on improving the lives of Indigenous Victorians. These partnerships come together to form the Victorian Indigenous Affairs Framework (VIAF). Priority areas for whole of government action under the VIAF include:

- Improving maternal health and early childhood health and development, and
- Improving education outcomes including the school to work transition.

It is anticipated that improvements in these areas will also contribute to reducing the involvement of Koori youth and young adults in the criminal justice system in Victoria.

You may be aware also of the recently released National Indigenous Law and Justice Framework which has been developed through the Standing Committee of Attorneys General. This Framework aims to identify and promote strategies to reduce Aboriginal and Torres Strait Islander peoples' contact with the justice systems. It also articulates agreed 'good practice' approaches, based on available evidence, to assist government agencies and service providers identify the most appropriate responses to specific

and wider community. The sentencing decision remains with the Magistrate. The processes in the Koori Court acknowledge Koori culture by paying respects to the traditional custodians of the land, displaying the Aboriginal and Torres Strait Islander flags and Koori artwork, and by incorporating Koori Elders and Respected Persons. Participation of community members is welcomed and encouraged.

The Koori Court pilot was evaluated in 2005 and found to be successful in meeting its community building and criminal justice aims. Koori Courts have been established in six Magistrates' Courts. In addition, two Children's Koori Courts operate from Mildura and Melbourne. In 2009, a County Koori Court began operating. Reviews and evaluations of the model and how it operates are ongoing.

The Koori Early School leavers and Youth Employment program

The Koori Early School leavers and Youth Employment program aims to divert young Aboriginal people from the Youth Justice System. It addresses the key risk factors for young offenders, focussing on the lack of engagement in school or other learning opportunities. This program aims to divert young Koories aged 10-20 from the youth justice system once they have entered it, by supporting and re-engaging young Koori people into vocational education or employment.

The Koori Intensive Bail Support Program

This Koori Intensive Bail Support Program is for Koori young people from the adult justice system and Children's Court (on deferral of sentence status) who are at high risk of breaching bail and/or re-offending and are deemed likely to be remanded in custody. The program provides intensive outreach services to support young people's compliance with bail conditions and facilitates referrals and access to accommodation, community-based and culturally specific support. This program operates in five regions across Victoria.

The Koori Pre and Post release Program including the Aboriginal Cultural Support plan

The Koori Intensive Pre and Post Release Program aims to reduce the rate at which Koori young people re-offend by providing support to young Koori people exiting Victoria's youth justice custodial centres. The program provides intensive outreach services to directly support the young person's compliance with the requirements of the youth parole or youth residential order. The program also facilitates referrals to accommodation and community based and culturally specific services to ensure that young Koories are able to effectively reintegrate into their communities upon release. This program operates in five regions across Victoria.

The Aboriginal Cultural Support Plan ensures that young Aboriginal people in the youth justice system have access to koori workers and other cultural supports. It is an integral part of the client assessment planning and focuses on cultural connection to this assessment. The Koori youth justice worker will develop the cultural support plan in consultation with the case manager.

Wulgunggo Ngalu Learning Place

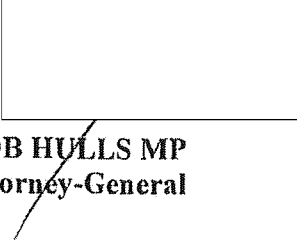
The Wulgunggo Ngalu Learning Place (WNLP) is a culturally appropriate, residential diversion program for Koori men on community-based orders. At Wulgunggo Ngalu, participants receive support to complete their community-based order, while learning life skills that will reduce the likelihood of re-offending. Participants reside at WNLP for a period of between three to six months, and each participant has an individual case management plan that addresses their particular needs.

Since accepting its first resident in May 2008, WNLP has had 63 men commence the program. The primary points of referral to WNLP are through the Courts (including Koori Courts) and Community Correctional Services - who may both refer an adult Koori male on a community based offender to WNLP, providing the offender voluntarily agrees to participate in the program. Corrections Victoria and WNLP have made considerable effort to actively promote the facility as an option for Koori offenders, state-wide. One of the most effective methods of increasing awareness and gaining support for WNLP has been from key stakeholders visiting the facility to gain first hand knowledge of its operations.

issues at the local, regional, state or territory level. Many of the AJA2 initiatives listed above are outlined in the good practice compendium.

Should you require further information on Victoria's response to reducing the involvement of Koori youth and young adults with the criminal justice system, including detailed information on specific programs, please contact the Director of the Koori Justice Unit at the Department of Justice, Andrew Jackomos on 03 8684 1755. You may also contact Anna Brown of my office with any queries or assistance in relation to your inquiry on 03 9651 1149.

Yours sincerely


ROB HULLS MP
Attorney-General

cc: Hon Lisa Neville MP
Minister for Community Services

Encl. Annex A

Annex A

The Frontline Youth Initiatives Grant Program

Frontline aims to engage Koori children and youth at risk of contact with the criminal justice system in socially and physically healthy alternatives to offending. Projects considered for funding under Frontline are primarily community based initiatives that promote healthy and pro-social lifestyles for children and youth, thereby reducing contact with the criminal justice system.

Since inception approximately 670 young Koories have been involved in the Frontline program, with more than 1,000 community members involved in associated activities. A 2008 survey sample of 283 participants engaged in nine projects indicated that Frontline delivered positive impacts for participants, including:

- One in four returned to education or training programs
- Eight per cent secured new ongoing employment
- Of 31 young people with prior negative contact with the criminal justice system, only five had further contact
- None of the 'at-risk' youth participants had negative contact with the criminal justice system during their engagement with Frontline projects.

The Victorian Aboriginal Legal Service and Victoria Police Youth Contact Cautioning program

In 2007 the Victorian Aboriginal Legal Service in partnership with Victoria Police developed the Koori Youth Contact and Cautioning Program and run a pilot in Mildura and La Trobe. The program aimed to: decrease contact of Koori children and youth with the criminal justice system; increase positive Koori contact with the justice system; increase access to diversionary and other community supports; increase the proportion of Koori's cautioned; improve cautioning outcomes for Koori's, with an emphasis on community based options; promote achievements against national benchmarks and best practice; and identify service gaps and mapping of early intervention, family strengthening and diversionary needs.

An evaluation of the program showed an increase in cautioning for first time offenders in both pilot sites. In addition, there has been a 45% increase in cautioning rates for offenders regardless of offence status in Mildura and a 32% increase in cautioning in La Trobe. Over the course of the pilot projects, the proportion of Koori youth cautioned at State level increased from 27.9% to 34.3% in 2008-09. The success of the program has seen its expansion to Swan Hill, Shepparton, Warrnambool and Bairnsdale with plans to expand the program to Dandenong, Yarra, and Darebin.

In April 2009 Victoria Police launched their new Child & Youth Strategy 2009 - 2013. That strategy has identified five Key Priority Areas, one of which is to increase effective diversion process for all young people. This work will see a review of Victoria Police Cautioning Programs to determine a model of effective youth diversion that better identifies practice standards from research and explores current legislation framework regarding youth cautioning and diversion. The completion of this work will see one Victoria Police Cautioning Program for all young people

Koori Night Patrol program

The Koori Night Patrol Program safely transports young 'at-risk' Koories from public places, assists in connecting 'at-risk' people to activities and services available in the area, and develops positive and productive relationships with local Police. The program also increases community involvement in building a successful night patrol as well as using Respected Elders in the community to assist with the smooth operation of the program.

Koori Courts and Koori Children's Court

The Koori Court is a sentencing court where Koori Elders and Respected Persons provide a cultural context by addressing offending behaviour and explaining the impacts the offending has on the Koori